

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 19th November, 2025

The Assembly met at the County Assembly Chambers at 2:30 pm

The Speaker, (Mr. Lenamarle Stephen) in Chair

PRAYER

QUESTIONS AND STATEMENT

STATUS OF RESIM DISPENSARY

PROJECTS

The Speaker, (Mr. Lenamarle Stephen): Hon. Members, it is notified that the Speaker has approved the request for statement today Wednesday 19th November, 2025 at 2:30 PM Pursuant to Standing Order No. 47 (1):

Statement No. 015/2025; requested by Hon. Lemartile Francis (MCA Wamba West Ward) to the Chairperson of Sectoral Committee on Public Health, Medical Services and Sanitation regarding the incomplete Resim dispensary, staff house, pit latrine and fencing works under contract No. SCG/T/013/2024-2025.

Member, Committee on Medical Services, Public Health and Sanitation, (Hon. Lorunyei Lawrence): Thank you Hon. Speaker, I beg to respond.

“Response to the matter raised. Reference is made to your letter dated 15th October, 2025; Referenced SBU/CK/MCSPHS/VOL.1/2/04/2025 on the above subject.

Here is the response of the issues raised:

1. Contract legality and validity

The Department confirms that the contract between the County Government of Samburu and Titikas Limited was entered into in compliance with the legal requirements of a filed contract including offer, acceptance, consideration, capacity and legality.

Hon. Speaker, the current status and enforcement of the said contract, the contract is still valid but its enforceability depends strictly on the contractor’s full compliance with the terms and conditions; including timely completion of the work.

2. Scope of work

As at 14th November, 2025, the overall completion level of the project stands at 90%, the progress of individual component is as follows:

Dispensary block; 90% complete, painting, tiling and minor finishing work pending. Staff house; 90%, painting and minor finishing work pending. Pit latrine; 0%, not yet completed.. Fencing; 0% completes. What remains outstanding with timelines for completion?

The remaining outstanding work for the dispensary block and staff house is tiling and painting work, however, the contractor is on site with all materials required for the same as shown in the attached photos. The timeline for the completion of this work as per the contractor is 30th November, 2025.

The pit latrine and fencing; not yet started, consequently, an allocation of KSHs. 1, 000, 000 has been provided from the Financial Year 2025/2026 specifically earmarked for the fencing component of the project.

Final site cleanup, inspection and handover to be done once the project is complete.

3. Attach current site photos countersigned by the Department by the Department of Public Health, Medical Services and Sanitation as visual evidence of the project true status.

Attached herewith are the latest countersigned site photos showing the true status of the project.

Timeline for completion: The contractor has promised to complete the remaining work for the dispensary block and staff house by 30th November, 2025.

Payment status: The contract was entered into on 4th December, 2024 between the Samburu County Government and Titikas Limited for the construction of Resim dispensary staff house, pit latrine and fencing work under payment voucher No. 3276 amounting to KSHs. 6, 998, 674 in favour of Titikas Limited, Post Office Box 456 Nairobi with Kenya Commercial Bank No. 1257201166 was processed on 24th February, 2025, supporting document attached:

1. Public works supervision report confirming the work completed.
2. Payment voucher No. 3276.
3. Any relevant interim or completion certificates.
4. All payment documents related to the contract are attached for verification and record purposes.

This document provides verification and transparency regarding the payments made to the contractor in relation to work completed, accountability and safe guard.

Whether the Department has initiated any action to recover funds paid for incomplete works; notably, a formal letter was issued to the Director of Titikas Limited on 15th July, 2025 referenced SCG/COPS/INCOMP/25 directing the contractor to complete all outstanding works including the dispensary block, staff house, pit latrine and fencing within thirty days calendar days

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Mr. Speaker, whether the County has informed the Performance Board or issued formal notice to the contractor for the breach of contract.

1. Formal notice has been issued to the contractor for the breach of contract due to incomplete work.
2. The County reserved the right to invoke the Performance Board to safeguard public funds and ensure compliance.
3. Legal remedies, including recovery of overpaid funds, may be pursued as per the contract.

What measures are being taken to protect public funds and ensure completion of the dispensary for community use?

1. Continuous supervision and monitoring of the projects by the Departments of Public Health and Sanitation.
2. Verification of work before any further payments is released.
3. Allocation of Ksh.1 million from the Ward Development Fund in the FY 2025–2026 supplementary budget to support completion of the fencing work.
4. Engagement of administrative and legal channels to enforced contracts, obligations and timelines.

Kind Regards, Dr. Nasir Lekudere, County Executive Committee Member, Samburu County.

Thank you, Mr. Speaker. I have read as what has been given. Thank you.

MCA Wamba West Ward, (Hon. Lemartile Francis): Thank you Mr. Speaker. I also wish to take this opportunity to appreciate the Member who has read the response from the Department. I appreciate it so much because I think this is the first time we have received an extremely valid report.

I see they have supported each and every item they highlighted. But as a Member for Wamba West Ward and given the response on the project meant for my people, I still do not trust what they have given.

Because the report still contains issues that the Department must clarify because if we go through to the payments, the first payment, payment voucher attached is a payment on 24th February 2025 and the total sum of the contract was Ksh.6, 998, 067 and that payment was fully made on February and we are almost clocking December when the contract still has pending work. The Department has confirmed that some structures have reached 90% while others 0%.

Regarding the procurement procedure, may I highlight for the Members to understand that you start with advertisement and there is proof that it was advertised in the Kenya Daily's then prepare Bill of Quantities (BQ) to list the work or quantities and qualities of the work of items or goods you want to be supplied so that confirms what work was given to the contractor. I still request that they provide the BQ showing all the work that was supposed to be done.

Secondly item is tender opening minutes were not provided. It is a requirement on public procurement law.

Third is the tender evaluation report, they have just attached a list of Tender Evaluation Committee so they have not illustrated the evaluation report. We need also to have that report so that we can see that the tender was awarded competitively.

My third concern is the award notification they have provided, acceptance letter were provided, and agreement was provided, the other thing which was missing is the work delivery or Implementation through Inspection and Acceptance Committee. We have made total payment of

the whole contract sum without providing certificates of completion. They still need to provide more documents to support the payment of 6.9 Mr. Speaker.

On our annexures, we have a report from the Samburu County Transport and Public Works, it states that the construction of Resin Outpatient Department, staff house, sanitary blocks and fencing works, the total worth given signed by the Public Works is 6.9 then after that the Public Works stated we normally as per the laws you put a retention fee of 10% of the contract sum so that in case of any complaint the contracting entity will have an amount to complete where the contractor has not completed. So he stated that the amount to be paid Ksh.6.2 million and Ksh.699,000 to be a retention fee. So we have a differentiating report from the Department that they have made a total amount, what about the retention fee. They have not stated well where have they put the retention fee.

On the last issue the Department has also highlighted an extra allocation of 1 million in this Financial Year and I know that 1 million is captured in this financial Year, but it was not to do the work of the contract given it was to do the equipping of the facility. More clarity on their report, they said that 1 million was meant for fencing which was not as per the contract. I think we need more clarity especially on the document that I have put clear they are missing to clarify what was supposed to be done on this particular contract, thank you Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Lorunyei I hope you understood his questions.

MCA Nachola Ward, (Hon. Lorunyei Lawrence): yes Mr. Speaker I appreciate the enquiry by the Hon. Member, the sake of the Statements. The main issue was about the projects are there projects or there is no any projects Mr. Speaker because if the projects is there now, so it is the matter of completion but the Hon. Speaker is also asking about the processes going to starting of the project to completion of the project, those are two different issues Mr. Speaker, about the process and about the projects.

I was just concentrating that at what level has the project reached is it complete or not completed. That is why we are saying that it is 90% completion and the contractor is in the site as shown by the attached pictures copies, so the work is ongoing Mr. Speaker although time used Mr. Speaker since the beginning till the end was not attended to because of nature. It is natural that you cannot beat the time, you can do work before time and also even when after the time there are

those allowances that is why the CECM said that because it is not complete there was an allowance time up to 25th November 2025 to be completed.

If it is a matter of process, that is a different issue maybe we go back to the Department so that they can guide us on the process that is BQ and all other documents Mr. Speaker.

I think Hon. Member, should be clear is he after the process or after the project. The project is being reported 90% complete and time has been added to 31st Nov 2025 to be completed and the contractor is on the site that is on the side of the project. On the other side about the process maybe I go back. If the Hon. Members would at least pace on that he is interested also on the process and then we are to go back to the Department and ask for the process Mr. Speaker.

MCA Lodokejek Ward, (Hon. Lekuchula David): Thank you Mr. Speaker, I do not think the Hon. Member needs to elaborate so much on the projects because maybe the Hon. Member is just reading what has come from the Department but the real person who knows the actual job which has been done to the project is the Hon. Member, from Wamba West. If the Hon. Member from Wamba West is not satisfied actually he knows what he is asking, it is good for the Chair Member representing Health Committee to go back again with the questions that the Member wants to be elaborated back to the Department so that they can come up with the right response, thank you Mr. Speaker.

Minority Leader, (Hon. Leleruk James): Thank you Mr. Speaker, I also rise to thank the Hon. Member, for Nachola for giving a comprehensive report, I think this is the second time that this Statement has come over in this House and for the first time that we have seen that Department has tried, maybe what the Hon. Member for Wamba West Ward is requesting maybe if there are some omissions on some evaluation reports that I have not attached.

I think it is in order that Hon. Member for Nachola Ward to go back and maybe the report the Hon. Member required should be included to this report and I think when I see the report the contractor is on the site and maybe given that it was supposed to be finished by 24th November, 2025 maybe when this report comes back to this Department I think this House I think it will be completed and Mr. Speaker, if we see usually when there is this kind of development that is being done within our wards.

I think maybe I do not know where is this contractor is from because most of the time I think when you need to do it dispensary, with a full fencing, toilets will take roughly around 10 million but on the issue maybe he or she has underestimated the project, and on the issue of the additional amount of the money that has been put is the Hon. Member for Wamba West Ward will enlighten the House how that money has been added there but I think for the benefit of time maybe the Hon. Member for Nachola should note and take back to the Department so that the Hon Member will be satisfied, thank you.

MCA Wamba West Ward, (Hon. Lemartile Francis): Thank you Mr. Speaker and Hon. Members for your input in this Mr. Speaker for the Members to understand further that I raised this Statement on 15th October, 2025 and the Department has been pushing on because they were supposed to report back on 12th. The first report was supposed to be on October 2 weeks from, I think they were supposed to bring on 28th but they wrote a request for postponement on 21st so that they report on 12th November, 2025 on 12th again they wrote another letter requesting for postponement giving several reasons but we have been lenient to them for them to give a concrete report. Mr. Speaker just allow me to give insights on Public Procurement and Assets Disposal Regulation Section 141, that the Head of the Procurement Function shall prepare a monthly progress report of all procurement contracts and submit the same to the Accounting Officer in accordance with Section 151 of the Act.

The report referred to in paragraph one shall include contract description, contract number, contract value, commencement date, current status, the amount of money paid, and the expected completion date. My worry is that the work which was supposed to be done has not been done. The outpatient block is at 90 per cent; I confirm that. The staff house is at 90 per cent. The fence, which is part of the contract, is at zero per cent. The toilet is also at zero per cent, yet payment made is 100 per cent.

It is only through the pressure of this House that the contractor has resumed work. The contractor abandoned the work from June until the time I wrote this report. I pressurized through this House and the Committee, and that is when I saw the contractor back on site. My worry is about the structures that have not been done up to now. What trust do we have to believe that the project will be completed? In terms of specifications, what is missing in the report given by the department is that they have not provided clarity on the work to be done by this contractor.

From what has been provided, an agreement written with the contractor, where the procuring entity desired that the contractor provide for the construction of Racing Dispensary. The procuring entity is compelled to the tender by the contractor for the provision of services and remedy of the items in the sum of KShs. 6.99864 million.

Under the agreement, the contractor was supposed to undertake four items at the facility: the outpatient block, staff house, fence and toilet, as per the attached documents. I also want to confirm to Hon. Leleruk the requisition forms. During that budget, we had allocated KShs. 80 million. There was no shortage of money. The issue is not how the requisition, tender or procurement process lowered the value of the contract to KShs. 6.9 million. The issue is how they arrived at awarding the contract and how they provided the procurement Bills of Quantities (BoQ) for that project.

The BQ should show the magnitude of the work, since it involved four facilities. Those requirements should be provided before we seek further explanations. If they give us the BQ, we will know the magnitude of the work. Secondly, from the evaluation reports, there were seven applicants. How did they arrive at awarding this contract at KShs. 6.9 million? The process should be clear and free from any interest.

Further, payment should only be made after the procuring entity is satisfied with the work done. Someone signed that the work done was worth KShs. 6.9 million in July, yet today we are being told the work done is 90 per cent. The department is not consistent in its reporting. Thank you, Hon. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Lorunyei, a Member of the Health Department, and other Hon. Members, you can see that there is a very big problem. The contractor has been paid 100 per cent, yet the dispensary block is not complete. The staff house block, pit latrine and fencing have not even started. This is a serious issue and, I believe, a common one.

I therefore urge Hon. Lamartine to put down the questions again so that we can seek further clarification, especially on the payment of an incomplete project. We should also inquire about the BQ. I will report on 3rd December. Hon. Lorunyei I hope that is okay.

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Yes, Mr. Speaker, I agree, because we need 100 per cent satisfaction from the project.

The Speaker: That is okay. Thank you.

MCA Suguta Ward, (Hon. Leleruk James): Hon. Speaker, I beg to move the following Motion:

That, this House adopts the calendar for the Fourth Session, 2025, pursuant to Standing Order 31(1), and noting that Standing Order 31(4) allows for alteration of the calendar by resolution to address urgent business;

Further, that this House resolves to alter the calendar to adjourn today, Wednesday, 19th November, 2025, and resume on Tuesday, 2nd December, 2025, at 9.30 a.m., to allow Members to attend the CASA Games in Meru County scheduled from 22nd to 27th November, 2025; and

Further, that the Assembly shall sit until 10th December, 2025, to conclude pending business, with the long recess commencing on 10th December, 2025, instead of 3rd December, 2025.

I beg Hon. Dube to second.

The Speaker: Hon. Members, I now propose the Question that this House adopts the calendar for the Fourth Session, 2025, pursuant to Standing Order 31(1), and noting that Standing Order 31(4) allows for alteration of the calendar by resolution to address urgent business. this House resolves to alter the calendar to adjourn today, Wednesday, 19th November, 2025, and resume on Tuesday, 2nd December, 2025, at 9.30 a.m., to allow Members to attend the CASA Games in Meru County scheduled from 22nd to 27th November, 2025; and

Further, that the Assembly shall sit until 10th December, 2025, to conclude pending business, with the long recess commencing on 10th December, 2025, instead of 3rd December, 2025.

Question is put

The Question put is passed.

ADJOURNMENT

Hon. Members, the time being 20 minutes to 4 o'clock and there being no other business, the Assembly stands adjourned until Tuesday, 2nd December, 2025, at 9.30 a.m.

