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THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

THE PUBLIC FINANCE MANAGEMENT (NATIONAL  
GOVERNMENT AFFIRMATIVE ACTION FUND)  
REGULATIONS, 2016

ARRANGEMENT OF REGULATIONS

*Regulation*

PART I—PRELIMINARY

1—Citation.

2—Interpretation.

PART II—THE NATIONAL GOVERNMENT AFFIRMATIVE  
ACTION FUND

3—Establishment of the Fund.

4—Sources of the Fund.

5—Expenditure of the Fund.

6—Object and purpose of the Fund.

7—Guidelines of the Fund.

PART III—ESTABLISHMENT AND COMPOSITION OF BOARD  
AND ADMINISTRATION OF THE FUND

8—Establishment and composition of the Board.

9—Functions of the Board.

10—Capital of the Fund.

11—Disbursements from the Fund.

12—Retention of receipts.

13—Emergency funds.

14—Application of Government financial Regulations and  
procedures.

15—Administration of the Fund.

16—Establishment of National Government Affirmative Action  
Fund county committees.

17—Chief Executive Officer.

18—Secretariat of the county committee.

#### PART IV—PROJECTS

19—Projects to be in respect of national government functions and community-based.

20—Process of applying for funds at the county level.

21—Sharing of funds at the county level.

22—Quarterly reports on projects and disbursements.

23—Eligibility criteria for applicants.

#### PART V—FINANCE AND ADMINISTRATION

24—Fund bank accounts.

25—Record of disbursements to be kept.

#### PART VI—MISCELLANEOUS PROVISIONS

26—Costs of running the Fund.

27—Offences and penalty.

28—Winding up of the Fund.

29—Revocation of L.N. No. 24 of 2015.

## THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 24(4) and (11) of the Public Finance Management Act, 2012, the Cabinet Secretary for the National Treasury makes the following Regulations:—

THE PUBLIC FINANCE MANAGEMENT (NATIONAL  
GOVERNMENT AFFIRMATIVE ACTION FUND)  
REGULATIONS, 2016

## PART I—PRELIMINARY

1. These Regulations may be cited as the Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016. Citation.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“affirmative action” has the meaning assigned to it under Article 260 of the Constitution;

“affirmative action group” includes women, the youth, persons with disabilities, children and the elderly as may be organised into a savings and credit co-operative or some similar organisation;

“accounting officer” has the meaning assigned to it under section 2 of the Public Finance Management Act, 2012; Act No. 18 f 2012.

“Board” means the National Government Affirmative Action Fund Board established under regulation 8;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to finance;

“Chief Executive Officer” means the Chief Executive Officer of the Fund appointed under regulation 17;

“county Affirmative Action Fund bank account” means the National Government Affirmative Action Fund account for each county opened under regulation 24;

“county committee” means the National Government Affirmative Action Fund Committee established under regulation 16;

“county co-ordinator” means a person appointed as a county- co-ordinator of the Fund under regulation 18;

“financial year” means the period of twelve months ending on the 30<sup>th</sup> June in each year;

“Fund” means the National Government Affirmative Action Fund established under regulation 3;

“Fund bank account” means the Fund’s bank account opened under regulation 25;

“officer administering the Fund” means a person designated as the administrator of the Fund under regulation 15(1);

“Public Sector Accounting Standards Board” has the meaning assigned to it by section 2 of the Public Finance Management Act, 2012;

Act No. 18 of 2012.

“revenue” has the meaning assigned to it under section 2 of the Commission on Revenue Allocation Act, 2011;

Act No. 16 of 2011.

“revolving fund” means a fund established by the recipient affirmative action group for receiving funds and disbursing loans under regulation 6(2); and

“youth” has the meaning assigned to it under Article 260 of the Constitution.

#### PART II—THE NATIONAL GOVERNMENT AFFIRMATIVE ACTION FUND

3. There is established a fund to be known as the National Government Affirmative Action Fund which shall vest in and be operated by the Board.

Establishment of the Fund.

4. The Fund shall consist of—

Sources of the Fund.

- (a) such moneys as may be appropriated by the Parliament from the national government’s share of revenue;
- (b) grants and donations;
- (c) income generated from the proceeds of the Fund; and
- (d) any monies accruing to or received by the Fund from any other source.

5. (1) There shall be paid out of the Fund payments in respect of any expenses incurred pursuant to the object and purpose for which the Fund is established.

Expenditure of the Fund.

(2) Payments shall only be made out of the Fund where—

- (a) the Fund administrator has based the payments on annual work programmes;
- (b) the Fund administrator has based the payments on cost estimates; and
- (c) the Board has approved the annual work programmes and cost estimates at the beginning of the financial year to which they relate.

(3) The Fund administrator shall submit to the Board any revised annual work programmes or cost estimates for approval.

(4) Funds provided under these Regulations shall not be used for the purpose of supporting political parties or entities.

6. (1) The object and purpose of the Fund is to complement the measures of the National Government on affirmative action.

Object and purpose of the Fund.

(2) Without prejudice to the generality of paragraph (1), the object of the Fund is to provide for—

- (a) enhancement of access to financial facilities for affirmative action groups;
  - (b) support of value addition initiatives by affirmative action groups;
  - (c) socio cultural development and nurturing of talent for affirmative action groups including promotion of the arts, music or sports;
  - (d) enhancement of access to services for survivors of gender-based violence, female genital mutilation, child marriages or forced marriages, through the establishment of rescue centres and legal aid centres and other similar facilities;
  - (e) support of affirmative action groups through bursaries and scholarships to access education opportunities;
  - (f) establishment of drugs and substance abuse rehabilitation and counselling centres in conjunction with the relevant Government agencies;
  - (g) conducting civic education and community sensitisation on the National Government affirmative action programmes and policies; and
  - (h) any other function necessary to give effect to the provisions of this paragraph.
- (3) Despite the provisions of paragraph (2), the Fund shall not—
- (a) allocate more than twenty percent of its funds for the enhancement of access to financial facilities by affirmative action groups;
  - (b) allocate more than twenty percent of its funds to bursaries or scholarships for affirmative action groups; or
  - (c) allocate more than ten percent of its funds to conducting civic education or community sensitisation on National Government affirmative action programmes.
- (4) The Fund shall perform its functions in conjunction with the relevant National Government ministries, agencies or departments.

7. The Board shall, in consultation with the Cabinet Secretary, develop guidelines for the proper management of the Fund.

Guidelines of the Fund.

### PART III—ESTABLISHMENT AND COMPOSITION OF THE BOARD AND ADMINISTRATION OF THE FUND

8. (1) There is established a board to be known as the National Government Affirmative Action Fund Board.

Establishment and composition of the Board.

(2) The Board shall be a body corporate with a common seal and perpetual succession, and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) holding, acquiring, or otherwise dealing with any property or any interest in property; and

- (c) doing all such things that a body corporate is capable of doing under these Regulations.
- (3) The Board shall consist of—
- (a) a chairperson appointed by the Cabinet Secretary responsible for matters relating to gender affairs from among the persons appointed under sub-paragraphs (e), (f) or (g);
  - (b) the Principal Secretary in the Ministry responsible for matters relating to gender affairs;
  - (c) the Principal Secretary to the National Treasury;
  - (d) the Principal Secretary in the Ministry of responsible for social security services;
  - (e) one person to represent persons with disability appointed by the Cabinet Secretary responsible for matters relating to gender affairs;
  - (f) one person to represent the youth appointed by the Cabinet Secretary responsible for matters relating to gender affairs;
  - (g) three other persons appointed by the Cabinet Secretary responsible for matters relating to gender affairs for their knowledge or expertise in affirmative action; and
  - (h) the Chief Executive Officer who shall be the Secretary to the Board.
- (3) A person is qualified to be appointed under paragraph (2)(e), (f) or (g) if that person—
- (a) holds a degree in social sciences from a university recognised in Kenya;
  - (b) has at least five years' experience in the relevant area of expertise; and
  - (c) meets the requirements of Chapter Six of the Constitution.
- (4) Any appointment under paragraph (2) shall be in accordance with Article 27 of the Constitution.
9. (1) The functions of the Board shall be to—
- (a) receive, review and approve project proposals for funding from each county in accordance with these Regulations;
  - (b) oversee the management of the Fund;
  - (c) receive, review and approve the reports of the Fund; and
  - (d) perform such other duties as may be assigned by the Cabinet Secretary responsible for matters relating to gender affairs for the proper management of the Fund.
- (2) The Board shall conduct and regulate its business and affairs of the Board as provided in the Schedule.

Functions of the Board.

10. The initial capital of the Fund shall be two billion and thirty million shillings appropriated by Parliament in the financial year that these Regulations come into force.

Capital of the Fund.

11. (1) The disbursements from the Fund shall be done by the designated signatories.

Disbursements from the Fund.

(2) Each disbursement from the Fund shall be approved by the Board and recorded in the minutes of the Board.

(3) The Board shall disburse from the Fund an equal amount to each constituency.

(4) The Board shall disburse funds out of the Fund bank account to each county Affirmative Action Fund account at the beginning of the first quarter of each financial year.

(5) Subject to the Act and these Regulations, the initial disbursement by Board to each county committee after the commencement of these Regulations shall be equivalent to twenty five per cent of the annual allocation for the county.

(6) Each disbursement to a county committee from the Fund shall be for a specific project approved in accordance with these Regulations.

(7) Each county committee shall, within thirty days after the close of the financial year, submit to the Board the records including copies of relevant bank statements of the amounts received by the county committee from the Board and expenditures of the county committee in the financial year to which the records relate.

(8) The Board shall not disburse any sum from the Fund to a county committee that does not comply fully with the requirements of paragraph (6).

(9) The Board shall set out the general conditions and requirements to be met by county committees for the disbursement of funds.

(10) The Board may impose reasonable requirements including restrictions on a particular county for the disbursement of funds.

(11) Where the Board imposes any requirement or restriction on a county committee for the disbursement of funds, it shall report the imposition of the requirement or restriction to the Cabinet Secretary responsible for matters relating to gender affairs.

(12) The Board shall, at least once in every month, make a report of its disbursements to county committees to the Cabinet Secretary responsible for matters relating to gender affairs.

12. (1) All receipts, earnings and accruals to the Fund, and the balance of the Fund at the end of the financial year, shall be retained by the Fund for use for the purpose for which the Fund is established.

Retention of receipts.

(2) All funds allocated to a county committee shall be cumulative and shall be carried forward from one financial year to the next

including funds retained in the accounts in accordance with paragraph (1) or funds which are not utilised for whatever reason.

13. (1) A portion of the Fund, equivalent to two per cent which shall be known as the "Emergency Reserve", shall remain unallocated by the Board and shall be available to cover emergencies faced by affirmative action groups.

Emergency reserve.

(2) The administration of the Emergency Reserve shall be in accordance with the provisions of the Constitution, the Act, these Regulations and any other relevant written law.

(3) The Board shall determine the allocation of the Emergency Reserve to each county committee:

Provided that the total allocation from the Emergency Reserve shall not exceed the threshold under paragraph (1).

14. Subject to the provisions of the Act, the existing Government financial Regulations and procedures shall apply in the administration of the Fund.

Application of  
Government  
financial  
Regulations and  
procedures.  
Administration of  
the Fund.

15. (1) The accounting officer of the State Department responsible for matters relating to gender affairs shall be designated as the administrator of the Fund.

(2) The administrator of the Fund shall—

- (a) open and operate a bank account at the Central Bank of Kenya or a bank approved by the National Treasury for the purposes of the Fund;
- (b) supervise and control the administration of the Fund;
- (c) consult with the Cabinet Secretary responsible for matters relating to gender affairs on matters relating to the administration of the Fund;
- (d) cause to be kept proper books of account and other books and records in relation to the Fund of all activities and undertakings by the Fund;
- (e) prepare in the manner that the Public Sector Accounting Standards Board may prescribe, sign and submit to the Auditor-General, in respect of each financial year and within three months after the end of each financial year, a statement of accounts relating to the Fund and submit a copy to the National Treasury ;
- (f) furnish such additional information which is proper and sufficient for the purpose of examination and audit by the Auditor-General of the statement of accounts relating to the Fund in accordance with the provisions of the Public Audit Act, 2015; and
- (g) prepare a quarterly report on the receipts into and disbursements out of the Fund and submit it to the Cabinet Secretary responsible for gender affairs.

Act No. 34 of 2015

(3) The Cabinet Secretary responsible for matters relating to gender affairs shall publish the report submitted by the administrator of the Fund under paragraph (2)(g) by the 21st of every third month.

(4) Every statement of account prepared by the administrator of the Fund shall include details of the balance between the assets and liabilities of the Fund and indicate the financial status of the Fund at the end of the financial year to which the statement relates.

(5) Each financial year, five per cent of the annual allocation to the Fund shall be set aside for the Fund secretariat, of which three per cent shall be shared among all county committees.

(6) At the coming into force of these Regulations an amount totalling five hundred million shillings shall be set aside for the purchase of vehicles for use by the Fund secretariat and for each county secretariat.

16. (1) There shall be established a county committee to be known as the National Government Affirmative Action Fund Committee in each county.

Establishment of  
National  
Government  
Affirmative Action  
Fund county  
committees.

(2) Each county committee shall—

- (a) ensure that the projects funded under these Regulations comply with the objects and purposes set out in these Regulations;
- (b) ensure compliance with the guidelines on the disbursement of funds for projects approved under these Regulations;
- (c) oversee the implementation of projects financed through the Fund;
- (d) oversee the monitoring and evaluation of projects or programmes funded under these Regulations;
- (e) identify through a participatory process projects to be funded under these Regulations;
- (f) receive, review and recommend to the Board for approval proposals prepared through a participatory process for funding;
- (g) prepare quarterly and annual reports on the operations of the Fund;
- (h) sensitise the community on the object and purpose of the Fund;
- (i) ensure projects recommended for funding are guided by national development priorities and are not duplicated; and
- (j) perform any other function required under these Regulations or any other written law.

(3) Each county committee shall consist of—

- (a) one person each from each of the constituencies in the county who shall be nominated through a participatory process and have the following qualifications—

- (i) be a citizen of Kenya;
  - (ii) hold a minimum of a post-secondary school certificate from an institution recognised in Kenya;
  - (iii) have at least three years' experience in matters relating to rural development, affirmative action or social development; and
  - (iv) meet the requirements of Chapter Six of the Constitution;
- (b) a representative of persons with disability appointed by the Cabinet Secretary responsible for matters related to gender affairs and who shall meet the requirements prescribed under paragraph (a);
- (c) the county commissioner or his or her nominee;
- (d) the national government officer in charge of the county responsible for gender affairs or his or her nominee; and
- (e) the county co-ordinator who shall be an *ex officio* member and who shall be the secretary to the Committee.
- (4) The quorum at the meeting of the county committee shall be one-third of the members of the committee and decisions at a meeting of the committee shall be by a majority of those present and voting.
- (5) The county committee shall at its first meeting elect a chairperson and vice-chairperson from among its members who shall be of opposite sexes.
- (6) The respective county commissioner shall convene the first meeting and preside over the election of the chairperson and the vice-chairperson as well as file a return to the Fund secretariat.
- (7) Members of the county committee shall be appointed by notice in the *Gazette* by the Cabinet Secretary responsible for matters relating to gender affairs.
- (8) A person shall cease to be a member of the county committee—
- (a) if that person dies;
  - (b) if that person resigns in writing from office;
  - (c) if that person is removed from office by a vote of at least two-thirds of the members of the committee on any of the following grounds—
    - (i) lack of integrity;
    - (ii) gross misconduct;
    - (iii) conviction by a court of competent jurisdiction for embezzlement of public funds;
    - (iv) bringing the image of the county committee into disrepute through unbecoming personal public conduct;
    - (v) causing disharmony within the county committee; or
    - (vi) physical or mental infirmity.

(9) A member of a county committee, other than an *ex officio* member, shall serve for a term of three years which may be renewed once:

Provided that the member shall not have ceased to be a member of the county committee in accordance with paragraph (8).

(10) A decision to remove a member under paragraph (8)(c) shall be made through a resolution of the committee by at least two-thirds of the members:

Provided that the member sought to be removed shall be given a fair hearing before the resolution is made.

(11) Whenever a vacancy occurs in the county committee by reason of resignation, removal, incapacitation or death of a member appointed under paragraph (3)(a) or (b), the vacancy shall be filled from the same category of persons from which the member was appointed.

17. (1) There shall be a chief executive officer of the Fund who shall be appointed by the Board.

Chief Executive  
Officer.

(2) The Chief Executive Officer of the Fund shall be recruited through a competitive process and appointed by the Board in accordance with the provisions of Article 234(5) of the Constitution, the Act and these Regulations.

(3) A person shall qualify to be appointed as the Chief Executive Officer if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree in social sciences from a university recognised in Kenya;
- (c) has at least five years' experience in matters relating to rural development or affirmative action; and
- (d) meets the requirements of Chapter Six of the Constitution.

(4) A person appointed as the Chief Executive Officer shall serve for a term of three years, which may be renewed for one further term of three years.

(5) The Chief Executive Officer shall only be subject to the directions of the Board and shall be responsible for the day to day administration of the affairs of the Fund including the staff of the Board.

18. (1) There shall be a secretariat of the county committee in each county which shall consist of—

Secretariat of the  
county committee.

- (a) a county co-ordinator appointed by the Board from the relevant county;
- (b) a monitoring and evaluation officer appointed by the Board; and
- (c) not more than three other officers as may be required appointed by the Board.

(2) The officers of the county secretariat shall be appointed through an open and competitive process.

(3) A person shall not be appointed as a county co-ordinator unless that person holds at least a degree in accountancy, finance, economics or social sciences.

(4) The county co-ordinator shall be the custodian of all the records and equipment of the Fund at the county level.

(5) The county secretariat shall be responsible for project monitoring, evaluation, co-ordination and the proper keeping of records.

#### PART IV—PROJECTS

19. (1) A project under these Regulations shall—

(a) only relate to functions of the national government under the Constitution;

(b) be community-based; and

(c) ensure that the benefits of the project are available to a widespread cross-section of the inhabitants of the community.

(2) Each project shall be identified at the constituency level through a participatory process.

(3) The Board shall only approve the disbursement of funds for a complete project or a defined phase of a project.

(4) A project may include—

(a) the acquisition of land and buildings; and

(b) the costs related to studies, planning and design or other technical input for the project.

(5) In this regulation, “project” shall not include the recurrent costs for a facility.

20. (1) The county committee shall, once in every year, through public notices in all the wards within the county, invite interested members of the public to submit project proposals for funding.

(2) The county committee shall receive and review all project proposals and prepare a list of the projects to recommend to the Board for approval the projects to be funded.

(3) The county co-ordinator shall submit the list prepared under paragraph (2) to the Chief Executive Officer who shall submit them to the Board for approval of funding.

(4) On the application of a county committee, the Board may reallocate funds approved for a project to another project in the same sector:

Provided that the amount reallocated from one project to another shall not exceed ten per cent of the funds allocated for that project during a financial year.

Projects to be in respect of national government functions and community-based.

Process of applying for funds at the county level.

21. (1) The county committee may allocate up to fifty per cent of the funds disbursed to it by the Board to county-wide projects.

Sharing of funds at the county level.

(2) The county committee may disburse up to fifty per cent of the funds disbursed to it by the board to constituency-based projects.

(3) Despite paragraphs (1) and (2), the county committee shall allocate funds for projects after accounting for administrative, and monitoring and evaluation costs of the county secretariat.

22. The Board shall, at least once in every three months, submit a report to the Cabinet Secretary responsible for matters relating to gender affairs and a copy of the report to the parliamentary committee responsible for matters relating to affirmative action and social development, detailing—

Quarterly reports on projects and disbursements.

- (a) a summary of the project proposals approved by the Board in the preceding three months and the funding status of such projects;
- (b) a summary of the status of disbursement of funds to the respective county committees for the preceding three months;
- (c) a summary of the status of disbursements from the Ministry responsible for gender affairs to the Fund account; and
- (d) any restriction imposed on the respective county committee in accordance with these Regulations.

23. (1) An affirmative action group shall qualify for funding under these Regulations where—

Eligibility criteria for applicants.

- (a) for an affirmative action group—
  - (i) it is registered under any relevant written law;
  - (ii) it is comprised of at least one hundred women members;
  - (iii) it operates a revolving fund account to receive funds and advance loans to eligible members in accordance with these Regulations;
  - (iv) it is based and operational in the constituency for which it seeks to make the application;
  - (v) it operates a table banking structure where members make monthly or quarterly contributions in accordance with the group's internal guidelines;
  - (vi) it has a bank account in the name of the group;
  - (vii) it has a minimum of its funding of at least three hundred thousand shillings; and
  - (viii) its revolving fund is used for achieving the objects of the group; or
- (b) for an institution composed of affirmative action groups—

- (i) it is a registered entity;
- (ii) it has registered affirmative action groups among its members;
- (iii) it has a minimum of its funding of at least three hundred thousand shillings; and
- (iv) its revolving fund is used for achieving the objects of the institution and should be revolved among the registered affirmative action groups.

(2) An application for funds shall be accompanied by a resolution of a proper constituted meeting of the affirmative action group or institution and the resolution shall be recorded in the minutes of that meeting.

(3) An agreement for funding under these Regulations shall be made between the county committee on behalf of the Government and an affirmative action group or institution and shall be in the prescribed form.

- (4) The prescribed form under paragraph (3) shall provide—
- (a) that any loan advanced to a member of an affirmative action group shall attract an interest rate of five percent of which—
    - (i) three percent shall be retained as savings of the affirmative action group; and
    - (ii) two percent may be used to pay the administrative costs of the affirmative action group;
  - (b) that any member of an affirmative action group who has been advanced a loan by the group shall be allowed a three month grace period before being required to commence the repayment of the loan:

Provided that any loan advanced to a member of an affirmative action group shall be repayable within a period of two years after the expiry of the grace period;

- (c) that any amount paid on account of the repayment of a loan advanced by an affirmative action group shall be paid into the bank account of the group and the group shall issue the person paying the amount with a receipt for the amount paid;
- (d) upon verifiable proof of loan repayment of all loan proceeds, the affirmative group shall issue a discharge certificate to the recipient person with respect to the loan repayment;
- (e) each affirmative action group that has received funds from the county committee shall submit a quarterly report to the county co-ordinator on the financial and non-financial activities of the group; and
- (f) any other information that the county committee, on behalf of the Board, may require.

## PART V—FINANCE AND ADMINISTRATION

24. (1) The Fund bank account shall be opened and maintained at the Central Bank of Kenya. Fund bank accounts.

(2) The signatories to the Fund bank account shall be the Chief Executive Officer and two other persons authorised by the Board from among the staff of the Board secretariat.

(3) The Chief Executive Officer's signature and the signature of at least one of the other persons authorised under sub-regulation (2) shall be required before funds are paid out of the Fund bank account.

(4) For the disbursement of funds by the Board, the Board shall, with the approval of the National Treasury, open and maintain a bank account for each county committee styled the "*(Name of county)* National Government Affirmative Action Fund Account" bank account in every county into which all funds will be received or paid out of.

(5) Each county National Affirmative Action Fund bank account shall have at least two signatories who shall be the national sub-county accountant, the county co-ordinator and at least one other officer designated by the Chief Executive Officer in writing.

(6) At least two signatories shall be required for every cheque or instrument for payment or withdrawal of funds from the county Affirmative Action Fund bank account held in every county and the signatories shall be such that—

- (a) the sub-county accountant is a mandatory signatory; and
- (b) at least one other authorised signatory shall sign.

(7) Every payment or instruction for payment out of the respective county Affirmative Action Fund bank account shall be on the basis of a resolution of the relevant county committee recorded in the minutes of the meeting at which the resolution was made and shall comply with the provisions of the Act and these Regulations.

(8) All receipts, savings and accruals to any county Affirmative Action Fund bank account and the balances thereof at the end of each financial year shall be returned to the National Government Fund Account.

25. (1) The Board Secretariat shall keep and, at least once in every month, update, an accurate record of all disbursements from the Fund account to the county Affirmative Action Fund account. Record of disbursements to be kept.

(2) The Chief Executive Officer shall submit to the Board a report on the activities, operations and expenditures of the Fund during that financial year.

(3) At the end of every financial year, the Chief Executive Officer shall submit the financial statements of the Fund to the Board in a format prescribed by the Public Sector Accounting Standards Board for approval and immediately thereafter, the Board shall approve and submit the financial statements to the Auditor-General.

## PART VI—MISCELLANEOUS PROVISIONS

26. (1) The administration costs of a county committee shall not be more than five per cent of the total disbursement made to the county committee in the financial year. Costs of running the Fund.
- (2) Despite the provisions under paragraph (1), the costs of monitoring and evaluation shall not be more than two percent of the total disbursement to the county committee in the financial year.
- (3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Finance Management Act, 2012, and the Public Audit Act, 2015. No. 18 of 2012  
No. 34 of 2015
27. Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in the Act and these Regulations, commits an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million shillings or to both. Offences and penalty.
28. If the Fund is wound up, the cash balances of the Fund shall be transferred to the National Exchequer account while other assets of the Fund shall be transferred to the Ministry for the time being responsible for matters relating to gender affairs. Winding up of the Fund.
29. The Public Finance Management (Affirmative Action Social Development Fund) Regulations, 2015, are hereby revoked. Revocation of L.N. No. 24 of 2015.

## SCHEDULE

r. 9(2)

## CONDUCT OF THE AFFAIRS AND BUSINESS OF THE BOARD

1. Members of the Board shall, subject to the provisions of this Schedule, hold office for a term of three years, on such conditions as may be specified in the instrument of appointment but shall be eligible for reappointment for a further term of three years.

Term of office.

2. A member of the Board, other than an ex officio member, may—

Vacancy in office of member of Board.

(1) at any time resign from office by notice in writing to the Cabinet Secretary responsible for matters relating to gender affairs; or

(2) be removed from office by the Cabinet Secretary responsible for matters related to gender affairs, if the member—

- (a) has been absent from three consecutive meetings of the Board without just cause;
- (b) is adjudged bankrupt or enters into a scheme of composition or arrangement with his or her creditors;
- (c) is convicted of an offence involving dishonesty or fraud;
- (d) is incapacitated by prolonged physical or mental illness; or
- (e) is otherwise unable or unfit to discharge his or her functions.

3. (1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between one meeting of the Board and the next.

Meetings of the Board.

(2) Unless three-quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of a meeting of the Board shall be given to each member of the Board.

(3) The quorum for the conduct of the business of the Board shall be five members excluding the Secretary, and the majority of the quorum shall be formed by non ex officio members.

(4) The chairperson shall preside at every meeting of the Board at which he or she is present but in the chairperson's absence, the members present shall elect one of their number who shall preside at that meeting and shall enjoy the powers of the chairperson for the purposes of that meeting.

(5) The decisions of the Board shall be reached by consensus or where that fails, by majority vote of the members present and voting.

(6) Subject to the requirement under paragraph (3), a meeting of the Board shall not be invalid merely because of a vacancy in the membership of the Board.

(7) Subject to these Regulations, the Board shall regulate its own procedure.

4. (1) If a member is directly or indirectly interested in any matter being considered by the Board, and is present at a meeting of the

Disclosure of interest.

Board at which that matter is being considered, he or she shall disclose that fact as soon as practicable after the commencement of the meeting and shall not take part in the consideration of that matter or be counted in the quorum of the meeting at which that matter is considered:

Provided that if the majority of the members present at that meeting are of the opinion that the experience or expertise of that member is vital to the deliberations of the meeting, the Board may permit that member to participate in the deliberations subject to any restrictions the Board may impose on the member.

(2) A disclosure of an interest made under this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.

5. The Board shall cause minutes of the proceedings of all its meetings to be entered in books kept for that purpose. Minutes.

Made on the 31st March, 2016.

HENRY K. ROTICH,  
Cabinet Secretary for the National Treasury.



REPUBLIC OF KENYA

**MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT**

**State Department of Housing and Urban Development**

**CONSULTING SERVICES – FIRMS SELECTION**

- This Request for Expression of Interest follows the General Procurement Notice for this project that appeared in Development Business; issue No. 803 of 31<sup>st</sup> July 2011.
- The Government of Kenya has received a Credit from International Development Association (IDA) and Agence Française de Développement (AFD) for the Kenya Informal Settlements Improvement Project (KISIP) and intends to apply part of the proceeds of this Credit to payments under this contract, Consultancy Services for Supervision of Construction works in Informal Settlements in Embu, Kitui and Kilifi Counties
- The services required will include:
  - To fulfill the role of the Engineer's Representative in the supervision of the construction works;
  - To study the designs, the design investigations, the design assumptions and calculations and the design records, together with the contract documents, so as to familiarize fully with the design and the contract documents; all prior to construction commencing, undertake any other designs and/or redesigns where and when necessary as site conditions may dictate and issue contractors with final designs/drawings. Designs and redesigns undertaken during supervision consultancy period within scope of works shall not attract any extra payment to the consultant or any claim whatsoever;
  - To supervise, in accordance with the conditions of contract, specifications and drawings, works carried out by the selected contractor; and
  - To provide the Client with regular status reports and other reports as per the Terms of Reference, together with all related necessary technical assistance and professional advice related to supervision of the construction of works.
- The services under this assignment will be carried out in the Three (3) towns, Embu, Kitui and Malindi. It is expected that the winning firm shall be able to schedule key staff to work in the three towns for the supervision of the projects concurrently depending on whether the works contracts commence at the same time.
- The works to be supervised are in one Consultancy Contract for Embu County at Embu town one Lot and three Lots each for Kitui and Kilifi Counties (at Kitui and Malindi towns) respectively. Lot 1 comprises of construction of Roads/footpaths and Drainage works; Lot 2 comprises of construction of 30m high mast lighting structures; and Lot 3 comprises construction of water supply and sanitation works. The works shall be undertaken in all the selected settlements concurrently. The construction periods are as follows:  
 EMBU: Lot 1 – 12 months  
 KITUI: Lot 1 – 12 months, Lot 2 – 9 months, Lot 3 – 12 months  
 MALINDI: Lot 1 – 12 months, Lot 2 – 9 months, Lot 3 – 12 months  
 The defects Liability period for Lots 1 and 3 shall be 12 month and Lot 2 shall be 9 months.
- The Ministry of Land, Housing and Urban Development - State Department of Housing and Urban Development through the Kenya Informal Settlement Improvement Project (KISIP) now invites eligible firms to express their interest in providing the services. Interested firms must provide information indicating that they are qualified to perform the services (brochures, description of similar assignments, experience in similar conditions, and availability of appropriate skills among staff, etc).

Firms may associate in the form of a joint venture or a sub-consultancy to enhance their qualifications. Please state the form of association in your submission documents

Consultant(s) will be selected in accordance with the procedures set out in the World Bank's Guidelines: Selection and Employment of Consultants by World Bank Borrowers (May 2004, Revised October 2006, May 2010, Jan 2011 and July 2014).

Interested consultants may obtain further information at the address below from 0800 to 1600 hours from Monday to Friday excluding lunch hour (1300 to 1400hrs) and public holidays

Expression of interest shall be delivered on Friday 19<sup>th</sup> March 2016 at 1100 hrs EAT using one of the following modalities: (i) deposit in the tender box located on 6<sup>th</sup> Floor, Ardhi House in Nairobi and/or (ii) by email to: [kisipproject@gmail.com](mailto:kisipproject@gmail.com) Expression of Interest documents that are deposited in the tender box should be clearly marked Contract No. MLHUD/KISIP/CS/007/2015-2016 Consultancy Services for Supervision of Construction Works in Informal Settlements in Embu, Kitui and Malindi - Kilifi County.

Principal Secretary  
 Ministry of Land, Housing and Urban Development  
 State Department of Housing and Urban Development  
 Ardhi House, 6<sup>th</sup> Floor-Reception  
 1<sup>st</sup> Ngong Avenue, off Ngong Road  
 NAIROBI, KENYA  
 Email: [kisipproject@gmail.com](mailto:kisipproject@gmail.com)



REPUBLIC OF KENYA

**NATIONAL TREASURY**

**INVITATION FOR COMMENTS OR INPUTS OR SUBMISSION OF MEMORANDA ON PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENT AFFIRMATIVE ACTION FUND) REGULATIONS 2016**

Section 4 (a) of the Statutory Instruments Act, 2013 provides that "The object of this Act is to provide a comprehensive regime for the making, scrutiny, publication and operation of statutory instruments by requiring regulation-making authorities to undertake appropriate consultation before making statutory instruments". In addition Section 5 (3) of the Statutory Instruments Act, 2013 states that "without limiting by implication the form that consultations referred to in subsection (1) might take, the consultation shall-

- involve notification, either directly or by advertisement, of bodies that, or of organizations representative of persons who, are likely to be affected by the proposed instrument; or
- invite submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument"

The National Treasury has therefore finalized preparing the Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016 which have been posted to the National Treasury website [www.treasury.go.ke](http://www.treasury.go.ke).

Pursuant to Sections 4 (a) and 5 (3) (a) and (b) of the Statutory Instruments Act, 2013, the National Treasury invites interested members of the public to submit any comments or inputs or memoranda they may have on the said Regulations. The comments or inputs or memoranda may be forwarded to the Principal Secretary, National Treasury, P.O. Box 30007 - 00100, Nairobi; hand delivered to the Office of the Principal Secretary, National Treasury Building, Nairobi; or emailed to [ps@treasury.go.ke](mailto:ps@treasury.go.ke); to be received on or before Friday 4<sup>th</sup> March, 2016 at 5.00 pm.

DR. KAMAU THUGGE, CBS  
 PRINCIPAL SECRETARY/NATIONAL TREASURY

REPUBLIC OF KENYA



**THE COUNTY GOVERNMENT OF KISUMU  
 DEPARTMENT OF FINANCE, PLANNING & DEVELOPMENT  
 TENDER NOTICE**

The County Government of Kisumu through the department of Finance, Planning & Development invites eligible firms to submit bids for the tenders listed below.

S/NO	TENDER NO	TENDER DESCRIPTION	AMOUNT OF BID SECURITY	TENDER CLOSING/ OPENING
1	CGK/FP/HUDC/2015-2016/01	Construction of Huduma / Documentation center – Nyando	2% of the total Bid sum	16 <sup>th</sup> MARCH 2016
2	CGK/FP/HUDC/2015-2016/02	Construction of Huduma / Documentation center – Muhoroni	2% of the total Bid sum	16 <sup>th</sup> MARCH 2016
3	CGK/FP/HUDC/2015-2016/03	Construction of Huduma / Documentation center – Kisumu West	2% of the total Bid sum	16 <sup>th</sup> MARCH 2016

**Mandatory Requirements**

The following must be submitted with the bid:

- Certificate of Registration
- Copy of PIN Registration Certificate / Copy of VAT Registration
- Copy of valid Tax Compliance Certificate
- Copy of current single Business permit
- National Construction Authority Certificate

1.1 Interested eligible tenderers may obtain further information from and inspect the tender documents at the Office of the Chief Officer, Planning & Development on 4<sup>th</sup> floor, Prosperity House during normal working hours. Same can be accessed from our website [www.kisumu.go.ke](http://www.kisumu.go.ke).

1.2 Completed tender documents are to be enclosed in; Plain sealed envelopes marked appropriately, and be deposited in the Tender Box at Prosperity house 2<sup>nd</sup> Floor, Kisumu County addressed to:

Chief Officer – Planning & Development,  
 County Government of Kisumu,  
 P.O Box 2738-40100,  
 KISUMU.

So as to be received on or before 16<sup>th</sup> March 2016 at 12.00noon. (East African Time) and shall be opened thereafter. Late submission will not be accepted.

Prosperity House (Former Nyanza Provincial Headquarters Building) 2<sup>nd</sup> Floor  
 P.O. Box 2738-40100 Kisumu City

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