REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Thursday, 30th July, 2020

The House met at the Assembly Chambers at 9.00 a.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

QUORUM CALL

Speaker: Clerk, confirm whether there is quorum.

(Lack of quorum confirmed)

Speaker: The bell to be rang by sergeant at arms.

(The bell was rang for five minutes)

(Quorum confirmed)

COMMUNICATION FROM THE CHAIR

MEETING WITH AMREF ON COVID-19 FIGHT

Speaker: Hon. Members, just a reminder of a communication that I had yesterday regarding the community covid-19 fighters who are working in partnership with AMREF and will be meeting with the Members of the County Assembly in the chamber right after this sitting. Therefore it is important for us to note and attend.

STATEMENT

RESPONSE TO A STATEMENT ON THE STATUS OF MARULA ECDE

Hon. Catherine Kibui: Thank you, Mr. Speaker. On behalf of the Chairman for Education and ICT, I wish to respond to a statement on the status Marula ECDE. A statement was raised and tabled in this House by Hon. George Karuiru on 21st November, 2019 requesting for a response on funds allocated to a tune of Kshs. 1,467,000 for construction of Marula ECDE in Olmoran Ward.

The committee tabled its first response in the House in regards to the centre whereby Hon. George Karuiru expressed dissatisfaction. The committee on 22nd June, 2020 visited the site where the class was to be constructed and indeed witnessed that the construction had stalled eight months ago. The committee tabled a second response on 23rd June, 2020 and the Hon. George Karuiru also expressed his dissatisfaction.

Mr. Speaker, the committee held a meeting with the Department of Education and Social Services on 8th July, 2020 and resolved that the Department should visit the site and

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invite the stakeholders of the centre and chart a way forward. The department on 13th July, 2020 convened a meeting at the proposed Marula ECDE classroom and in attendance were the following;

- The acting Chief Officer Education and Social Services
- The Board of Management of Marula ECDE Centre.
- Two ECDE care givers.
- The contractor.
- Assistant County Works Officer/ Site Supervisor.
- Personal Assistant of the area MCA.

After lengthy deliberations on the same, it was unanimously agreed that due to the integrity of the site soil and the incidental BQ amounts, the construction which had already started was not tenable to continue on the same site. It was therefore agreed that;

- The site for the construction of the proposed ECDE classroom under Financial Year 2018/2019 be moved from Marula ECDE centre to Kabati ECDE centre at the existing BQ amounts.
- The Marula ECDE centre to be considered for construction during Financial Year 2020/21 budget at an improved BQ amount that considers the nature of soil at the site. Thank you.

Speaker: Thank you, Hon. Catherine, the Vice Chairperson of Education and ICT Committee. This statement was raised by the Hon. Member for Olmoran, Hon. George Karuiru who has not yet arrived. I don't know whether there is any one of us who would wish to make a remark on the same. The statement has been responded to and the only issue I would have with the statement is that this statement has come today and we are already through with the budget of Financial Year 2020/21.

It is only the Hon. Member for Olmoran who could have confirmed whether the amount that was to be secured for Marula ECDE centre in the 2020/21 budget was allocated or not. If we have a member of Education and ICT Committee, if you are aware whether that money was put I think that you can also confirm to the House. Anyone with a remark?

Hon. Daniel Mugweru: Thank you, Mr. Speaker. In the budget for 2020/21, they have considered the same class but unfortunately it was also important to have the amount required as per the BQ because the same mistake could occur again. The Chief Officer was supposed to specify the amount required as per the BQ and as per the technical person who is the assistant county works. The budget that they set is still Kshs.1.7 million and maybe it requires Kshs.2 million or Kshs.3 million only to find ourselves in the same challenge.

Mr. Speaker, as a House remember the committee responded that the project was ongoing and still we need to dig further as a House why we were misled some time back while the project had already stalled. So we should not leave it at that because in the future we shall have the same challenges. Thank, you.

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Speaker: The last sentence of the response that Marula ECDE centre to be considered for construction during Financial Year 2020/21 budget at an improved BQ amount that considers the nature of soil at the site. I think that is where the Hon. Member for Umande is coming from that if this was the same amount that has been put and there is no improved amount in the BQ, then it means that a contractor may still not be able to undertake that work. If that amount was not considered during the budget to increase some amount, then we should also be able to know the amount that was considered previously whether it was Kshs.1.7 million and whether it is still Kshs.1.7 million.

I think that it is something that needs to be followed up. It seems that some of this information we can only get it from the Hon. Member for Olmoran. The committee has committed and I think that we can still give the Member next Thursday morning to come and be able to register his satisfaction or dissatisfaction. On the same there is an issue that the Hon. Member for Umande raised that the project was ongoing. I don't know whether the vice chairperson for education has something to respond to on that or we can respond to it on Thursday? The project was ongoing and yet it was not ongoing. I think that can be respond to on Thursday when Hon. Karuiru is still here so that we can give the Chairperson time to respond to that case.

COMPLETION OF DOLDOL HEALTH CENTRE

Hon. Peter Matunge: Thank you, Mr. Speaker. A statement was raised and tabled in the House by Hon. Mary Samken on 16th June, 2020 requesting for a response on completion and equipping of the theatre at Doldol Health Centre. The committee requested for a response from the Department of Medical Services. The committee received a response from the department on 8th Jul, 2020 vide REF: CGL/ ADM/ 6/ CAGL/ VOL.1 (86)

1. On the contractor who was advertised and awarded the contract of building the theatre, I wish to respond as follows;

That the Doldol theatre construction was allocated Kshs. 15 million in the Financial Year of 2018/19. The project was awarded to the famous Irura Building Contractors LTD.

2. On the BQ of the said project, the BQ is attached as annexure 1.
3. On the commencement and completion date of the project according to the contract, I wish to respond as follows;

That the commencement date of the project was in July, 2018 and completion date was supposed to be by June, 2019.

4. On why the theatre is not yet complete even after being allocated Kshs. 7 million, I wish to respond as follows;

That Kshs. 15 million was for the construction of theatre while Kshs.7 million allocations was for equipping the theatre. The allocation for equipping was reallocated during supplementary budget 2018/19. However, the famous Irura Building Contractors expressed the inability to complete the project due to sickness.

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5. On when the project will be completed and the plans the County Government has on the completion of he said project, I wish to respond as follows;

- That the department in consultation with the contractor embarked on a process of sub-contraction of the works for completion of the building. The sub-contractor has so far been given up to November, 2020 to complete the project.

Hon. Mary Samken: Thank you, Mr. Speaker for giving me this chance to register my satisfaction. I would like to thank the Hon. Member, Hon. Peter Matunge for trying to respond to this statement although I have a number of concerns.

Mr. Speaker, on question one, they have said that the construction was awarded Kshs. 15 million in the Financial Year 2018/19 which I don't think it is true because it was Financial Year 2017/18 but not Financial Year 2018/19. On question two where now I am a bit worried and also feel that sometimes we answer the statements for the sake of answering and not for the sake of giving information. I had asked for the BQ's of the said theatre and what they have attached is the procedure of the BQ. A very big document but a blank one. It is not written inside or signed anywhere and it is a document that you can get anywhere. I am even wondering whether this came from the Department of health because even their stamp is not there.

Mr. Speaker, why should I ask for something like this and get something attached like this? I think why we want to seek for information, this statement as from today it becomes the property of this Assembly. Somebody someday may want to refer that there was a statement raised by Hon. Mary about the status of Doldol Health Centre and may need to know what the response was. You cannot keep a blank document for reference. I think the committee did not take time to sit or they were in a hurry in bringing the document but I can also see that they were even given more time than what was required to respond to the statement.

Therefore, Mr. Speaker I need a BQ and the exact amount that the theatre used for construction because I believe that that is what a BQ entails. On question three, they have tried to be smart because now they are saying that the commencement date was on July, 2018 and the completion to be on June, 2019 because they have altered the Financial Year in question one. Now again I say that it might not be true. Let them bring the correct completion date. If they brought the BQ that was complete and signed, we could have differentiated between the two.

If you look at this document, it was prepared by December 2017 which I do not think it was before the allocation of the budget when you look at the first page of BQ. On page four on why the project was not completed after allocating, it is Kshs.15 million not Kshs.7 million, I have a number of issues because they have said Irura Building Contractors expressed their inability to complete the project due to sickness. I have a number of questions that I would like the committee to answer. First of all, they should tell us who terminated the contract. Was it the contractor of the County Government of Laikipia? This should have evidence because I do not think it should be done verbally. I also want to know when the contract was terminated and what the terms of termination of the terms of contract were.

I can see Irura Building Contractors has done more than fifty percent of the work so they should also show us how much was paid for the already done work. In question five they

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have said they have already procured another contractor. They should show us the cost of the remaining works, attach the bill of quantities and a signed agreement of the said Web Commercial Agencies Contractors. With this I do not think I will ever be satisfied. Thank you.

Speaker: I think this is a very interesting kind of response. I can see already the Hon Member for Mukogodo East also wants to comment on the same. I do not know if we also have other Members who want to comment.

Hon. Daniel Nyausi: Thank you, Hon. Speaker, for giving me this chance. It is shocking that the whole committee is misleading this House and I do not think it is right. We are not here for the sake of it but to do such work and request such statements. Any Member, group of Members or any other person should be given information the way it is. This is very misleading information from this committee and they should not be misleading this House especially this time when we need hospitals more than any other time. I beg that we stop this because it is confirmed that it is misleading information. When they were tendering this it was 2017 and the allocation was in 2018. That is very impossible.

Again, as the Hon. Member said, there is no bill of quantities here. This is what was proposed to any other person but not from Irura who won the tender. We should be getting from the one who won the tender so that at least any other person can know that this was the amount of metal and number of iron sheets and this gauge. Such a thing is called bill of quantities and it is there for the purposes of over sight authorities. It is very shocking that we are getting this information from our committees that have all our prayers for those of us who are not in that particular committee. They are representing us and they are misleading here. It is a shame. Thank you.

Hon. Catherine Nyawira: Thank you, Mr. Speaker. I wish to draw my undivided attention to this statement that was raised by the Hon. Member. The statement requested in number two for the bill of quantities for the said project. There are very many bills of quantities that were submitted to the health department. Some failed and one passed. The Member did not specify what she wanted so we gave her a bill of quantities not specific to Irura because there were others who had tendered for the same job. If she would have clearly requested for the BQ for the tender that won, then that is what we could have submitted. Secondly, I wish to…

Hon. Daniel Mugweru: Mr. Speaker, I do not know exactly what is being listened to because I thought the headline of the statement is completion of Doldol Health centre. The key thing we are talking about is completion of Doldol Health centre and not BQs. It is the completion of a specific project so we expect a well filled BQ unless we say the famous Irura in terms of tender gave us zero shillings and was doing it voluntarily. That is the bill of quantities that we expect for over sight.

Hon. Catherine Nyawira: Thank you, Mr. Speaker. That was the issue in question two which was very specific that it was the bill of quantities for the said project. Secondly, I also wish to confirm that this committee has visited the theatre on several occasions and the work that was done by Irura is very commendable and standard. For him to have admitted that

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he was unable to finish the project because he was sick, those are internal jobs that probably are not analysed at the committee level.

That is management and it is within his company. He himself is the one that he was sick and was unable therefore I believe that he went through the processes of submitting the tender back to the health sector and it was able to identify another contractor to complete the project. I do not think that this House is being misled by the information we have given. Thank you.

Speaker: I want to give Hon. Matunge as the last one so that he can be replying.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. I also want to make my contribution on the same. To me the committee was misled and extended how they were misled and decided to mislead us also. On the bill of quantities, unless we say that it was not filled and that the famous Irura was not qualified to get the job, that would be the answer because we are discussing what we are seeing here.

This is a form of tender that is zero and that tells that the tender did not go through according to the response we are having. Number two on the issue of the completion that is question number four, the allocation for equipping was reallocated during supplementary budget. However the famous Irura Building Contractors expressed inability to complete the project. If that was the full stop, it would sound better but when you add the three names here, due to sickness, the contract was not awarded to an individual but to a company. A company cannot be sick unless they say they are bankrupt or something of the sort.

When the say that the famous Irura Building Contractors expressed its inability to complete the project due to sickness, I do not understand that one. The company is the one that was awarded but not an individual unless we say that the company is sick. I really do not understand that. If you are sick and even die the company still exists and was the one that was awarded the tender. I do not see the argument on that and that is why I still feel that the committee was misled and now wants to mislead us in this House. The reason we are discussing this is for them to go and get the correct information. They should go and tell the people who gave them the response that you misled and ashamed us in the chamber so that they can get the right information.

Speaker: Hon. Mary, you still had something.

Hon. Mary Samken: Yes, Mr. Speaker. I would like to do some queries with Hon. Nyawira because she wants to mislead this House that I was not clear on which bill of quantity I wanted. I think I was not outside this country or even this Assembly. They could have asked me that simple question before bringing this blank document they call the bill of quantities. For them to bring this kind of bill of quantity, she has said that this was a competitive process which many contractors expressed their ability to do the work. I know it has gone through the process and there were dates of opening the tenders. If they say it was a lot of work to put all these then they should have put even only that one for Irura.

By saying they never understood that bill of quantity I wanted is just trying to make stories. This committee is fond of making stories when it comes to responding to statements

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because they like talking a lot on defending the statement instead of giving information on paper. She has also said that it is…

Hon. Catherine Nyawira: Mr. Speaker, I just want the Hon. Member to clarify which stories this Health Committee gives because I think we are on record as the only committee that has received an award in this Assembly. Thank you.

Hon. Mary Samken: Mr. Speaker, I think it is the day before yesterday that the Hon. Member, Hon. Matunge, was responding to a statement on a dispensary in Ngobit Ward. The many stories he gave about the National, County Government and the dispensary not being registered was verbal. He was defending the statement and I recall the Hon. Member from Umande saying all other things are stories because it was not written on paper. They should focus on the one sentence that was written on the paper but not give us stories. I am saying the truth because it was just during this week. Just to wind-up, Hon. Nyawira also said…

Hon. Peter Matunge: Mr. Speaker, you are allowing the Hon. Member to continue misleading this House. We just asked the Hon. Member to clarify which stories we normally give because this is a House of debate and it has Hansard and records. Whatever we say here it goes to the records. We just want her to tell us which stories we normally give because when we have a statement to respond to, we do it in written and oral submission.

Hon. Mary Samken: Mr. Speaker, just to conclude what I wanted to say, it is a story because Hon. Catherine Nyawira is telling us that Irura Contractors expressed inability to complete the work. You cannot be awarded a tender and you come and verbally express inability. There must be a process to be followed. Telling us now and it is not in this response is a story. They should stop telling us stories and go back and respond to this statement in details so that we can now debate about it. Thank you.

Hon. Peter Matunge: Thank you, Mr. Speaker. I will continue to give stories and that is my work because we are here to speak. That is what I am paid for, to talk because this is a House of debate and talking. You say what you want and I also do that. I will continue giving my stories because I believe my story will form part of records of this House. I may start once upon a time to tell a story. From the onset the first part of the statement the Hon. Member did not know what he was asking for…

Speaker: Kindly refer to the Member as she

Hon. Peter Matunge: Sorry Mr. Speaker because I wanted to tell a lot of stories. From the onset the Hon Member was not…

Hon. Simon Kanyutu: Mr. Speaker I stand on a point of clarification. Is it a debate between two people or it ought to be for the whole House? If it starts like a story between two people we are not worth being on the floor of this House.

Hon. Catherine Nyawira: Mr. Speaker, this debate is issue based and not about people. Just to clarify, if the Hon. Member would go to page 41, she could understand the process of a contractor and sub-contracting. That is why this document is here blank as it may be. My fellow Member may continue.

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Hon. Peter Matunge: Thank you, Mr. Speaker. I first want to start from the original statement which read completion of Doldol Health Centre. One, Doldol is not a Health Centre but a sub-county hospital. Two, in paragraph three, Mr. Speaker Sir, in order to improve health services in Mukogodo East the County Assembly allocated funds to the tune of Kshs.7 million in 2018/2019 financial year for the equipping the theatre of Doldol and to date the theatre is not complete. In just that statement the Hon. Member admits that the budget was 2018/2019. To continue on the issue of financial year there are documents and budget here. There are budgets for 2017/2018 and 2018/2019 which we can always refer to see which financial year the project was budgeted for and so I end there.

Mr. Speaker, on the issues of the BQ of the said project in question two, because this is a House of talking and telling stories. If we continue and go to the BQ's on the so said preparation of tenders, on page 6, tenders submitted by the tenderer shall comprise of the following; tender, tender security, priced Bill of Quantities and any other. The tenderer shall fill in rates and prices of the items.

When a project is done the department prepares a Bill of Quantities which is like this. It is then submitted to the potential tenderers. It is they who fill those documents. We were not told to submit a Bill of Quantities from the winning tenderer or bidder from the statement. If it was for the winning bidder we could have submitted a Bill of Quantities that was filled by Famous Irura. There were more than two Bill of Quantities that were filled.

Hon. Chris Mark: Mr. Speaker, I have been following the debate, the stories in the House and the award winning. In fact, I will come back to the award winning after this. The Hon. Member, Vice Chair of the Health Committee, is playing something we call spinning. You spin a story. He wants to make it look like there had to be a certain specific sitting to the issue. If a BQ's is asked…

Hon. Catherine Nyawira: Mr. Speaker, I want to know whether the Hon. Member is on a point of order or information.

Hon. Chris Mark: Mr. Speaker, I just seek clarification especially from your Chair. This is a very small issue. If a BQ was asked for, it cannot be a BQ of any other thing. It can be a BQ of the works awarded. I do not know how that can be availed so that at least we can commence with either the debate or the other issues in the House.

I heard that some committees were winning awards. Maybe we could have even won more with the committee that I am in. We did not know that there was an award competition and what the award was. Maybe if it is one hundred thousand or two hundred thousand per committee, I am sure Kiguru's committee and mine would have been the one winning. On a lighter note. Thank you.

Hon. Peter Matunge: Thank you, Mr. Speaker. Hon. Chris, if you can read the first page, County Government of Laikipia Bill of Quantities for the proposed surgical theatre to Doldol sub- county hospital. This stands as Bill of Quantities. What we are asking is that if you want a priced Bill of Quantities that was filled then that is when we are able to supply the Bill

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of Quantities of the winning bidder or you say that you want all of them. At the end of the day what is the objective or what do you want to achieve in that.

Hon. Mary Samken: Mr. Speaker, I also want to seek clarification from the tensed Hon. Member, Mr. Matunge. He has said that from the onset I never knew what I wanted to ask. He has just said in this House, some minutes ago, that they have visited the site severally as a committee. Mr. Speaker, by saying that I never knew what I asked and telling this House that Doldol hospital is not a health centre but a sub county Hospital, I am not the one who was the secretary to this question.

If I never knew what I asked for, what are they now answering? If I never knew what I was asking they should not also have answered. They should have come to this House and said that they do not understand this question that I am asking. They should seek for clarification of my statement. That is misleading this House and diminishing me. The Hon. Member should withdraw that or come clear on what he meant. Thank you, Mr. Speaker

Hon. Peter Matunge: Thank you, Mr. Speaker, the Hon. Member admits that he is not the secretary or the person who compiled and brought the statement. I think he signed the statement before submitting to the committee for us to answer. Secondly on question four…

Speaker: Hon. Matunge, I really advise that you remember the Member is a she. Do not continue referring to her as a he. It is a request.

Hon. Peter Matunge: Sorry, Mr. Speaker, I think I have a high affinity to a he. She admitted that she is not the secretary to the statement. So she admits that the statement had some problem. She signed the statement and is then saying that this is the true reflection of what I wanted to ask. As a committee we responded and corrected the statement in question 4. He talks of Kshs.7 million and we talked of Kshs.15 million. The question on the Bill of Quantities we answered as we understood. If the Hon. Member wants us to go…

Speaker: Order Hon. Matunge! What is it?

Hon. Daniel Mugweru: Mr. Speaker, I am rising on a point of clarification and need. As the Hon. Member moves on with his statement or the once upon a time story, you must protect us in a big way. Since he started he has been sarcastic and ironical. I do not know whether it is pride or what. I did not understand all this.

The Member is saying clearly that the Hon. Member did not state which Bill of Quantity she specifically needed. The clarity I need is that if truly they did not understand what she wanted, then why did they specifically go to the Doldol theatre? Why did they specifically say that the Famous Irura was the one awarded yet so many companies in the county have been awarded? Why did they specify the one?

This tells us that they knew what they were asked and everything about it. If you look at the first response it is that the Doldol theatre was allocated. Why did they not say anything about the Rumuruti theatre since they did not know what the Member was asking? Why did they specifically go to the Doldol theatre? It tells us that they clearly knew we are asking about the Doldol theatre.

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Number two, why did they choose to say that the Famous Irura Building was contracted. Why didn't they give another company but gave the specific one. When it comes to the Bill of Quantities, they did not know the Bill of Quantities that the Hon. Member was asking. In the same statement, they are aware of several questions that she was asking. Since they already know that they have mislead us, they then did not know on that specific one. We need clarity whether they understood partly and that they did not understand the other parts. Thank you.

Hon. Peter Matunge: Thank you, Hon. Member.

Hon. Joseph Kiguru: Mheshimiwa Spika, sitaongea sana. Mambo niliyokuwa nataka tu kuokoa hili Bunge ni kuwa Mheshimiwa Mugweru amesema kukejeli Bunge kupitia kwa kiti chako na kukosa heshima kwa hawa wanakamati. Wanasema ya kwamba hii ni Nyumba ya hadithi. Tunajua ya kwamba hadithi haziwezi kufika mwisho. Hii ni Bunge ya sheria. Mheshimiwa Spika, nilikuwa tu nikitaka kupitia kwa kiti chako utuondolee kejeli. Itakuwa aibu Memba, sijui nimwite nini, kwa sababu ya ukosefu wa heshima katika hili Bunge ndipo unaona kana kwamba ni ubishi na kuna mambo mengi. Ikiwa kuna zawadi waliyopokea pengine ni kupitia kwa ubishi. Mheshimiwa Spika, okoa hili Bunge kutokana na kejeli. Asante.

Speaker: As we continue, I believe that we should all uphold the integrity and dignity of the House. As we discuss this issue, let us remember that the people of Laikipia North Sub County especially the ones around Doldol, are in need of the theatre services. As I said yesterday, we are discussing a very important issue where someone might lose life as that person was getting transferred from Doldol to Nanyuki. It could not have been lost if there was a functioning theatre in Doldol.

Let us respond where possible. If there is something that the committee did not do well I think we still have time to admit and re-do your assignment. This so that we do not do that for the sake. All that we say here goes to the Hansard records. We uphold the dignity of the House. Hon. Matunge, kindly wrap up.

Hon. Peter Matunge: Thank you, Hon. Speaker. Just to concur with what we are saying. If there is a project that I have been following for to finish is this theatre. I have a personal passion about it. Having said that, I think there is need to improve on the drafting of these statements. This is so that when a committee is asked something, it is clear so that they are able to answer.

On the issue that the Hon. Members that they are raising, when something has not been corrected before it then becomes a precedent. Mr. Speaker, I think the Hon. Members are allowed to say that we are telling stories. When I repeat the same thing it becomes an issue with me but not an issue with somebody else saying the same thing. That is applying double standards. It is a precedent set and then becomes our part and tradition. There is no harm of us going back and bringing what you want. It is very easy. Just say that it was not a planned BQ that was needed but a filled BQ from Irura. We will bring it, Mr. Speaker.

I was responding on what Members raised earlier. I think one of the things that the Members raised is on the issue of the BQs which I am done with. It is now clear. If it is the BQ

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from the winning bidder, we then just make a call and ask the person in charge to bring that. The other one since the Hon. Member was…

Hon. Daniel Nyausi: Thank you, Hon. Speaker. I think we need to be strict and firm regarding the business of this House. I would like the Member to clarify to this House. Hon. Mary said that the Hon. Member, who was on the floor by then, is giving stories. That is not the problem. The problem is when a Member stood on his legs, addressed this House saying that we are here to give stories. There is a difference. Yes, I might be here giving stories as the assumption of that Member. If we reach a point where a Hon. Member admits the same yes that we are here to give stories, then it is not in order. Hon. Matunge should withdraw that statement or Mr. Speaker, through your chair confirm that we are usually here to give stories. We will start giving stories if that is the case. Thank you.

Speaker: I really need to make that very clear that we are not here to make stories. This is a House of debates that are guided by rules and not the ones debated anyhow. I said that it is important for all of us to uphold the dignity of the House. I believe the reason why the Members are saying that the Member was sarcastic is when you go ahead and say that you could have started with once upon a time. That is sarcastic to this House.

I concur with the Deputy Speaker, as per the assumption of a Member, I can say you are giving stories. It is up to you to defend yourself and prove to the House that the assumption of the Member is wrong. Once you prove it is wrong then that Member has to withdraw. As we have agreed, we uphold the dignity of this House. Go to the debates that are guided by the rules of this House. This is so that we do not break the same rules that we made as a House. Kindly, Hon. Matunge wrap up so that I can also give direction of the statement.

Hon. Peter Matunge: Thank you, Mr. Speaker. I was so willing to withdraw what I said. When Hon. Mary said that I was giving stories, I raised here and asked you, Mr. Speaker, to reprimand Mary and withdraw that statement. You did not do the same. Therefore, I repeated because it becomes a precedent that Hon. Mary did the same and then I did the same. Mr. Speaker…

Speaker: Order! Hon. Matunge. It is as simple as this. Hon. Mary said that you are giving stories simply because you are making a verbal statement that is not supported by a written kind of communication. Example, if you say that there was a company that was sub-contracted by Irura, I think it is the right of the Member who asked for that statement to ask where the subcontract is, where are the documents? This is so that, I do not want to say that it is not a story but something that has evidence. I think from my understanding that is what the Member was referring to.

Hon. Peter Matunge: Thank you, Mr. Speaker. With all due respect I said that I would wish to withdraw that statement if, because what you are telling us is that you are putting words in the mind of Hon. Mary…

Hon. Daniel Mugweru: Mr. Speaker, I think we are now lowering the integrity of this House because he is supposed to withdraw unconditionally. He is confessing in this House that I was willing to withdraw and so now he is not willing. He is not supposed to do it because he

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is willing. He is supposed to do it because it is a law. It is provided in this House. He should withdraw unconditionally. He should first withdraw before we move on with the debate, Mr. Speaker.

Speaker: Hon. Matunge, you got yourself into the same problem. If Hon. Mary referred that this Member is making stories, she has not pulled the whole House into the story telling. It is upon that Member to prove to that other Hon. Member that I am not making stories. You cannot all say that this is a House of stories because you mean that any time Hon. Kiguru, Hon. Suge or Hon. Chris Mark stands what we are doing is making stories. I now order that you withdraw that statement so that it will not go into the Hansard records that Laikipia County Assembly is a House of stories. Kindly.

Hon. Peter Matunge: I said that when we are here we are here to debate and discuss. When a Hon. Member accuses me personally…

Speaker: It is okay.

Hon. Peter Matunge: He accuses me personally of giving stories. I feel offended when I now repeat the same thing, you reprimand me to withdraw…

Speaker: Order Hon. Member!

Hon. Peter Matunge: I think your seat should be fair and impartial for protection of all of us…

Speaker: Order! Order! Order! Now what you are saying is what you could have said when Mary said that you are making stories.

Hon. Peter Matunge: Mr. Speaker, but I had raised on a point of order…

Speaker: Listen! Hon. Matunge, I have not given you time to speak. You could have said that you are not making stories and defend yourself. You cannot pull the whole House and the whole membership that you are just here to make stories. With all due respect and as a Member of the Speaker's Panel and as a person who also sits on this Chair, you cannot allow yourself to come to position and say that this is a House of stories.

We need to delete that from the Hansard records that this is not a House of stories. We at first remove the House and the entire membership from that. It then becomes an issue of the two Members and I can make the judgement on that. It comes to the whole House that we are making stories and that you should start with once upon a time. I think when we pull the whole House into the whole thing is not right.

Hon. Peter Matunge: Mr. Speaker, I said…

Speaker: Let me finish.

Hon. Peter Matunge: I said that I have continued telling the stories. I have not included the House…

Speaker: You cannot rise to debate when the Chair is also giving direction. I request that you be patient and I now rule that we do not continue discussing this. It is just ordered that

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you withdraw that this is not a House of stories because it is in the Hansard records. Then we wrap up the debate. Kindly.

Hon. Peter Matunge: Mr. Speaker, I withdraw that this is not a House of stories but myself, I am a person of stories. You have not asked the Hon. Member to withdraw then I as a Member in this House, I am a Member of telling stories. Whenever I talk here I am telling stories. For the rest of the House I withdraw that they are not Members of...

Hon. Joseph Kiguru: Mheshimiwa Spika, sijui nitumie lugha gani. Inaonekana ya kwamba hata Kiti chako huyu mwenzetu Mheshimiwa hana heshima na hicho Kiti. Sasa kusema ya kwamba Nyumba sio ya hadithi lakini yeye ni wa hadithi, sisi hatuhitaji hadithi zake. Ni wakati wa kurejesha heshima. Tuko na askari wetu wa Bunge na kwa sababu hatuhitaji hadithi Mheshimiwa Spika, ondoa mtu wa hadithi tubaki na Bunge ya heshima.

Hon. Daniel Mugweru: Mr. Speaker, I wanted to echo the same words. When you say the House is not a House of stories but he himself he is a man of stories, then that tells us he is in the wrong. He should be out of this House because this is a House of law and order. He is a man of stories then he is in the wrong House. The Hon. Member is a good man but now what he is portraying is arrogance and pride. I do not understand what came in him this day.

Hon. Peter Matunge: Hon. Speaker, I said that I do respect your seat. That is the reason why I have withdrawn that statement. What I am simply saying is that by speaking my mind does not mean that I disrespect your seat but what you have ruled is not fair. I have been called a person of stories as a Member. That is why I have said…Mr. Speaker just give me time to finish, I ask your protection, just give me time.

Speaker: Hon. Matunge, I think it is the rules of this House and I respect you as a person who sits also on the Chair. That once it has been ruled I do not think you should go ahead and challenge the kind of ruling. If you all know, that when a Member is offended by another Member or if a Member feels that whatever you are doing is arrogance, it is upon the Member to rise and defend himself. The only mistake that you did and that was agreed, you could have defended yourself in a way where either Mary was supposed to withdraw. It was dependent on what kind of defence you raised. When you went ahead to sarcastically talk of the House that is where the problem was.

Hon. Mary Samken: Hon. Speaker, I think I was clarifying what the Hon. Member Nyawira asked me when I said the committee likes giving stories. I never referred to the Hon. Member. It is only that I referred to the statement that he was responding to when the Hon. Member from Umande spoke. All the other things they were saying about the misunderstanding between the National and County Government and what the dispensary is not registered are stories. Mr. Speaker, by saying that I referred him as a storytelling man, I never said that. I was only clarifying what the Hon. Member wanted me to clarify. He is also accusing me of what I have not said.

Speaker: That one could have been sorted out if that issue was raised when you said that. That is now overtaken by time. I wish to now give direction. This is even a statement I

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wish to give my direction to the committee on what they are supposed to do. I want to make my remarks so that we wrap up that debate.

One, as I said the first time the Hon. Mary responded. I said this is a very interesting response because of the way I know this committee has been working. On the contractor who was awarded the contract, that is okay. It is Irura Famous Building Contractors. The Doldol theatre was allocated Kshs. 15 million in the financial year 2018/2019. I wish to direct …what is it Hon. Deputy Speaker?

Hon. Daniel Nyausi: Thank you, Mr. Speaker. There is a burning issue here. We need the Member to withdraw that this is not a House of stories Mr. Speaker.

Speaker: No, the Member withdrew that. That, this is not a House of stories.

Hon. Daniel Mugweru: Mr. Speaker, our concern is that the Member is out of order. He is withdrawing and continuing challenging and questioning your ruling. He should withdraw unconditionally Mr. Speaker. Not withdrawing and then questioning your ruling. That is demeaning the Chair.

Hon. Simon Kanyutu: Mr. Speaker, I was the first person to raise the concern. Unfortunately, the Member has confirmed that he is a very good storyteller but in this House that should not be the case. When you have said he withdraws, he has tried to put some conditions. He should first of all withdraw and sit down, then anything else to come later.

Hon. Peter Matunge: Thank you, Hon. Speaker. You were giving your guidance on what to do on the statement. I can see that the Hon. Members are agitated to see if I have withdrawn. Mr. Speaker, yes I withdraw inclusion of the House, that this is not a House of stories but Mr. Speaker…

Speaker: Hon. Matunge!

Speaker: Hon. Matunge! Order! Order! Order Hon. Matunge! You cannot defy the Chair of the House!

Hon. Peter Matunge: I have to say this, the Hon. Member said that the committee is a committee of stories and went ahead to give me as an example. You went ahead to include me and the committee as a committee of stories. I also want the Hon. Mugweru to withdraw. The issue of arrogance, pride are not parliamentary language here.

Speaker: Hon. Matunge, no no no! For that reason because you seem not to be able to listen, I will just order you to be out of this sitting for the remaining time. Even as I give these directions you are not part of this House. You are a Member of the Speaker's panel and I repeat it again. You cannot continue as the Chair makes a ruling, a direction or calls you into order but you cannot be able to obey that. I therefore request you kindly to leave this House for the rest of this sitting.

Hon. Peter Matunge: Mr. Speaker, I am leaving the House but the rules of this House should be fair.

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Speaker: Hon. Matunge, you do not have time to talk anything. You are just ordered to leave this House kindly.

Hon. Peter Matunge: Mr. Speaker, the Hon. Mugweru is…

(The Serjeant- At-arms escorted Hon. Peter Matunge out of the House)

CONSIDERED RULING

Speaker: I want to quickly give the direction for this. As I said, this is a very interesting response. The Member who was responding is not here but we have Hon. Catherine and I know that she will be able to take notes on behalf of the committee. One of the things that I am not sure, and I would really wish the committee would confirm in the next response, it is whether the committee sat to interrogate the response they received from the CECM Health.

Whether you at any time sat and had minutes taken for you to deliberate on this statement. The statement seems to have quite a number of issues. If the committee sat with Hon. Matunge and the Committee having gone to Doldol, being in that Department of Health there could be some issues that you could have noted if you at any time sat and looked at that. If you sat then there were some oversights.

One, the committee continues to defend that this budget allocation was for the FY 2018-2019. I believe the Executive does not award any contracts without monies appropriated in the budget. That would be wrong and it would be an oversight issue. You first have to put the money in the budget then you award tenders. There is no way you will have a tender that was opened before the budget was appropriated.

Therefore, in this contract we want the committee to confirm. Is this a 2018-2019, or 2017-2018? When I look at the Officer for Works who signed this, J.W. Maina Acting Chief Officer for Public Works, I think that was a staff who was working with the Executive in the year 2017-2018. It is important that you look for that allocation. As per the statement that Mary raised, it was an issue of Kshs. 7 million that was awarded in the year 2018-2019 and that was for the equipping of the theatre.

Number two, on the Bill of Quantities, I looked at this the first point I came into the House. I believe with this Kshs. 15 million allocation, then it means the BQ should also be guided by that, so that we see what this Kshs. 15 million was supposed to do. When we have a blank BQ, this is a BQ that guides those who are filling the contracts. It may not be that important to this House.

I am also wondering like the Hon. Member. Whether this came from the Department of Health, or was just downloaded from the Department's website. We need a price BQ that indicates how much the contractor quoted. What he quoted will also guide the sub-contract that was given to another contractor. Therefore, we need that price BQ.

Number three that the commencement date of the project was in July, 2018. If you go and confirm that you got it wrong on the first question, then it means the response on number three is also wrong. Commencement of the project is guided by the allocation of the funds.

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On number four, the Kshs. 15 million allocations were for the construction of the theatre while the Kshs. 7 million was for equipping the theatre. The allocation for equipping was reallocated during supplementary budget 2018-2019. The money to equip the theatre is now confirmed by your own response that it was for 2018-2019 but was reallocated because the theatre was not complete. It means, however Famous Irura Building Contractor expressed inability to complete the project due to sickness.

As the Member said then the three words mess it all simply because a company does not become sick. A company that is awarded a contract worth Kshs. 15 million, is a company that must have provided a very huge profile that has good management and with an ability to undertake that kind of work. Therefore, it is important to remember to note to give the reason why the company was not unable. We also need to know who this is. We are not able to tell who is sick. Whether it is the Director or the Manager.

It is the company that is, 'Famous Irura Building Contractors expressed inability to complete the project due to sickness'. It will be on news that the company fell sick. We do not know who is sick, whether it is the directors or the staff are sick, or the management.

On when the project will be completed and the plans the County Government has on the completion of the said project, that brings us to the issue of, it is said it will be complete. The Department in consultation with the contractor, embarked on the process of sub-contraction of the works for the completion of the building. I am not sure whether I heard the Hon. Member from the Committee say that that was an internal thing of Irura Building Company.

Here it says, the Department is the one that embarked in consultation with the contractor. It embarked on a process of sub-contraction of the work. The sub-contractor has so far been identified as Web Commercial agencies and has already moved to the site and has been given up to November, 2020 to complete the project. It is important for you to confirm whether this sub-contractor has moved to the site.

You can be able to confirm through a site visit. The ward Representative of Mukogodo East you can be able to confirm whether the sub-contractor has gone to the site. You also furnish this House with the contract document that engaged Famous Irura Building. Also a sub-contract document that is between Irura and the Web Commercial Agencies. Let us have those documents so that whatever we are discussing in this House it is something that has enough evidence.

The contractor has already moved to the site and has been given up to November, 2020 to complete the project. Let us also have a document that ties the contractor to complete the theatre in November, 2020. That means, either a letter from the Department and the contractor responding that I am able to finish that hospital by November, 2020. Interestingly, we should also be able to know. Now that the contract has taken quite some long period of time and the money to equip the dispensary was reallocated. What are the plans by the Department?

Once the theatre is complete it cannot serve the people of Mukogodo East or the people from around Doldol and Laikipia North if the theatre will not be equipped. Are they factoring

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now that the theatre will be complete by November, 2020 and they know that. Have they plans to equip the theatre? I think if we are able to respond to that and attach all the evidence, then it means as a committee you will have done what is right. That brings us to the end of that response.

Hon. Members, for those who were present when we started you remember we had announced a meeting with Community COVID-19 Fighters and also AMREF. They want to have a meeting with us for thirty minutes. It is a meeting specifically for the MCA's; it is important. They were to be here by around 10.00 a.m. so they are around. We can just have that brief meeting here in the Chamber. Hon. Members you may rise.

ADJOURNMENT

Speaker: Hon. Members, this House now stands adjourned until Tuesday, 4th August, 2020 at 2.30 p.m.

The House rose at 10:27 a.m.

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