

SPECIAL ISSUE

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REPUBLIC OF KENYA

**UASIN GISHU COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 2nd May, 2014

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UASIN GISHU COUNTY PROJECTS IMPLEMENTATION AND MANAGEMENT BILL,
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A Bill for

An Act of the Uasin Gishu County Assembly to give effect to Article 176 (2) and 185 and Schedule IV of the constitution and to provide for establishment of county project management and implementation units and for connected purposes.

ENACTED by the County Assembly of Uasin Gishu County as follows—

PART I—PRELIMINARY

Short title 1. This Act may be cited as the Uasin Gishu County Project Implementation and Management Act, 2014 and shall come into force on the date of assent.

Interpretation. 2. In this Act, unless the context otherwise requires—

“facility” means a hospital, a health service centre or any development projects established under this Act or determined by the County Government.

“projects” means all such development undertakings undertaken on behalf of the County Government by committees established under this Act.

“Executive Member” means the Executive committee member of the specific devolved function which the project falls.

“Management units” means project implementation committees or bodies established or designated under this Act.

“Special project committee” means committee established under this Act for special or specified projects not necessarily within the County Integrated Plan and the Budget but are to be undertaken by the County Government.

Object and purpose of the Act 3. The object and purpose of this Act is to provide for a legal framework for further devolution of the County Government functions, establishing project implementation and management committees, and to—

(a) ensure harmony between county and sub-county spatial project management requirements;

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- (b) facilitate the participation of local communities in the implementation of county development projects.
- (c) ensure efficient and effective service delivery across the county;
- (d) provide a platform to harmonize and ensure equity in the implementation of county development projects and services;
- (e) ensure effective project implementation at integrated areas of economic and social activity;
- (f) provide for management of county projects in a manner that ensures reduction of bureaucracy in procurement and availability of funds;
- (g) Provide a framework that allows direct funding of county development projects on need basis.
- (h) To further devolve the functions and resources of the County Government and to ensure participation and involvement of the county citizenry in management of its affairs.

Principles of county project management and implementation.

4. The principles of project implementation and management in the county shall be to —
- (a) integrate community, county and national values in all processes and concepts;
 - (b) protect the right to self-fulfilment of the communities within the county and bear responsibility to future generations;
 - (c) promote good corporate governance principles in all procurement and implementation of development projects;
 - (d) ensure effective resource mobilization for sustainable development;
 - (e) promote the pursuit of equity in resource allocation within the county;
 - (f) provide a platform for unifying project management, budgeting, financing, programme implementation and

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performance review; and

- (g) serve as a basis for engagement between county government and the citizenry, other stakeholders and interest groups.

PART II—ADMINISTRATION

Establishment of the
county project
management unit

- 5. a) There is established such county project management and implementation units as shall be determined by the County Executive Committee Member for each devolved functions with the approval of the County Assembly.

- b) Every project management committee shall compose of at least five members but not exceeding nine to include the following:-

- i) The Chairman who shall be elected from members of the community and appointed by the County Executive Member who is-

- a) A holder of first Degree from a recognized university with at least five years experience in management

OR,

- b) Respected community Leader with experience of at least five (5) years in Public Management elected in the same manner; and

- c) be of good moral standing.

- ii) Vice Chairman who shall have similar qualifications as the chairman.

- iii) The Secretary – who shall be the officer In Charge of the Facility in case of a Health Facility or a school or the manager of the specific County Government project who shall be the custodian of all the Committee documents provided that in respect of new project the committee shall elect an interim secretary from among its membership.

- iv) The Project Treasurer who shall have knowledge in finance and administration matters.

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v) The area member of County Assembly who shall be the Patron.

vi) The area Ward Administrator who shall be an ex officio member.

vii) Three other members from the community who shall be elected in the same manner as the Chairperson and appointed by the relevant County Executive Committee Member to represent the youth, women and persons with disabilities by the County Executive Member and who shall be residents of the area of jurisdiction appointed by the minister

c) A person shall not be appointed as a secretary or treasurer of the committee unless that person holds at least O-Level certificate of education or its equivalent.

d) The executive member may remove any member of the committee on petition by the members of the public and upon hearing the accused member and satisfied of the breach of the ethics and standing required of his membership that makes him non suited serve a public office.

e) A member of the committee shall, apart from the ex-officio and the Patron, shall hold office for a period of three years and shall be eligible for reappointment for one further term.

f) The committee shall meet at most eight times in a financial year and maintain a record of all its deliberations provided that extra sittings may be allowed with the written permission of the relevant County Executive Member.

g) The quorum for the meeting of the Committee shall be five of all the members.

6. The Committees established shall include the following among others

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Types of project
implementation units

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- Establishment of special project committees
- (a) Hospital Management Committees ;
 - (b) County Polytechnics Councils/Management committees ,
 - (c) Home craft Management Committees,
 - (d) Cattle Dips Management Committees,
 - (e) Early Childhood and Child Care Management Centers,and
 - (f) (f) Dams management Committees
7. The County Executive Member may determine such other special committees as may be necessary for special or specified projects in terms of the provisions of section 5 of this Act.
- Functions of a county project management units.
- Public procurement and Disposal Act, 2010
8. (1) A county project management unit shall be responsible ---
- (a) To undertake management of specified development projects.
 - (b) Undertake procurement of goods and services in liaison with the line department and in any event not exceeding Kes. 5,000,000.00.
 - (c) To generate project development proposals for approval by the line county Government department;
 - (d) Receive and manage such project implementation funds as shall be allocated by the county treasury, such direct donations and grants;
 - (e) To open and operate a bank account at a bank to be approved by the County Executive Member for Finance.
 - (f) Prepare work plans based on estimates and cause to be kept books of accounts and records of income, expenditure and liabilities of the project.
 - (g) To supervise and control the administration of all funds allocated to the specific project subject to approval by the county treasury to undertake development projects.
 - (h) ensuring linkages between County plans and the project
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implementation and management ; and

- (i) ensuring meaningful engagement of citizens in the project management process; and
- (j) Account for such funds quarterly to the County Treasury by preparing and submitting certified periodical financial and performance reports as prescribed.

(2) The County project management unit shall be responsible for the effective implementation of the project management function within the county.

Amending and variation of development projects

9. In any event that the committee intends to vary any of the projects or its implementation, the committee on receiving such petitions from members of the public, government department, or on its own motion shall write to the County Executive Member responsible who shall issue such directions on the same.

Approval of county project plans.

10. Every project implementation plan prepared by the Committee shall be approved by the Chief Officer for the respective department prior to commencement or implementation.

Integrating national and county project management

11. (1) All project management and implementation shall be undertaken in the context of the priorities set by the County Integrated Development Plan based on availability of funds.

(2) All development projects shall be based on relevant county policies and priorities.

(3) County plans shall take due cognizance of the financial viability of development programmes.

(4) County project management shall provide for citizen participation.

(5) The Committee may co-opt any such persons with requisite skills and/or experience desired from time to time as they shall deem necessary.

12. The County Executive Member shall by gazette issue such regulations as may be necessary to give effect to this Act.

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- Regulations
- Responsibility for Liability
- Offences
- Transitional provisions
- Oversight
- Capacity Building
- Allowances
- Audit.
13. Any member of the project implementation committee may be held responsible for any acts done in bad faith in the implementation of the county projects.
 14. Any person who obstructs or prevents the operations of the committee commits an offence and shall be liable for a fine not exceeding fifty thousand shillings (Kes.50,000.00) or two months imprisonment or both
 15. All such development or facility and project implementation committees existing at the time of coming into force of this act may remain in office for a period of one year or be reconstituted by the Executive Member as provided for in Clause 5 .
 16. The Member of the County Assembly in conjunction with the citizens shall provide oversight over every ward projects.
 17. The County Public Service Management Department shall build capacity for all members of the project committees within one month of coming into force of this act and develop such programs to ensure the members are adequately trained on Public finance management and corporate governance and determine such allowances payable.
 18. The Committee may be paid such allowances as shall be determined by the County Public Service Board and subject any other written law.
 19. The County Treasury shall ensure that internal audit is undertaken quarterly in respect of all county projects implementation committees under this Act and submit the performance report to the County Executive Committee.

MEMORANDUM OF OBJECTS AND REASONS.

A bill of the County Assembly to give effect to Article 176(2) and 185 and schedule IV of the Constitution and to provide for establishment of County Project Management and Implementation units and for other connected purposes.

PART I- Deals with Preliminaries and Principles of Project Management and Development.

PART II- Deals with administration including establishment, types of County Project Management units, establishment and functions of other Committees and County Integrated Development Plans.

PART III- Provides for general provisions such as regulations, offences and capacity building.

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HON. JEREMIAH SANG,

CHAIRMAN , COMMITTEE ON FINANCE AND ECONOMIC PLANNING.

DATED THIS.....DAY OF2014.

I certify that this printed impression is a true copy of the Bill
passed by the County Assembly on the
.....(date).....(month), 2014.

Clerk of the County Assembly.

Presented for assent in accordance with the provisions of
the Constitution of Kenya and County Governments Act on the
.....(date) at the hour
of.....

County Assembly Speaker.