CONTENT

Bill for Introduction into the National Assembly—

The Public Procurement and Asset Disposal (Amendment) Bill, 2022 759
THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL, 2022

A Bill for

AN ACT of Parliament to amend the Public Procurement and Asset Disposal Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Public Procurement and Asset Disposal (Amendment) Act, 2022.

2. The Public Procurement and Asset Disposal Act, 2015 is amended by inserting the following new section immediately after section 154—

Payment.

154A. (1) A procuring entity shall pay a supplier by the prescribed payment date.

(2) In this section, “prescribed payment date” means in relation to a procurement contract —

(a) the date on which payment is due under the terms of a procurement contract for the supply of goods, works or services; or

(b) where a procurement contract does not provide for the date of payment, ninety days after —

(i) receipt by the purchaser of an invoice for the amount due, where the invoice is received after the completion of works or completed delivery of the goods or provision services; or

(ii) the completion of works, delivery of the goods or provision of services, where the completion or delivery is made at the time of or after receipt by the purchaser of an invoice.
MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons for the Bill

The principal object of the Bill is to amend Public Procurement and Asset Disposal Act, No. 33 of 2015 in order to provide for a legal framework for prompt payment for supply of goods, works and services procured by government entities both at the national and county level.

Statement on delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers neither does it limit fundamental rights and freedoms.

Statement on whether the Bill affects county governments

This is not a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution as it does not affect the functions and powers of county governments as set out in the Fourth Schedule to the Constitution.

Statement on the financial implications of the Bill

The enactment of this Bill shall not occasion additional expenditure of public funds.

JOHN NJUGUNA WANJIKU,
Member of Parliament.
Section 154 of No. 33 of 2015 which it is proposed to amend—

154. Contract close out

An accounting officer of a procuring entity shall close out a procurement contract immediately after completion and the close out shall involve the following—

(a) the head of procurement function shall issue a certificate to the contractor confirming delivery and acceptance of goods, works and services, where the contract is not complex and specialized;

(b) where contract under (a) above is complex and specialized, the technical department will issue a certificate to the accounting officer of the procuring entity confirming the quality and quantity of such goods, works and services;

(c) further guidelines for the receipt of goods, works and services shall be as prescribed.