



# **THE KENYA GAZETTE**

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. CVII—No. 5

NAIROBI, 14th January, 2005

Price Sh. 40

GAZETTE NOTICE NO. 297

**OFFICE OF THE PRESIDENT  
PENDING BILLS CLOSING COMMITTEE  
ESTABLISHMENT OF PENDING BILLS CLOSING COMMITTEE**

IT IS notified for general information that His Excellency, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya has established a committee to be known as the Pending Bills Closing Committee. The purpose of the Committee is to bring to finality the problem of pending bills.

It is further notified for information that upon publication of this notice, any person with any claim or pending bill against the Government should submit such claims or bills to the Committee for consideration.

**1. (1) The Committee shall consist of—**

- (a) a Chairman appointed by the President; and
- (b) the following other members—
  - (i) a member from the Institute of Engineers of Kenya;
  - (ii) a member from the Institute of Certified Public Accountants of Kenya;
  - (iii) a member from the Law Society of Kenya;
  - (iv) a member from the Kenya Anti-Corruption Commission;
  - (v) the Permanent Secretary/Ministry of Roads and Public Works or his representative;
  - (vi) the Permanent Secretary/Ministry of Finance or his representative;
  - (vii) three procurement experts appointed by the Minister for Finance; and
  - (viii) the Attorney-General or his representative.

(2) The Chairman and other members of the Committee shall, prior to embarking on their duties, subscribe to the declaration prescribed in the schedule.

**2. The functions of the Committee shall be to—**

- (a) scrutinize and analyze all existing stock of Government pending bills with a view to making appropriate recommendations to the Treasury for payment or otherwise;

- (b) develop a clear procedure and criteria for dealing with existing Government pending bills;

- (c) identify cases where there may have been corrupt, fraudulent and false claims against the Government and make appropriate recommendations to the relevant Government departments;

- (d) develop a system to ensure that future escalation of pending bills within Government is avoided;

- (e) identify cases where Government officials may have facilitated or abetted unjustified claims against the Government and make appropriate recommendations for action by the relevant Government departments; and

- (f) perform any other function incidental to the foregoing.

**3. In the performance of its functions the Committee—**

- (a) shall have access to reports of any previous investigations relevant to its mandate;

- (b) shall as it considers appropriate, carry out or cause to be carried out such studies or research as may inform the Committee on its mandate;

- (c) shall, through the Minister for Finance, submit monthly progress reports to the Cabinet's Anti-Corruption Committee; and

- (d) subject to the foregoing, the Committee shall have all the independence necessary for carrying out its functions or expedient for the proper execution of its mandate, including the power to regulate its own procedure, without being the subject of control by any other authority.

**4. The Committee shall—**

- (a) within four (4) months, after scrutiny and analysis of the Government's stock of pending bills, submit to His Excellency the President a report recommending to the Treasury settlement or otherwise of the pending bills;

- (b) within twelve (12) months submit to His Excellency the President a final report detailing a system geared towards ensuring that future escalation of pending bills within Government is avoided;

- (c) in the report referred to in paragraph (b), identify cases where Government officials may have facilitated or abetted unjustified claims against the Government and make appropriate recommendations for action by the relevant Government departments;

(d) submit as appropriate, interim reports to His Excellency the President as the Committee may find fit and necessary or as the need arises; and

(e) in consultation with the Minister for Finance, have the power to co-opt or to appoint Committees as it deems fit only for specialized aspects of its terms of reference.

#### 5. The Secretariat of the Committee:

The Secretariat of the Committee shall be based at the Ministry of Finance, Treasury Building, P.O. Box 30007, Nairobi and shall be responsible to the Committee for—

- (a) providing appropriate background briefing to the Committee;
- (b) preparing the Committee's reports and disseminating any information deemed relevant to the Committee; and
- (c) undertaking research and liaising with the relevant Government departments and any other institution in order to gather relevant information necessary for informing the Committee.

#### SCHEDULE

##### NO CONFLICT OF INTEREST DECLARATION

I, ....., do hereby confirm that in consideration for this assignment/contract, I have no conflict of interest whatsoever arising in my professional or personal capacity. I further confirm that I have no personal interest whether direct or indirect in any of the pending bills cases likely to be subject to review or investigation under this assignment.

I categorically confirm that I have not engaged, in any act of commission or omission, in the past or present, that would render me unfit in any professional, moral, legal or ethical way, from carrying out my duties under this assignment/contract.

In this regard, I wish to confirm that:

- (a) I have never been convicted of any criminal offence, TRUE/NOT TRUE.
- (b) I have no pending civil or criminal case against me, TRUE/NOT TRUE.
- (c) I am not, and have never been, adjudged or declared bankrupt, TRUE/NOT TRUE.
- (d) I have a valid current professional practising certificate and have no pending complaint against me before any professional body, TRUE/NOT TRUE/NOT APPLICABLE.
- (e) I am not under, and know of nothing in my past or present, which may bring me under investigation by the Police, the Kenya Anti-Corruption Commission or the Kenya Revenue Authority, TRUE/NOT TRUE.
- (f) That no firm in which I have or have had an interest in has ever been blacklisted by the Controller and Auditor-General, TRUE/NOT TRUE.
- (g) In cases of partnership, that the above applies equally to the firm and to all my fellow partners, TRUE/NOT TRUE.
- (h) In the cases of any other kind of business, firm or entity, that the same applies equally to all my business partners, colleagues and associates TRUE/NOT TRUE.

If the answer to any of the above questions is NOT TRUE, provide details herein below:

.....  
 .....  
 .....

I confirm my readiness to furnish any further details that may be needed in assessment of whether I am fit and proper for this assignment. I will also provide any other information to confirm that I have no conflict of interest in any matter, likely to come before me in this assignment; that I shall be bound to answer any pertinent questions, now and/or in the further, as the case may be.

I certify that I am fully aware of the legal consequences of this declaration and that my engagement may be terminated if any of the information I have provided herein is incorrect in any material respect.

Signature.....

Date.....

Witnessed by:

Signature.....

Date.....

Dated the 12th January, 2005.

MWAI KIBAKI,  
President.

#### GAZETTE NOTICE NO. 298

##### OFFICE OF THE PRESIDENT PENDING BILLS CLOSING COMMITTEE

##### APPOINTMENT OF CHAIRMAN AND MEMBERS OF THE COMMITTEE

PURSUANT to Gazette Notice No. 297 of 2005, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoints the following to serve on the Pending Bills Closing Committee:

- (a) Under paragraph 1 (1) (a)—  
D. G. Njoroge—(Chairman).
- (b) Under paragraph 1 (1) (b) (i) representing the Institute of Engineers of Kenya—  
I. G. Wanjohi (Eng.).
- (c) Under paragraph 1 (1) (b) (ii) representing the Institute of Certified Public Accountants of Kenya—  
John Karimi Njiraini.
- (d) Under paragraph 1 (1) (b) (iii) representing the Law Society of Kenya—  
Violet Awori (Mrs.).
- (e) Under paragraph 1 (1) (b) (iv) representing the Kenya Anti-Corruption Commission—  
Vincent Kibet Kiptoo.
- (f) Under paragraph 1 (1) (b) (v) representing the Permanent Secretary Ministry of Roads and Public Works—  
Chief Quantity Surveyor, V. B. Walubayi.
- (g) Under paragraph 1 (1) (b) (vi) representing the Permanent Secretary Ministry of Finance—  
Accountant-General, S. L. Boboti (Mrs.).
- (h) Under paragraph 1 (1) (b) (vii) representing the procurement experts—  
Angela Kithinji (Mrs.),  
Richard Mwongo; and
- (i) Under paragraph 1 (1) (b) (viii) representing the Attorney-General—  
Deputy Solicitor-General, Muthoni Kimani (Ms.).

Dated the 12th January, 2005.

MWAI KIBAKI,  
President.