

**THE BARINGO COUNTY PROJECTS IMPLEMENTATION AND  
MANAGEMENT BILL, 2019.**

**ARRANGEMENT OF CLAUSES**

**Clause**

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**THE BARINGO COUNTY PROJECTS  
IMPLEMENTATION AND MANAGEMENT BILL,  
2019**

**A Bill for**

**An ACT** of the County Assembly of Baringo to give effect to Article 176 (2) and 185 and Schedule IV of the Constitution and to provide for establishment of County Project Implementation and Management units and for connected purposes.

**ENACTED** by the County Assembly of Baringo  
As follows-

**PART I: PRELIMINARY**

1. This Bill may be cited as the County Government of Baringo Project Implementation and Management Bill, 2019 and shall come into force on the date of assent.

2. In this Bill, unless the context otherwise requires-

**“County Executive”**- means a County Executive Committee Established in accordance with Article 179 of the Constitution of Kenya;

**"Executive Member"** means the Executive Committee Member of the specific devolved function which the project falls;

**"Facility"** means any development projects established under this Bill or determined by the County Government;

**"Projects"** means all such development undertakings undertaken on behalf of the County Government by committees established under this Bill;

**“Project Management Units”**- means Project Implementation Committee units or bodies established or designated under this Act to Include:

- (i) Sub- Locational Management Committee; and

(ii) Project Management Committee.

**“Sub- Locational Management Committee”**- means a Management unit that is responsible for management of all County Projects within a Sub Location to be undertaken by the County Government;

**“Project Management Committee”** - means a project Management Unit that is responsible for a specific County Project under the Fourth Schedule – Part two of the Constitution of Kenya within a specific ward;

**“Ward specific projects”**- means projects found within an electoral ward;

**“Ward”** means an electoral Unit within a Constituency delimited in accordance with Article 89 of the Constitution and any other relevant law.

3. The object and purpose of this Bill 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 headquarters, Sub-County administration, Ward Administration, village administration, Member of County Assembly and Ward Project Management Units;
- (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) 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.

4. The principles of project implementation and management Act in the county shall be to-

- (a) Integrate community, county and national values in all processes and concepts;
- (b) protect the right to self-fulfillment 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 performance review; and
- (g) Serve as a basis for engagement between county government and the citizenry and other stakeholders and interest groups through public participation.

## **PART II-ADMINISTRATION**

5. (1) There is established such County Project Management and Implementation Units as shall be determined by the relevant County Executive Committee Member for each devolved function with the approval of the County Executive Committee.

(2) Every Sublocational Project Management Committee shall compose of at least five members but not exceeding seven to include the following-

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

- (i) A holder of minimum form four certificate ;
- (ii) Respected community Leader ;
- (iii) Be of good moral standing pursuant to the provisions of Chapter six of Constitution of Kenya.

(b) Vice-Chairperson who shall have similar qualifications as the chairperson and shall be of opposite gender to that of the chairperson.

(c) The Secretary- who shall be the custodian of all the committee documents.

(d) The Project Treasurer who shall have basic knowledge in accounting.

(e) 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 either the Youth, Women or Persons Living with Disabilities and who shall be residents of that area of jurisdiction.

(f) There shall be a ward Administrator who shall be deputized by a village administrator and shall be an ex officio member.

(3) A member of the Committee shall, apart from the ex-officio, shall hold office for a period of three years, and if so willing may contest in a fresh election as per section 5(2) above.

6. Establishment of Project Management Committee.

(1) Every project management committee shall compose of at least three members but not exceeding seven to include the following-

- (a) The Chairperson who shall be elected from members of the community and appointed by the County Executive Member who is-
  - i. Respected community Leader with experience of at least three (3) years in public management affairs and ;
  - ii. Be of good moral standing pursuant to the provisions of Chapter six of Constitution of Kenya.
- b) A Vice-Chairperson who shall have similar qualifications as the chairperson and shall be of opposite gender to that of the chairperson.
- c) The Secretary- who shall be a holder of form four certificate and shall be the custodian of all the committee documents.
- d) The Project Treasurer who shall have basic knowledge in finance and administration matters.
- e) There shall be a ward Administrator who shall be deputized by a village administrator and shall be an ex officio member.
- (f) 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 either the Youth, Women or Persons Living with Disabilities and who shall be residents of that area of jurisdiction.

(2) A member of the Project Management Committee shall apart from the ex-officio members, hold office until the end of the project contractual period and shall cease to exist once such a project has been handed over to the community for use.

(3) The Committee shall meet on the projects site visits as per



approved project implementation plan but not exceeding six times within a project period and shall maintain a record of all deliberations provided that all extra sittings maybe allowed through a written permission by the relevant ward administrator.

(4) The quorum of the committee shall be five of all the members.

(5) That not more than two-thirds of the members of the Project Management Unit shall be of the same gender.

(6) The Sub County Administrator to arbitrate on petition by the members of the public on any accused member of the committee and submit recommendation to the County Executive Committee Member for appropriate action on breach of Code of Conduct, ethics and moral standing required of his membership that makes him unsuitable to serve a public office.

7. (a) The County Executive Member shall two months before the lapse of time in office of the sub-locational development committee, issue a one month notice to the specific Community through the Sub County Administrator stating the venue and the date of election of the committee.

(b)The notice in (a) above shall include the relevant qualifications required for all the candidates.

(c)The Sub County Administrator or ward administrator shall preside over the Elections of the management unit and ensure that the same are conducted in a fair and just manner.

(d)The County Executive Member shall appoint staff from the department who shall aid the Sub County Administrator, ward administrator and village administrator in presiding over the Elections.

8. The County Executive Member may determine such other committees as may be necessary for specified projects in terms of the provisions of section 5 of this Bill.

9. The functions of a Sub-Locational Project Committee shall be to-

- 1) Undertake management of specified development projects within a sub location.
- 2) Ensure meaningful engagement of citizens in the project management process and in liaison with county administration.
- 3) To actively participate in sub-locational development forums and document project proposals to be incorporated into county plans and budgeting.
- 4) Report on quarterly basis all projects implementation progress in the prescribed format to the relevant Executive member through the Sub County Administrator and copied to Executive Member for Treasury.

10. The functions of a **Project Management Committee shall be to:-**

- 1) To undertake management of respective development projects;
- 2) To receive approved project implementation plans from the contractor during the site handing over for monitoring the progress of the project;
- 3) To assess works done as per the Bill of Quantities and approval of certificates of payment based on the contractual terms and the level of completion;
- 4) To oversee proper and factual reporting on real time project implementation progress in the prescribed format as per the County Integrated

Monitoring and Evaluation Information System,  
(CIMEIS);

5). To monitor projects if undertaken in accordance with the work plan and report to the County Executive Committee Member in case of any delays through the Village administrator and the Ward Administrator;

6.) Ensuring linkages between county development plans and the project implementation and management units;

7.) Ensuring meaningful engagement of citizens in the project management process.

11. In any event that the Contractor intends to vary any of the projects or its implementation, the process of variation must be in conformity with Section 139 of the Public Procurement and Asset Disposal Act of 2015.

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

13. (a) 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.

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

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

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

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

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

**15.** 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.

**16.** 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 stand dissolved at the completion of the project.

**17.** The member of the county assembly in conjunction with the citizens' shall provide oversight over every ward project.

**18.(1)** The County Public Service Management Department shall build capacity for all members of the project Management committee Units within one month of coming into force of this committee and develop such programs to ensure the members are adequately trained on Public finance Management, Procurement and Corporate Governance

**(2)** The Projects management Units may be paid such allowances and shall be managed by the County Treasury Department.

**(3)** The allowances should be derived from Provisional Sum of each Project of which 20% should be set aside to cater for the Project Management Unit. From the 20% provisional sum aforesaid, 15% should be set aside for the Project Management Committee while the remaining 5% should be set aside for the Sub-Local Management Committee.

**19.** 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 (Kes50, 000.00) or two months imprisonment or both

**20.** Any person who disrupts the elections, or tampers with the election materials commits an offence and shall be liable for a fine not exceeding thirty thousand shillings (Kes.30, 000.00) or two months imprisonment or both.

21. The Sub-County Administrator shall submit in the prescribed format quarterly reports of all projects disaggregated per ward to the relevant County Executive Members and copied to Executive Member for Treasury.

22. The County Executive Committee member responsible for a project shall ensure that all projects within sixty days of completion should submit a report on the impact of the project to the County Assembly and the people in the Ward.

23. All departments shall undertake regular monitoring and evaluation of all projects and issue reports to the County Executive Committee.

**FIRST SCHEDULE**  
**CERTIFICATE FOR PROJECT PAYMENT**

**BARINGO COUNTY GOVERNMENT**



**CERTIFICATE FOR PROJECT PAYMENT**

**DEPARTMENT:** .....  
**WAR**.....  
**PROJECT TITLE:** .....  
**PROJECT CODE:** .....

S/N.	STATUS OF COMPLETION OF THE PROJECT	REMARKS

**CERTIFIED BY:**

**CHAIRMAN PMC:**

NAME:.....SIGN.....DATE:.....

**SECRETARY PMC:**

NAME: .....SIGN: .....DATE: .....

**WARD/VILLAGE ADMINISTRATOR:**

NAME: ..... SIGN: .....DATE: .....

**PROJECT MANAGER:**

NAME:..... SIGN.....DATE: .....

**ACCOUNTING OFFICER:**

NAME:..... SIGN..... DATE.....

**MEMORANDUM OF  
OBJECTS AND REASONS**

A Bill of the County Assembly of Baringo 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.

**HON. JOEL KIPCHEW.  
M.C.A- KABARTONJO WARD  
VICE CHAIRPERSON FINANCE AND  
ECONOMIC PLANNING COMMITTEE.**

Date: 16<sup>th</sup> July, 2019





