LEGAL NOTICE NO. 94

THE KENYA ROADS BOARD ACT
(No. 7 of 1999)

DESIGNATION OF A ROAD SUB-AGENCY

IN EXERCISE of the powers conferred by section 18 of the Kenya Roads Board Act, the Roads Department of the Ministry of Roads and Public Works, a road agency for the purposes of the Act, with the approval of the Kenya Roads Board, designates—

NAIROBI CITY COUNCIL

to be a sub-agency and to be responsible for the maintenance, development and rehabilitation of public streets as defined under the Local Government Act (Cap. 265), falling within the area of jurisdiction of the Nairobi City Council.

The designation is subject to the following conditions:

The Designated Sub-Agency shall—

(a) act in accordance with the provisions of the Kenya Roads Board Act, 1999;

(b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations, 2001, and as amended or may be amended from time to time. In this regard the Sub-Agency shall use only the standard documents and procedures of tender and/or contract approved and provided by the Kenya Roads Board (hereinafter referred to as “the Board”) and where not provided those given by the Director of Public Procurement;

(c) prepare and submit to the Board at least six months before the commencement of every financial year an annual roads programme outlining a comprehensive plan of action and the estimated costs;

(d) within six months of the end of each financial year submit to the Board its audited accounts for that financial year;

(e) submit to the Board a monthly report and file returns within three weeks of receipt of funds from each tranche and render quarterly accounts in respect of the funds disbursed to it by the Board each financial year;

(f) approve contractors' work plans;

(g) provide public notices for purposes of traffic management during the works implementation, where necessary;

(h) ensure the final inspection and issuance of defect liability certificates upon completion of designated works under the works programme;

(i) ensure that illegal structures are cleared out of the road reserve and encroachments are stopped;
(j) ensure that the assessment of property within the right-of-way and compensation to the owners where necessary is paid and/or duly discharged before commencement of any designated works under the works programme provided that such compensation shall not be paid out of the funds allocated for works programme;

(k) not in any way alter the agreed works programme without the prior-written consent of the Board;

(l) furnish the Board with such reports as may be required for the review of the works programme. Following each such review, the Sub-Agency shall act promptly and diligently, in order to take, or assist the Board in taking, any corrective action deemed necessary to remedy any shortcoming noted in the implementation of the works programme, or to implement or assist the Board in implementing such other measures as may be necessary for the furtherance of the objectives of the works programme;

(m) at the request of the Board exchange views with regard to the progress of the works programme, the performance of its obligations and other matters relating to the objectives of the works programme;

(n) promptly inform the Board of any condition which interferes or threatens to interfere with the progress of the works programme or the performance of its obligations;

(o) maintain, or cause to be maintained, separate record and accounts in accordance with sound accounting practices, its operations, resources, expenditures in respect of funds disbursed to it and avail the same when requested to by the Board;

(p) retain all records (contract, orders, invoices, bills, receipts and other documents) as evidencing expenditures and enable and assist the Board to examine such records;

(q) cause to be opened and operated as a separate bank Account for the Funds disbursed by such account to be known as the Road Maintenance Levy Fund Agency Account (R.M.L.F.-A.A.);

(r) not use or permit to be used, the R.M.L.F.-A.A. aforementioned as security or otherwise for borrowing of any funds and engaging in any activity not directly associated with the works programme;

(s) carry out the works programme with due diligence, safety, efficiency, be cost conscious in order to get value for money and in an environmentally friendly manner, and in conformity with appropriate administrative and financial practices;
prior to entering into a road works contract to seek a "no-objection" from the Board and shall not issue any variation orders exceeding 10% of the original contract sum without prior approval of the Board provided the net effect of all variation orders issued shall not increase the total budget.

Dated the 19th May, 2003.

E. K. MWONGERA,
Permanent Secretary,
Ministry of Roads, Public Works and Housing.

LEGAL NOTICE NO. 95

THE KENYA ROADS BOARD ACT
(No. 7 of 1999)

DESIGNATION OF A ROAD SUB-AGENCY

IN EXERCISE of the powers conferred by section 18 of the Kenya Roads Board Act, the Roads Department of the Ministry of Roads and Public Works, a road agency for the purposes of the Act, with the approval of the Kenya Roads Board, designates—

MOMBASA MUNICIPAL COUNCIL

to be a sub-agency and to be responsible for the maintenance, development and rehabilitation of public streets as defined under the Local Government Act (Cap. 265), falling within the area of jurisdiction of the Mombasa Municipal Council.

The designation is subject to the following conditions:

The Designated Sub-Agency shall—

(a) act in accordance with the provisions of the Kenya Roads Board Act, 1999;

(b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations, 2001, and as amended or may be amended from time to time. In this regard the Sub-Agency shall use only the standard documents and procedures of tender and/or contract approved and provided by the Kenya Roads Board (hereinafter referred to as the Board") and where not provided those given by the Director of Public Procurement;

(c) prepare and submit to the Board at least six months before the commencement of every financial year an annual roads programme outlining a comprehensive plan of action and the estimated costs;

(d) within six months of the end of each financial year submit to the Board its audited accounts for that financial year;

(e) submit to the Board a monthly report and file returns within three weeks of receipt of funds from each tranche and render