

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 30th September, 2025

The Assembly met at the County Assembly Chambers at 2.00 pm

Temporary Speaker, (Hon. Lorunyei Lawrence) in Chair

PRAYER

NOTICES OF MOTION

RESERVATION OF SAMBURU/SUGUTA MARMAR ‘A’/18,
AND LODOKEJEK/30 FOR SETTLEMENT PURPOSES

Chairperson, Committee on Lands, Physical Planning, Housing and Urban Development,

(Hon. Leerte Patrick): Thank you Hon. Speaker, I beg to give a notice of the following Motion:

THAT, Pursuant to provision of County Assembly of Samburu Standing Order 57 (1) the County Assembly of Samburu approve the report of Committee on Lands, Physical Planning, Housing and Urban Development on the consideration of the request to reserve Samburu/Suguta Marmar ‘A’ /18 Amaya L.M.D holding ground and Samburu/Lodokejek/30- Lariak Orok game sanctuary for settlement purpose, thank Hon. Speaker.

QUESTIONS AND STATEMENTS

GILATI’S BOREHOLE STATUS

STATEMENT RESPONSE

Temporary Speaker, (Hon. Lorunyei Lawrence): Hon. Members, it is notified that pursuant to Standing Order No. 41 (2) (c) the Speaker has approved the following response for statement for Tuesday September 30Th, 2025:

1. Statement No. 011/2025, requested by Hon. Lenamatiyio Silapia, to the Chairperson Committee on Environment, Water and Natural Resources regarding the status of Gilati borehole in Wamba North Ward.

Chairperson, Committee on Environment, Water and Natural Resources, (Hon. Lemartile Francis): Thank you Hon. Speaker, I stand to respond to the question sought by Hon. Lenamatiyio Silapia from Wamba North Ward; I will read as stated by the Department, the following are the Department’s response in respect to respective queries:

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1. What is the current implementation status of Gilati borehole project in Wamba North Ward for the Financial Year 2022/2023? Has the project been completed? Is it ongoing? Or has it stall?

Department response: Gilati borehole actual drilling work has not been commenced up to date even after project awarding to the most responsive binder, the contractor rig has tried twice to assess the site with no success due to inaccessible road to the drilling site. Efforts have been initiated requesting the responsible County Department of Roads to consider road opening intervention to proposed site for easier access and mobilization of machineries.

In view of the above, the project implementation still stands, and the Department contacted the contractor and assured that once access road to the site is done, the drilling work will commence immediately.

1. What specific amount was allocated for the Gilati borehole project in the Financial Year 2022/2023?

Department's response: The borehole was allocated KSHs. 6, 000, 000.

2. Which contractor or company was awarded the contract for the drilling and equipping of the borehole and through what procurement process was this award made? Was the process compliant with The Public Procurement and Asset Disposal Act, 2015?

Department's response: Gilati borehole tendering was done with compliance of the laid down procedures as stipulated in The Public Procurement and Asset Disposal Act, 2015. The tender underwent all the procurement stages; Departmental requisition to the head of supply and chain management and the tender document was given a tender No. SCG/T/028/2022-2023 and a negotiation number 1287947 as per the County tender notice.

Upon thorough scrutiny by the procurement office, the tender cost was above the minimal threshold that require an open tender to be advertised.

In view of the above, therefor, procuring of the contract was done through and open tender procuring process where tender was advertised in a national newspaper for the interested

companies to bid. On upon the bidding exercise; Loijuk Limited emerged to be the most responsive bidder in the tender evaluation in mandatory technical and financial stages and was awarded the contract of a total cost of KSHs. 5, 987, 198.

N.B; Please not that no payment had been done concerning the said project because to date, no work done and therefore the project is still on pending mode.

It is our sincere commitment that once road access is available, we shall expedite on engaging the contractor on speedy completion of the contract thus ensuring budgeted project beneficiary easily access the water.

Thanks for your continuous cooperation and support you have tirelessly accorded the Department. Yours sincerely; Patrick Lekimain – CECM Water, Environment, Natural Resources, Climate Change and Energy.”

In our sixth page Hon. Speaker is an attached document of the tender notice, on the seventh page is the list of projects for the Financial Year 2022/2023 for the Department, where Gilati borehole was listed. That is all Hon. Speaker, from the Department.

Hon. Speaker, as a Chairperson; I think we had several statements on the same and the Department has been giving the same response of not having access road which is now three years down the line and that is contrary to the procurement laws.

You cannot keep a Ledger Purchase Order (LPO) for such a long time, the response is just an explanation just for the sake, but this has continued for a long period of time. This House as the County Assembly of Samburu; we did quarrel about our first Supplementary Budget protecting Gilatai borehole and Lochootom borehole for our people to get water. It is a pity and I sympathize with the people of that place those three years down the line without a response of the allocated amount.

The Department is telling us that it still has KSHs. 6, 000, 000; they would have prepared a reallocation to a better location instead of having an excuse of lack of road accessibility to the site, thank you Hon. Speaker.

Specially Elected MCA, (Hon. Lenamatiyio Silapia): Thank you Hon. Speaker, let me take this opportunity to thank the Hon. Member for Wamba West; the Chair for the Committee on

Environment, Water and Natural Resources for the response he tried to follow up from the Department and making sure that today; the statement is responded to.

Hon. Speaker, let me just raise my concern about the response as indicated as per the three questions. The first question asked about the current implementation status of Gilati borehole project in Wamba North Ward, what the Department stated is that the borehole is not done. Hon. Speaker, it is now three years down the line since the allocation for 2022/2023 Financial Year allocation for Gilati borehole.

Hon. Speaker, the Department is taking this Honourable House, I do not know if it is a culture or what. Because, how can the Department tell us that this project has not been done because they cannot access the site? Hon. Speaker, I think before money is allocated to these projects, they had done a survey on how they came up with this project.

Secondly, Hon. Speaker, the Department is just answering this question in a layman way; this shows that the Department is taking this House to a ride without considering the people of Samburu; specifically, people of Wamba North Ward, Gilati community for the last three years.

For the last three years, these projects are allocated money and nothing has been done. We have been following the Department to tell us what is the problem of this project that have been allocated money but no implementation, nothing has been done. Secondly, the second question I am satisfied that is the amount was allocated to the Lgilati borehole project 2022/2023 budget because that was 6 million.

The third question I think we will break into two because they have indicated the company that was awarded that is Loijuk and secondly we have the Legal Framework that guides the County Government on how to go through the procurement way; that is PADA 2015, but I may ask the Department, how long will the company carry the LPO? He still has that LPO three years down the line, it is still valid. Is that LPO still valid and if it's not valid then the Department could have told this House what are their plans or their measures to make sure that this project is being done because this show that some individuals are just sitting in the office making sure that the people from Wamba North Ward which is the Lgilati community they are there denying the people of Lgilati their need and services because water is life and they are denying our people life.

Secondly, if then the accessibility of that site is becoming a problem why the Department is taking three years without even reallocating this money to project to the other side or other places in within that community? The House and I is not sure whether these people from Wamba North Ward will still benefit from this project because it has become a long overdue since that time three years and somebody is telling us in a serious note please note that no payment has been done concerning the said project because to date no work done and therefore the project is still on pending mode and it is our sincere commitment that once road access is available we shall expedite in engaging the contractor on speed completion of the contract hence ensure the target project beneficiary easily access water. What shows the seriousness of that department? if three years somebody can carry an LPO how can a company or the owner of that company carry an LPO for three years? My question comes, is that LPO is still valid?

Then if the LPO is valid three years down the line, the Department could not even consult with the roads Department to make sure that the road connecting to that site can be easily done within three years. I have no words to say because I sympathize and I'm very painful to see people from Wamba North Ward being denied their services. Surely that one is not in order. I'm not happy and somebody is telling us we are sincerely committed. If that person is sincerely committed staying in that office to deny Wamba North people their services and to make the matter worse we have allocated money and also they have awarded the LPO. They have given out the LPO and the matter here they are explaining to us that because there is no road to assess that site and the Department have done the survey. We are tired.

We are tired since 2022/2023 we are tired to go back every day and then please Mr. Speaker, with your guidance and leadership rule this thing so that the people of Wamba North Ward either they get this project, or they tell them we are not going to give them, because that is what they are saying in this paper. Thank You.

MCA Loosuk Ward, (Hon. Lenamparasio Phelix): Thank you so much Mr. Speaker for giving this opportunity to contribute to this Statement. First of all, let me take this opportunity to thank the Hon. Member who had sorted this Statement on the same note, let me thank the Chair for Water for the response from the Department by for reading the Statement. I just want to give some three highlights here on this issue regarding the Jilati borehole, before I ventilate the issue,

I do not know for how long will this Hon. House condone the issue of the Executive responding to our issues just for the sake of responding to; if you just go through this Statement, sometimes you just wonder where do people who respond to this Statements come from? I don't know if they are incompetent.

I don't know if they just respond like that because of not respecting this House. Since I came to this House for the last three years I've been to Wamba North two times and if you go to that Ward I think the biggest challenge or the first most important issue that needs to be settled in that Ward is the provision of clean water for both the animals and human life, but for a Department with a competent CEC, a competent CEO, and every other person concerned, the directors, the engineers just telling us that the Lgilati borehole has not been drilled because there's no road to access that area you know it is very funny.

If you go through this Statement, what the Department of Water is now doing is they're now shifting the problem from their Department to the Department of Roads because they are saying once the Department of Roads maybe does a road for Lgilati so that they can easily accept that area that is when they will go and drill this borehole. So I have three issues regarding this response. The first one is the issue of the LPO, you know Mr. Speaker today, 30th September is the last day for the first quarter for the fourth year since we came so we are now transacting a business on a last day of our first quarter on our fourth year as Hon. Members to this House, still debating on issues of Lgilati borehole which was supposed to have been drilled on the first year that we came to this House that is 22/23.

If you just look at the components in an LPO, you know there are some components in that LPO, some of the components in any LPO, in every organization in this Republic of Kenya, there are some components. The first component is usually the buyer and the seller. in this case now the County Government of Samburu and Loijuk company, the description of service, what is this contractor going to do in that certain place, the agreed price, the timelines, the payment terms, terms and condition. I just like to contribute something small on timelines. It could have been very good if this Department brings that LPO to this House so that we see what timeline was this contractor given, was it one year? Was it two years? Was it three years? Was it five years? You just wonder, because what I know, I am not a procurement officer, but I don't think an LPO that

has been there for the last three and a half years is still valid. I'm yet to understand on that issue of the LPO.

The second thing is the inflation, Lgilati borehole was allocated 6 million for drilling and keeping even right now, the Department telling Lgilati people that they are still in the process of coming to drill and equip a borehole with 6 million is a very big joke. There's been a lot of inflation that 6 million right now cannot drill a borehole and equip at the same time. So what will happen to these people from Wamba North, the Lgilati people? They will end up staying there without water. They will still go and get their waters from the rivers with their elephants there, I don't know. So, if you look at our budget, between four to five Financial Year Budget, the Gilati Borehole is not in the pending bills, It is not in the budget. So how sure are we that this borehole will still be drilled?

Mr. Speaker with your guidance, I know you are the most senior person in this House and being the Speaker of the day, we need to have a serious conversation with the Department of Water regarding these issues the Lgilati, I remember, in the 23/24 Financial Year, we had a very big debate here because of two Boreholes, Lgilati and another one called Loshoto. You know they wanted to supplement but on the floor of this House we refused the supplementary of the two boreholes. So that I sit Mr. Speaker, if as this House we cannot take our mandate that we are given by the Constitution or any other relevant law seriously, the Executive will still joke with us until we finish our term.

In the 24/25 Financial Year, I had a borehole called ALU that was even advertised, an LPO was awarded. It was not supplemented. It is not in the pending bill. It has not been done up to now. But because that today I am not debating about the ALU borehole but I just want to bring a scenario whereby this Executive nowadays are just taking this House for a ride. So Mr. Speaker, with your guidance, we are just waiting on how you will give us a way forward on this. Otherwise we need, as a Hon. House, to have a serious discussion with this Executive, because they are really joking. I don't think if they are competent enough to hold those offices or not. We allocate money for projects to be done, they are not supplemented and they are not done. They are not in the pending bills. Where do the moneys that we allocate as this house for these projects go to, thank you Mr. Speaker

Temporary Speaker, (Hon. Lorunyei Lawrence): Hon. Chair, if I may ask the validity of this LPO according to the component of timeline. Can you guide us from there please?

Chairperson, Environment, Water and Natural Resources, (Hon. Lemartile Francis): Thank you. Mr. Speaker. As per the questioned asked and explained by Hon. Lenamparasio, we need to have several documents for us to sustain the validity of the document highlighted by the department especially the agreement period. After given the NPO, the buyer and the seller or the funder and a contractor get to an agreement, what time will you complete the project awarded. That is a question I cannot explain now but it is among the questions that should be highlighted by the department in the next appearance. Thank you Hon. Speaker.

Temporary Speaker, (Hon. Lorunyei Lawrence): If I have been listening give an additional question for just information, once a program is in a budget year, will it be in the next financial year. For this case it has been three years online will it be there in the program or the pending bills and if it is like that, is there any evidence with our budget because Lgilati was in the budget 2022/2023, was it in the budget 2023/2024 or this year 2025/2026. Kindly give us light before I give Hon. Silapia.

MCA Wamba West Ward, (Hon. Lemartile Francis): Thank you Hon. Speaker. I think it is well stated the project is captured in 2022/2023 budget. As per the explanation from the department if you go to the record given at the advert, the advert was stamped on 12th may 2023 so the project was awarded during that financial year 2022/2023 but it will not be a question for Hon. Chair to explain. It will be for the department to come and explain and bring a supportive document because if they can support what they have said because they have stated that the project is still under pending bill. They could have abstract the list of pending bills and attach for the proof to this house.

Secondly, agreement with the contractor timeline: What step has the department taken because they cannot have someone to help you to go and stay with it until the time they finish the project. Through your guidance I think it is for the department to give more clarity on how they are handling this matter. Thank you.

Temporary Speaker, (Hon. Lorunyei Lawrence): Hon. Silapia.

Specially Elected MCA, (Hon. Lenamatiyio Silapia): Thank you Hon. Speaker. I also want to concur with the Hon. Chair that I think it is the departments that have everything in their fingerprints because they understand what happened on the issue of LPO the validity and the terms they have agreed and also the agreement. When you look again on the issue, it is true that the project was allocated on 2022/2023.

It is now for the department to come. Let them not write papers to us here they need to come and give us supportive documents on their response, because we have been following this department to come and give the issue that is making this borehole not to be done but they are not in a position to give the satisfying answer. With your guidance let the department come and explain why the owner of the company has been carrying the LPO for the past three years and what they are going to now that the site is not accessible.

It is not just a matter of them telling us they are sincerely committed because how do we know that, if they have not been committed for the past three years. Let them come and clarify whether it is still this money on the pending bills or where. Let them come and tell us the status because even here they say it did not pay on a pending mode. Let them come and clarify with the documentation. Thank you.

Temporary Speaker, (Hon. Lorunyei Lawrence): We are aware that this house is of debate and whatever comes before it must be a statement of fact. How sure is the house that the money is there and it is safe? Can any member tell us that the money is there and it safe? Any member? Yes Hon. Silapia.

Specially Elected MCA, (Hon. Lenamatiyio Silapia): Hon. Speaker, I stand here to say that the money is not safe. I am not in a position to answer on the behalf of the department let them come here and answer.

Temporary Speaker, (Hon. Lorunyei Lawrence): Hon. Kaunda.

MCA Loosuk Ward, (Hon. Lenamparasio Phelix): Thank you so much Hon. Speaker. You are asking us some very difficult questions here. There are two things I want to say that I am not supposed to be answering here. One, Lgilati was in the budget 2022/2023, and it was in the list of pending bills for the financial year 2023/2024. Since then it disappeared it was not in the

pending bills for financial year 2024/2025, neither is it the budget. Even in this one it is not in this budget neither is it in the pending bills.

On the issue of money safety, I think the implementers of budget are the executive. The C.O. is the custodian of money in the department. So with your guidance the CO and the CEC should come here so that we ask them if the money is still there or not. That is what I wanted to respond. Thank you for giving me this opportunity.

Temporary Speaker, (Hon. Lorunyei Lawrence): Okay. Hon. Members, from my observation also as the member for Nachola Ward, I see in Nachola ward we have got Lochoto borehole, Sigira borehole which I am not aware, and we also got Lengima borehole. There are a lot of things we need to look at and the department to give us the right statement and to call the procedure. It is better for the water committee to summon the CEC and with your recommendations. I see the Hon. Members trying to say...

I was thinking that maybe the invitation by the committee to the CEC and after that, the CEC will be invited to the whole house. I want the advice from the members also. Hon. Kaunda.

MCA Loosuk Ward, (Hon. Lenamparasio Phelix): Thank you Hon. Speaker. I think what we should do here, we had review of our standing orders recently and that our standing orders nowadays allow the CECs to come and appear before the house. Starting with the committee level, it will be a waste of time to the members. My advice is you just direct that maybe next week, given seven days that our standing orders usually give the department should appear before the house so that we can conclude this matter as soon as possible. We spend a whole month here on an issue that the same CEC and CO will come and explain before this house just once and the issue to be sorted out.

Temporary Speaker, (Hon. Lorunyei Lawrence): After listening to the Hon. Members and also going through the response given by the department which shows that it not satisfactory now I direct that as the procedure goes, we usually give time of one week so that the department can prepare. The department should come here on Wednesday 8th October 2025 at 2:30 and give light will all the projects listed here for clarification.

ADJOURNMENT

Hon. Members the time being 24 minutes to 4 o'clock and there being no other business, this house now adjourns until Wednesday 1st October 2025 at 9:30 a.m.