

OFFICE OF THE AUDITOR-GENERAL

Enhancing Accountability

REPORT

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 18 FEB 2021

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OF

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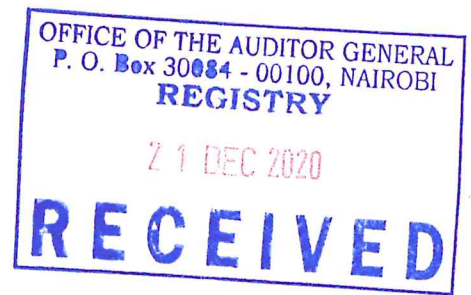
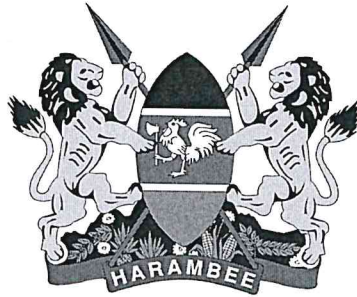
THE AUDITOR GENERAL

ON

**KENYA NAIROBI SOUTHERN BYPASS
PROJECT LOAN NO. CHINA EXIM BANK
PBC NO.(2011) 32 TOTAL NO.(183)
NO.(1420303052011211528)**

**FOR THE YEAR ENDED
30 JUNE, 2020**

**KENYA NATIONAL
HIGHWAYS AUTHORITY**



**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS**



Kenya National Highways Authority

Quality Highways, Better Connections

Project Name – NAIROBI SOUTHERN BY PASS ROAD PROJECT

**Implementing Entity – KENYA NATIONAL HIGHWAYS AUTHORITY -
(KeNHA)**

**PROJECT LOAN NO:–CHINA EXIMBANK PBC NO. (2011) 32 TOTAL NO. (183)
NO. 1420303052011211528**

ANNUAL REPORT AND FINANCIAL STATEMENTS

**FOR THE FINANCIAL YEAR ENDED
JUNE 30, 2020**

**Prepared in accordance with the Cash Basis of Accounting Method under the
International Public Sector Accounting Standards (IPSAS)**

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1 PROJECT INFORMATION AND OVERALL PERFORMANCE

1.1 Name and registered office

Project Name	Nairobi Southern Bypass Road Project
Project Objectives	The loan will contribute to improve the accessibility, affordability and reliability of the transport infrastructure system to promote economic growth and socio-economic development in Kenya.
Project Registered Office and Physical Location:	The project headquarters offices are at Barabara Plaza, Jomo Kenyatta International Airport, Nairobi, Off Mazao Road (Opposite KCAA Headquarters)
Project Address	P.O. Box 49712-00100 Nairobi
Contacts:	Telephone: 020-8013842; Email dg@kenha.co.ke; Website www.kenha.co.ke

1.2 Project Information

Project Start Date:	1st December, 2011
Project End Date:	30 th June, 2016
Project Manager:	Eng. D.A Muchilwa – Director, Development Eng. P. Omondi – Project Engineer.
Project Sponsor:	The Export – Import Bank of China

1.3 Project Overview

Line Ministry/State Department of the project	The project is under the supervision of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.
Project number	N/A
Strategic goals of the Project	<p>The project management aims to achieve the goals through the following means: -</p> <p>(i) Increase efficiency of road transport along the Nairobi and Central Region and neighbouring countries to facilitate trade and regional integration.</p> <p>(ii) Promote private sector participation in the management, financing and maintenance of roads assets.</p>

	(iii) Reduce transit time and costs incurred in cross-border movement.																					
Other important background information of the project	<p>PROJECT COMPONENTS AND COSTS - LOAN</p> <table><tr><td></td><td colspan="2">Million USD</td></tr><tr><td></td><td>Foreign Exchange Cost</td><td>Total Cost</td></tr><tr><td></td><td>USD</td><td>(USD)</td></tr><tr><td>A. Civil Works</td><td></td><td></td></tr><tr><td>Export – Import Bank of China</td><td>183,600,000</td><td>183,600,000</td></tr><tr><td>Government of Kenya</td><td>77,495,369</td><td>77,495,369</td></tr><tr><td>TOTAL</td><td>261,095,369</td><td>261,095,369</td></tr></table> <p>Contract No. KeNHA/Works/01/2010-2011 – China Roads & Bridges Corporation</p> <p>The project is financed by Republic of China through The Export – Import Bank of China at 85% on Civil Works Construction inclusive of works consultancy supervision while 15% is financed by the Government of Kenya to cater for project design consultancy services.</p> <p>PROJECT BACKGROUND:-</p> <p>China Road and Bridge Corporation (K) on the basis of their preliminary design, were contracted in November 2010 by the Government of Kenya through the implementing agency, Kenya National Highways Authority, KeNHA to carry out design and construction of the Nairobi Southern Bypass Road. The works are to be carried out through EPC Contract (FIDIC 1999) and consist of the construction of dual carriageway with length of 28.6 kilometres with 12 kilometre slip roads and 8.5 kilometre service roads in design and an extra 8 kilometre service roads whose location shall be decided in the course of construction by the employer.</p> <p>LOCATION AND EXTENT OF WORKS</p> <p>The proposed new dual carriageway is a Class A International Trunk Road, approximately 28.6 kms long, situated in the city of Nairobi and in Kikuyu Division of Kiambu District, Central Province.</p>		Million USD			Foreign Exchange Cost	Total Cost		USD	(USD)	A. Civil Works			Export – Import Bank of China	183,600,000	183,600,000	Government of Kenya	77,495,369	77,495,369	TOTAL	261,095,369	261,095,369
	Million USD																					
	Foreign Exchange Cost	Total Cost																				
	USD	(USD)																				
A. Civil Works																						
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TOTAL	261,095,369	261,095,369																				

NAIROBI SOUTHERN BY PASS ROAD PROJECT
Reports and Financial Statements
For the financial year ended June 30, 2020

	<p>The project road starts at the junction of Mombasa Road where an interchange will be constructed at SK 0+ 397.500 and ends at SK 28+600 linking with the Kabete Limiru Road (A104) at Kikuyu town. The road crosses the National Park Westward then goes through Langata Road (C58), Ngong Road (C60), Motoine River, Dagoretti Road (C63), Thogotho Road (D11) thereafter passes over to Ondiri River and Railway Line towards Kikuyu town.</p>
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1.4 Bankers Co-Operative Bank Of Kenya Ltd
Upper Hill Branch, Nairobi
Account Number:
'01141160979900

1.5 Auditors Auditor General
Office Of the Auditor - General
P.O. Box 30084 – 00100 GPO
Nairobi

1.6 Roles and Responsibilities

Name	Designation
Eng D.A. Muchilwa	Director, Development
Eng.P. Omondi	PIU Team Leader/Manager
Mr. W. Nyatwanga	D. Director, (Environmental & Social)
Ms N. Odingo	CS/DD, Legal Services –Administration Staff (Legal)
Mr. R. Kilel	AD – Supply Chain Services -Administration Staff (Procurement)
Mr. Isaac Kamotho	AD – Finance & Accounts - Administration Staff (Finance)
Ms M. Mwangi	AD – Human Resource-Administration Staff (Human Resources)
Ms R. Oloo	AD – Environment/RAP Team (Sociologist)

1.7 Funding summary

The project is for duration of three years with an approved budget of USD 183,600,000 equivalent to Kshs. 14,622,050,880 at an exchange rate of 79.6408 by the donor component and amount of Ksh. 7,110,489,230 by GoK as highlighted in the table below:

Source of funds	Donor Commitments		Amount received to date 30.06.2020		Undrawn balance to date 30.06.2020	
	USD	Kshs	USD	Kshs	USD	Kshs
	(A)	(A')	(B)	(B')	(A)-(B)	(A')-(B')
(i) Loan						
China Exim Bank	183,600,000	14,622,050,880	183,598,870	14,621,960,879	-	-
(ii) Counterpart Funds	-	7,110,489,230	-	7,110,489,230	-	-
Total	183,600,000	21,732,540,110	183,598,870	21,732,450,109	-	-

1.8 Summary of Overall Project Performance:

Budget performance against actual amounts for current year: -

	2019/2020		
	Actual	Budget	%
Counterpart Funds - Gok	298,706,897	300,000,000	100%
Total	298,706,897	300,000,000	100%

Physical progress based on outputs, outcome and impacts since project commencement.
The project is substantially complete and has been taken over by the employer

Comment on value-for-money achievements.

- The authority (KeNHA) has put in place adequate checks & balances on appointment of the works consultant supervision who oversees the project implementation on daily basis on consultation and subsequent approvals from the employer and the bank.
- In addition to works supervision, the consultant undertakes design review before commencement of roads construction works to reduce uncertainties.
- Regular auditing of the project by Internal Auditors, External Auditors and Quality Assurance Departments.
- Monthly site meetings that involve the employer, the consultant and the contractor.

1.9 Summary of Project compliance: -

Significant cases of non-compliance with applicable laws and regulations, and essential external financing agreements/covenants involve delayed payments that attract interest.

2 STATEMENT OF PERFORMAMCE AGAINST PROJECT'S PREDETERMINED OBJECTIVES

Introduction

The key development objectives of the project are to:

- a) Provide an alternative route along the Northern Corridor from Ole Sereni to Kikuyu and neighbouring countries to facilitate trade and regional integration.
- b) To reduce traffic congestion in the Nairobi CBD.

Progress on attainment of Strategic development objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bund (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

Objective	Outcome	Indicator	Performance
Provide an alternative route along the Northern Corridor from Ole Sereni to Kikuyu and neighbouring countries to facilitate trade and regional integration	Increased efficiency in Transportation through traffic along the Northern Corridor.	Reduced travel time from Ole Sereni to Kikuyu from 45 minutes through the city to 13 minutes through the Bypass.	The total of 48 km of dual carriageway is 100% completed and in use.
To reduce traffic congestion in the Nairobi CBD.	Reduced traffic congestion in CBD.	30% reduction of traffic congestion in Nairobi CBD.	The total of 48 km of dual carriageway is 100% completed and in use.

3 CORPORATE SOCIAL RESPONSIBILITY STATEMENT /SUSTAINABILITY REPORTING

3.1 Sustainability strategy and profile

Sustainable Development Goals (SDGs) 2015-2030 provides a plan of action for the people and prosperity. Five out of the seventeen goals are pertinent to management of projects being undertaken by the Authority. These are being addressed through the following initiatives;

- a) *Good health and well-being (SDG 3)*: The Authority strives to undertake Road Safety Audits to identify accident black spots, implement intervention measures and provide road safety education to reduce accidents;
- b) *Gender Equality (SDG 5)*: The Authority encourages mainstreaming of gender equality in project and programmes by incorporating compliance to one third gender rule in procurement and recruitment;
- c) *Industry, innovation and infrastructure (SDG 9)*: The Authority develops quality, reliable, sustainable and resilient infrastructure including regional and trans-border infrastructure to support economic development and human wellbeing with a focus on affordable and equitable access for all;
- d) *Sustainable cities and communities (SDG 11)*: The Authority endeavours to extend the paved road network to hitherto underserved areas in the region to improve nationwide access to high speed and all – weather connectivity; and
- e) *Climate action (SDG 13)*: The Authority endeavours to combat negative impacts of road development through environmental mitigation, climate change measures and compliance with National Environment Management Authority (NEMA) requirements in all development projects

3.2 Environmental performance

The Authority is working towards ensuring environmental sustainability in projects by undertaking tree planting exercises, implementation of road beautification programs, enforce reinstatement of quarries and borrow pits after construction works, undertakes regular Environmental Impact Assessment (EIA) Audits, carries out M&E on Environment and Social Management Plan (ESMPs) as well as Environmental Social Impact Assessment (ESIA) on projects.

3.3 Employee welfare

In all its staff appointments, the Authority takes deliberate actions to embrace Equal Employment Opportunity policies, gender mainstreaming, addresses concerns around Persons Living with Disabilities (PWDs) and takes affirmative action in line with prevailing Government Policy guidelines. The Authority prioritizes training to develop technical capacity of staff in the fields of Value Engineering, Project Financing, Project, Contract Management, Performance Based Maintenance and Safety.

3.4 Market place practices

The Authority strives to ensure responsible competition practices through undertaking annual governance audits in projects, monitoring the implementation of policies and further promotes ethical conduct in projects. The Authority equally sensitizes staff on corruption and integrity.

The Authority undertakes to be actively involved in the negotiations during budget sector hearings in order to increase budgetary allocations for projects thus honouring contracts by paying its liabilities on time.

3.5 Community Engagements

During the implementation of the Project, the Authority is committed to remaining a responsible corporate citizen by being accountable for its actions through engaging in Public Participation. The Project's goal in terms of community engagement is to ensure that the projects foster long-term relationships with stakeholders and communities around the project. The aim is not just to build roads that foster development but to ensure collaboration with the local communities to achieve sustainable development. The project staff is also encouraged to give back to society by participating in the Authority's corporate social responsibility projects.

The Contractor has been involved in various CSR activities geared towards providing the local residents through construction of water kiosks along the project road, improvement of access roads and enhancing learning and playing environment in schools along the project road. To enhance social safeguards in projects, the Authority undertakes Resettlement Action Plan (RAP) studies and implements its recommendations, carries out Social Impact Assessments (SIA), undertakes gender mainstreaming and conduct stakeholders' forum to sensitize the public in several cross cutting issues. Some of the CSR carried out by the project are Construction of Bulbul access roads around government veterinary land quarry, improvement of roads within Langata Women's Prison and rehabilitation of Langata Barracks main access road. However, no CSR was done in the current financial year given the project was completed.

4 STATEMENT OF PROJECT MANAGEMENT RESPONSIBILITIES

The Director General, KeNHA and the Project Management for Nairobi Southern Bypass Road Project are responsible for the preparation and presentation of the Project's financial statements, which give a true and fair view of the state of affairs of the project for and as at the end of the financial year ended on June 30, 2020. This responsibility includes (i) maintaining adequate financial management arrangement and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the project; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statement, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the project; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.

The Director General, KeNHA and the Project Management for Nairobi Southern Bypass Road Project, accept responsibility for the project's Financial Statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with the International Public Sector Accounting Standards.

The Director General, KeNHA and Project Management for Nairobi Southern Bypass Road Project are of the opinion that the Project financial statements give a true and fair view of the state of the Project's transactions during the financial year ended June, 30, 2020 and the Project's financial position as at that date.

The Director General, KeNHA and the Project Implementation Team Leader for Nairobi Southern Bypass Road Project further confirm that completeness of the accounting records maintained for the Project, which have been relied upon in the preparation of the Project financial Statements as well as on the adequacy of the systems of internal financial control.

The Director General, KeNHA and the Project Implementation Team Leader for Nairobi Southern Bypass Road Project confirm that the Project has complied fully with applicable Government Regulations and the terms of external financing covenants, and that Project funds received during the financial year under audit are used for the eligible purposes for which they were intended and were properly accounted for.

Approval of the Project financial statements

The project financial statements were approved by the Director General, KeNHA and Project Management for Nairobi Southern bypass on 26 AUG 2020 2020 and signed by them.



Eng. Peter M. Mundinia
Director General



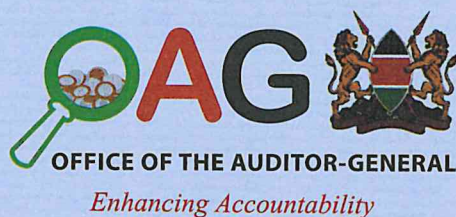
Eng. David A. Muchilwa
Director, Development



CPA Chanje Kera
Deputy Director (F&A)
ICPAK Member No: 8279

REPUBLIC OF KENYA

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Anniversary Towers
Monrovia Street
P.O. Box 30084-00100
NAIROBI

REPORT OF THE AUDITOR-GENERAL ON KENYA NAIROBI SOUTHERN BYPASS PROJECT LOAN NO. CHINA EXIM BANK PBC NO.(2011) 32 TOTAL NO.(183) NO.(1420303052011211528) FOR THE YEAR ENDED 30 JUNE, 2020 – KENYA NATIONAL HIGHWAYS AUTHORITY

REPORT ON THE FINANCIAL STATEMENTS

Opinion

I have audited the accompanying financial statements of Kenya Nairobi Southern Bypass Project Loan No. China Exim Bank PBC No.(2011) 32 Total No.(183) No.(1420303052011211528) set out on pages 1 to 12, which comprise the statement of financial assets and liabilities as at 30 June, 2020, and the statement of receipts and payments, statement of cash flows and the statement of comparative budget and actual amounts for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of Kenya Nairobi Southern Bypass Project as at 30 June, 2020, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Preferential Buyer Credit Loan Agreement China Exim Bank PBC No.(2011) 32 Total No.(183) No.(1420303052011211528) in respect of Nairobi Southern Bypass Project dated 1 December, 2011 between the Export-Import Bank of China and the Republic of Kenya and the Public Finance Management Act, 2012.

Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of Kenya Nairobi Southern Bypass Project Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgement, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Report of the Auditor-General On Kenya Nairobi Southern Bypass Project Loan No. China Exim Bank PBC No.(2011) 32 Total No.(183) No.(1420303052011211528) for the year ended 30 June, 2020 – Kenya National Highways Authority

Other Matter

Pending Bills

Note 11 to the financial statements reflects pending bills amounting to Kshs.2,867,324,245 as at 30 June, 2020. Although Management has committed to liaise with the line Ministry and The National Treasury for adequate budgetary allocation and timely Exchequer releases for prompt payments in the subsequent financial year, the Project is at risk of incurring additional significant interest costs and penalties with the continued delay in making payments.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

As required by the Export Import Bank of China (EXIM), I report based on my audit, that:

- i. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit;

- ii. In my opinion, adequate accounting records have been kept by the Project, so far as appears from the examination of those records; and
- iii. The Project's financial statements are in agreement with the accounting records and returns.

Responsibilities of Management and those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and overall governance.

In preparing the financial statements, Management is responsible for assessing the Project's ability to continue to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Project or cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015. In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the financial reporting process, reviewing the effectiveness of how the Project monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to overall governance and risk management, and ensuring the adequacy and effectiveness of the control environment

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements

are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and overall governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Project's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Project to cease to continue to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements

represent the underlying transactions and events in a manner that achieves fair presentation.

- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Project to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.


Nancy Gathungu
AUDITOR-GENERAL

Nairobi


22 December, 2020


NAIROBI SOUTHERN BY PASS ROAD PROJECT
Reports and Financial Statements
For the financial year ended June 30, 2020


6 STATEMENT OF RECEIPTS AND PAYMENTS FOR THE PERIOD ENDED 30TH JUNI 2020

	Note	2019/20		2018/19		Cumulative to date
		Receipts and payments controlled by the entity	Payments made by third parties	Receipts and payments controlled by the entity	Payments made by third parties	
		Kshs.	Kshs.	Kshs.	Kshs.	
RECEIPTS						
Transfer from Government entities	10.2	298,706,897	-	141,402,338	-	7,110,489,230
Loan from external Development Partners	10.3	-	-	-	-	14,621,960,879
TOTAL RECEIPTS		298,706,897	-	141,402,338	-	21,732,450,109
PAYMENTS						
Purchase of Goods & Services	10.4	-	-	9,900	-	101,584,623
Acquisition of non-financial assets	10.5	298,706,897	-	141,392,438	-	21,630,865,486
TOTAL PAYMENTS		298,706,897	-	141,402,338	-	21,732,450,109
SURPLUS/DEFICIT FOR THE YEAR		-	-	-	-	-

The accounting policies and explanatory notes to these financial statements are an integral part of the financial statements.


Eng. Peter M. Mundinia
Director General


Eng. David A. Muchilwa
Director, Development


CPA Chanje Kera
Deputy Director (F&A)
ICPAK Member No: 8279

26 AUG 2020
Date

26 AUG 2020
Date

26 AUG 2020
Date

7 STATEMENT OF FINANCIAL ASSETS AND LIABILITIES AS AT 30TH JUNE 2020

	Notes	2019/2020 Kshs.	2018/19 Kshs.
FINANCIAL ASSETS			
TOTAL FINANCIAL ASSETS		-	-
REPRESENTED BY:-			
NET FINANCIAL POSITION		-	-

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The financial statements were approved on 26 AUG 2020 2020 and signed by:



Eng. Peter M. Mundinia
Director General



Eng. David A. Muchilwa
Director, Development




CPA Chanje Kera
Deputy Director (F&A)
ICPAK Member No: 8279


NAIROBI SOUTHERN BY PASS ROAD PROJECT
Reports and Financial Statements
For the financial year ended June 30, 2020


8 STATEMENT OF CASHFLOW FOR THE PERIOD 30TH JUNE 2020

	Notes	2019/20	2018/19
		Kshs.	Kshs.
RECEIPTS			
Transfers from Government entities	10.2	298,706,897	141,402,338
Net Receipts for operating income		298,706,897	141,402,338
Purchase of Goods and Services	10.4	-	(9,900)
Net Payments for operating expenses		-	(9,900)
Net cash flow from operating activities		298,706,897	141,392,438
CASHFLOW FROM INVESTING ACTIVITIES			
Acquisition of non-financial assets	10.5	(298,706,897)	(141,392,438)
Net cash flows from Investing Activities		(298,706,897)	(141,392,438)
CASHFLOW FROM BORROWING ACTIVITIES			
Proceeds from Foreign Borrowings		-	-
Net cash flow from financing activities		-	-
NET INCREASE IN CASH AND CASH EQUIVALENT		-	-
Cash and cash equivalent at Beginning of the year		-	-
Cash and cash equivalent at End of the year		-	-

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The entity financial statements were approved on 26 AUG 2020 2020 and signed by:


 Eng. Peter M. Mundinia
 Director General


 Eng. David A. Muchilwa
 Director, Development


 CPA Chanje Kera
 Deputy Director (F&A)
 ICPAK Member No: 8279

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9 STATEMENT OF COMPARATIVE BUDGET AND ACTUAL AMOUNTS

Receipts/Payments Item	Original Budget	Adjustments	Final Budget	Actual on Comparable Basis	Variance	% Var
	a	b	c=a+b	d	e=c-d	f=d/c %
Receipts						
Transfers from Government entities	300,000,000	-	300,000,000	298,706,897	1,293,103	100%
Total Receipts	300,000,000	-	300,000,000	298,706,897	1,293,103	100%
Payments						
Acquisition of non-financial assets	300,000,000	-	300,000,000	298,706,897	1,293,103	100%
Total Payments	300,000,000	-	300,000,000	298,706,897	1,293,103	100%

Note: The significant budget utilisation/performance differences in the last column are explained in Annex 1 to these financial statements.



Eng. Peter M. Mundinia
 Director General



Eng. David A. Muchilwa
 Director, Development



CPA Chanje Kera
 Deputy Director (F&A)
 ICPAK Member No: 8279

26 AUG 2020
 Date

26 AUG 2020
 Date

26 AUG 2020
 Date

10 NOTES TO THE FINANCIAL STATEMENTS

The principal accounting policies adopted in the preparation of these financial statements are set out below:

10.1 Basis of Preparation

10.1.1 Statement of compliance and basis of preparation

The financial statements have been prepared in accordance with Cash-basis IPSAS financial reporting under the cash basis of Accounting, as prescribed by the PSASB and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for; a) receivables that include imprests and salary advances and b) payables that include deposits and retentions.

The financial statements comply with and conform to the form of presentation prescribed by the PSASB.

The accounting policies adopted have been consistently applied to all the years presented.

10.1.2 Reporting entity

The financial statements are for the Nairobi Southern Bypass Road Project under National Government of Kenya. The financial statements encompass the reporting entity as specified in the relevant legislation PFM Act 2012.

10.1.3 Reporting currency

The financial statements are presented in Kenya Shillings (KShs), which is the functional and reporting currency of the Project and all values are rounded to the nearest Kenya Shilling.

10.1.4 Significant Accounting Policies

a) Recognition of receipts

The Project recognises all receipts from the various sources when the event occurs and the related cash has actually been received by the Government.

- **Transfers from the Exchequer**

Transfer from Exchequer is recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the receiving entity.

- **External Assistance**

External assistance is received through grants and loans from multilateral and bilateral development partners.

SIGNIFICANT ACCOUNTING POLICIES (Continued)

Donations and grants

Grants and donations shall be recognized in the books of accounts when cash is received. Cash is considered as received when a payment advice is received by the recipient entity or by the beneficiary. In case of grant/donation in kind, such grants are recorded upon receipt of the grant item and upon determination of the value. The date of the transaction is the value date indicated on the payment advice.

Proceeds from borrowing

Borrowing includes Treasury bill, treasury bonds, corporate bonds, sovereign bonds and external loans acquired by the Project or any other debt the Project may take on will be treated on cash basis and recognized as a receipt during the year they were received.

Undrawn external assistance

These are loans and grants at reporting date as specified in a binding agreement and relate to funding for the Project currently under development where conditions have been satisfied or their ongoing satisfaction is highly likely and the project is anticipated to continue to completion. An analysis of the Project's undrawn external assistance is shown in the funding summary

• **Other receipts**

These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognised in the financial statements the time associated cash is received.

b) Recognition of payments

The Project recognises all payments when the event occurs and the related cash has actually been paid out by the Project.

• **Compensation of employees**

Salaries and Wages, Allowances, Statutory Contribution for employees are recognized in the period when the compensation is paid.

• **Use of goods and services**

Goods and services are recognized as payments in the period when the goods/services are consumed and paid for. If not paid for during the period where goods/services are consumed, they shall be disclosed as pending bills.

• **Interest on borrowing**

Borrowing costs that include interest are recognized as payment in the period in which they incurred and paid for.

SIGNIFICANT ACCOUNTING POLICIES (Continued)

- **Repayment of borrowing (principal amount)**

The repayment of principal amount of borrowing is recognized as payment in the period in which the repayment is made. The stock of debt is disclosed as an annexure to the consolidated financial statements.

- **Acquisition of fixed assets**

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment.

A fixed asset register is maintained by each public entity and a summary provided for purposes of consolidation. This summary is disclosed as an annexure to the consolidated financial statements.

c) In-kind donations

In-kind contributions are donations that are made to the Project in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the Project includes such value in the statement of receipts and payments both as receipts and as payments in equal and opposite amounts; otherwise, the contribution is not recorded.

d) Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value. Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short term cash imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

Restriction on cash

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in deposit bank accounts are restricted for use in refunding third part deposits

SIGNIFICANT ACCOUNTING POLICIES (Continued)

e) Accounts receivable

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year is treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

f) Pending bills

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the Project at the end of the year. When the pending bills are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

g) Budget

The budget is developed on a comparable accounting basis (cash basis), the same accounts classification basis (except for accounts receivable - outstanding imprest and clearance accounts and accounts payable - deposits, which are accounted for on an accrual basis), and for the same period as the financial statements. The Project's budget was approved as required by Law and National Treasury Regulations, as well as by the participating development partners, as detailed in the Government of Kenya Budget Printed Estimates for the year. The Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers and are eliminated upon consolidation.

A high-level assessment of the Project's actual performance against the comparable budget for the financial year/period under review has been included in an annex to these financial statements.

h) Third party payments

Included in the receipts and payments, are payments made on its behalf by to third parties in form of loans and grants. These payments do not constitute cash receipts and payments and are disclosed in the payment to third parties column in the statement of receipts and payments.

During the year, no loan disbursements were received in form of direct payments from third parties.

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SIGNIFICANT ACCOUNTING POLICIES (Continued)

i) Exchange rate differences

The accounting records are maintained in the functional currency of the primary economic environment in which the Project operates, Kenya Shillings. Transactions in foreign currencies during the year/period are converted into the functional currency using the exchange rates prevailing at the dates of the transactions. Any foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in the statements of receipts and payments.

j) Comparative figures

Where necessary comparative figures for the previous financial year/period have been amended or reconfigured to conform to the required changes in financial statement presentation.

k) Subsequent events

There have been no events subsequent to the financial year/period end with a significant impact on the financial statements for the year ended June 30, 2020.

l) Errors

Material prior period errors shall be corrected retrospectively in the first set of financial statements authorized for issue after their discovery by: i. Restating the comparative amounts for prior period(s) presented in which the error occurred; or ii. If the error occurred before the earliest prior period presented, restating the opening balances of assets, liabilities and net assets/equity for the earliest prior period presented.

10.2 RECEIPTS FROM GOVERNMENT OF KENYA

These represent counterpart funding and other receipts from government as follows:

	2019/20	2018/19	Cumulative to-date
	Kshs	Kshs	
Counterpart funds Quarter 1	-	1,413,200	1,172,701,061
Counterpart funds Quarter 2	150,000,000	53,350,000	2,897,533,365
Counterpart funds Quarter 3	74,246,936	84,089,760	1,530,449,316
Counterpart funds Quarter 4	74,459,961	2,549,378	1,509,805,488
TOTAL	298,706,897	141,402,338	7,110,489,230

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10.3 LOAN FROM EXTERNAL DEVELOPMENT PARTNERS

During the 12 months to 30 June 2020, we received no funding from development partners in form of loans given the project was completed. Cumulatively, Ksh. 14,520,376,256 has been utilised by the project.

10.4 PURCHASE OF GOODS AND SERVICES

Description	FY 2019/20			FY 2018/19	Cumulative to-date
	Receipts and payments controlled by the entity	Payments made by third parties	Total Payments	Total Payments	
	Kshs	Kshs	Kshs	Kshs	
Domestic travel and subsistence	-	-	-	-	11,580,070
Advertising and services	-	-	-	9,900	55,520,961
Other operating expenses-Bush clearing	-	-	-	-	34,483,592
Total	-	-	-	9,900	101,584,623

10.5 ACQUISITION OF NON-FINANCIAL ASSETS

Description	FY 2019/20			FY 2018/19	Cumulative to-date
	Receipts and payments controlled by the entity	Payments made by third parties	Total Payments	Total Payments	
	Kshs	Kshs	Kshs	Kshs	
Construction of roads	258,733,061	-	258,733,061	139,979,238	19,451,531,448
Acquisition of land	39,973,836	-	39,973,836	1,413,200	2,179,334,038
Total	298,706,897	-	298,706,897	141,392,438	21,630,865,486

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10.6 CHANGES IN ACCOUNTS PAYABLE –RETENTIONS

As at 30th June 2020, there were no Retentions being held under the project. (30th June, 2019- NIL)

11 PENDING BILLS (Annex 2A)

	Balance b/f FY 2018/2019	Additions for the period	Paid during the year	Balance c/f FY 2019/2020
Description	Kshs	Kshs	Kshs	Kshs
Construction of Roads	651,347,307	-	258,733,061	392,614,246
Acquisition of Land	2,474,710,000	39,973,836	39,973,836	2,474,710,000
Total	3,126,057,307	39,973,836	298,706,897	2,867,324,246

12 PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS

The following is the summary of issues raised by the external auditor, and management comments that were provided to the auditor. We have nominated focal persons to resolve the various issues as shown below with the associated time frame within which we expect the issues to be resolved.

Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Focal Point person to resolve the issue (Name and designation)	Status: (Resolved / Not Resolved)	Timeframe : (Put a date when you expect the issue to be resolved)
1	Note 9 to the financial statements reflects pending bills amounting to Kshs.3,126,057,307 as at 30 th June, 2019. Although Management has committed to liaise with the line Ministry and National Treasury for adequate budgetary allocation and timely exchequer releases for prompt payments in the subsequent financial year, the project is at risk of incurring additional significant interest costs and penalties with the continued delay in making payments.	The Authority is liaising with the Parent Ministry and National Treasury in an effort to secure adequate budgetary provisions to settle the GoK portion of certificates. This is evidenced by reduction of pending bills from kshs 3.1B in FY 2018/2019 to kshs 2.8B in FY 2019/2020. The Authority will continue liaising with line Ministry and National Treasury, to make sure that timely payments are made for all the certified works.	Eng. Paul Omondi	Continuous	Continuous



Eng. Peter M. Mundinia
Director General



Eng. David A. Muchilwa
Director, Development

26 AUG 2020
Date

26 AUG 2020
Date

ANNEX 1 - VARIANCE EXPLANATIONS - COMPARATIVE BUDGET AND ACTUAL AMOUNTS

	Final Budget	Actual on Comparable Basis	Budget Utilisation Variance	% of Utilisation Variance to Final Budget	Comments on Variance
	a	b	c=a-b	d=b/a %	
RECEIPTS DURING THE YEAR/PERIOD					
Government of Kenya	300,000,000	298,706,897	1,293,103	100%	
Total receipts	300,000,000	298,706,897	1,293,103	100%	
PAYMENTS DURING THE YEAR/PERIOD					
Purchase of goods and services	-	-	-	0%	
Acquisition of non-financial assets	300,000,000	298,706,897	1,293,103	100%	
Total Payments	300,000,000	298,706,897	1,293,103	100%	

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ANNEX 2A - ANALYSIS OF PENDING BILLS

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance		Comments
				2020	2019	
	a	b	c	d=a-c		
Construction of roads						
Land Compensation	4,655,405,487		2,180,695,487	2,474,710,000	2,474,710,000	
China Road & Bridge Corp	149,042,037	05/09/2014	74,459,961	74,582,076	149,042,037	3A
China Road & Bridge Corp	68,997,723	17/06/2015	-	68,997,723	68,997,723	4B
China Road & Bridge Corp	39,733,856	08/10/2015	-	39,733,856	39,733,856	5A
China Road & Bridge Corp	28,625,263	20/02/2016	-	28,625,263	28,625,263	5C
China Road & Bridge Corp	142,576,916	31/03/2017	-	142,576,916	142,576,916	6D
China Road & Bridge Corp	5,444,372	24/07/2017	-	5,444,372	5,444,372	6F
China Road & Bridge Corp	32,654,039	31/05/2018	-	32,654,039	32,654,039	6(H)
China Road & Bridge Corp	418,283,202	31/07/2017	418,283,202	-	184,273,100	6G
Grand Total	5,540,762,896		2,673,438,650	2,867,324,245	3,126,057,307	

ANNEX 3 – SUMMARY OF FIXED ASSET REGISTER

Asset class	Opening Cost	Purchases/Additions in the Year	Disposals in the Year	Closing Cost
	(KShs)	(KShs)	(KShs)	(KShs)
	2019/20	2019/20	2019/20	2019/20
	(a)	(b)	(c)	(d)= (a)+ (b)-(c)
Construction of Roads	19,192,798,387	258,733,061	-	19,451,531,448
Land	2,139,360,202	39,973,836	-	2,179,334,038
Total	21,332,158,589	298,706,897	-	21,630,865,486

