

NO. 7 OF 1999

THE KENYA ROADS BOARD ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Designation of Road Sub-Agencies—Eldoret Municipal Council.....	3
2. Designation of Road Sub-Agencies—Kenya Wildlife Services.....	7
3. Designation of Road Sub-Agencies—Kisumu Municipal Council.....	11
4. Designation of Road Sub-Agencies—Mombasa Municipal Council.....	15
5. Designation of Road Sub-Agencies—Nairobi City Council.....	19
6. Designation of Road Sub-Agencies—Nakuru Municipal Council.....	23
7. Designation of Road Sub-Agencies—Roads Department of the Ministry of Roads, Public Works and Housing.....	27
8. Designation of Road Sub-Agencies—Urban Development Department of the Ministry of Local Government.....	31
9. The Kenya Roads Board (General) Rules.....	35

**DESIGNATION OF ROAD SUB-AGENCIES
—ELDORET MUNICIPAL COUNCIL**

ARRANGEMENT OF SECTIONS

ELDORET MUNICIPAL COUNCIL

**DESIGNATION OF ROAD SUB-AGENCIES
—ELDORET MUNICIPAL COUNCIL**

[Legal Notice 98 of 2003]

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—

ELDORET 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for the maintenance, development and rehabilitation of public streets as defined under the Local Government Act (Repealed), falling within the area of jurisdiction of the Eldoret Municipal Council.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 (Cap. 408A);
- (b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations (sub.leg), 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;

[Subsidiary]

- (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;
- (t)** 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.
-

**DESIGNATION OF ROAD SUB-
AGENCIES—KENYA WILDLIFE SERVICES**

ARRANGEMENT OF SECTIONS

KENYA WILDLIFE SERVICES

SCHEDULES

DESIGNATION OF ROAD SUB-AGENCIES—KENYA WILDLIFE SERVICES

[Legal Notice 99 of 2003]

IN EXERCISE of the powers conferred by section 18 of the Kenya Roads Board Act, the Kenya Roads Board designates—

KENYA WILDLIFE SERVICES

to be a road agency for the purposes of the Act, to be responsible for the maintenance, rehabilitation and development of the categories of roads set out in the Schedule hereto.

The Designated Road Agency shall—

- (a) act in accordance with the provisions of the Kenya Roads Board Act (Cap. 408A);
- (b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations (sub.leg), 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 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;

[Subsidiary]

- (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;
- (t) 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.

SCHEDULE

Categories of Roads

1. Roads within National Parks and Game Reserves.
-

**DESIGNATION OF ROAD SUB-AGENCIES
—KISUMU MUNICIPAL COUNCIL**

ARRANGEMENT OF SECTIONS

KISUMU MUNICIPAL COUNCIL

**DESIGNATION OF ROAD SUB-AGENCIES
—KISUMU MUNICIPAL COUNCIL**

[Legal Notice 96 of 2003]

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—

KISUMU 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 Kisumu 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 (408A);
- (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;

[Subsidiary]

- (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;
- (t)** 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.
-

**DESIGNATION OF ROAD SUB-AGENCIES
—MOMBASA MUNICIPAL COUNCIL**

ARRANGEMENT OF SECTIONS
MOMBASA MUNICIPAL COUNCIL

**DESIGNATION OF ROAD SUB-AGENCIES
—MOMBASA MUNICIPAL COUNCIL**

[Legal Notice 95 of 2003]

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 (repealed), 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 (Cap. 408A);
- (b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations (sub.leg), 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;

[Subsidiary]

- (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;
- (t)** 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.
-

DESIGNATION OF ROAD SUB-AGENCIES—NAIROBI CITY COUNCIL

ARRANGEMENT OF SECTIONS

NAIROBI CITY COUNCIL

DESIGNATION OF ROAD SUB-AGENCIES—NAIROBI CITY COUNCIL

[Legal Notice 94 of 2003]

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 (Repealed), 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 (Cap. 408A);
- (b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations (sub.leg), 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;

[Subsidiary]

- (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;
- (t)** 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.
-

**DESIGNATION OF ROAD SUB-AGENCIES
—NAKURU MUNICIPAL COUNCIL**

ARRANGEMENT OF SECTIONS

NAKURU MUNICIPAL COUNCIL

**DESIGNATION OF ROAD SUB-AGENCIES
—NAKURU MUNICIPAL COUNCIL**

[Legal Notice 97 of 2003]

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—

NAKURU 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 Nakuru 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 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;

[Subsidiary]

- (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;
- (t)** 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.
-

**DESIGNATION OF ROAD SUB-AGENCIES—ROADS DEPARTMENT
OF THE MINISTRY OF ROADS, PUBLIC WORKS AND HOUSING**

ARRANGEMENT OF SECTIONS

*THE ROADS DEPARTMENT OF THE MINISTRY
OF ROADS, PUBLIC WORKS AND HOUSING*

SCHEDULES

**DESIGNATION OF ROAD SUB-AGENCIES—ROADS DEPARTMENT
OF THE MINISTRY OF ROADS, PUBLIC WORKS AND HOUSING**

[Legal Notice 100 of 2003]

IN EXERCISE of the powers conferred by section 18 of the Kenya Roads Board Act, the Kenya Roads Board designates—

**THE ROADS DEPARTMENT OF THE MINISTRY
OF ROADS, PUBLIC WORKS AND HOUSING**

to be a road agency for the purposes of the Act, to be responsible for the maintenance, rehabilitation and development of the categories of roads set out in the Schedule hereto.

The Designated Road Agency shall—

- (a) act in accordance with the provisions of the Kenya Roads Board Act (Cap. 408A);
- (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 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 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;

Kenya Roads Board

[Subsidiary]

- (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;
- (t) 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.

SCHEDULE

Categories of Roads

1. Classes “A”, “B”, “C”, “D” and “E”.
 2. Unclassified roads, excluding those assigned to the Kenya Wildlife Service.
 3. Public streets as defined under the Local Government Act.
-

**DESIGNATION OF ROAD SUB-AGENCIES—URBAN DEVELOPMENT
DEPARTMENT OF THE MINISTRY OF LOCAL GOVERNMENT**

ARRANGEMENT OF SECTIONS

*URBAN DEVELOPMENT DEPARTMENT OF
THE MINISTRY OF LOCAL GOVERNMENT*

**DESIGNATION OF ROAD SUB-AGENCIES—URBAN DEVELOPMENT
DEPARTMENT OF THE MINISTRY OF LOCAL GOVERNMENT**

[Legal Notice 93 of 2003]

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—

**URBAN DEVELOPMENT DEPARTMENT OF
THE MINISTRY OF LOCAL GOVERNMENT**

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 (Repeal), falling within the area of jurisdiction of other municipal councils except Nairobi, Mombasa, Nakuru, Eldoret and Kisumu.

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 (Cap. 408A);
- (b) adhere to the provisions of the Exchequer and Audit (Public Procurement) Regulations (sub.leg), and as amended or may be amended from time to time. In this regard the 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;

[Subsidiary]

- (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;
- (t)** 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.
-

THE KENYA ROADS BOARD (GENERAL) RULES

ARRANGEMENT OF RULES

Rule

1. Citation.
2. Interpretation.
3. Application.
4. Object of these Rules.
5. Duties of the Board.
6. Duties of road agencies.

PART II – ANNUAL ROADS PROGRAMMES

7. Submission of annual road programmes and prioritisation of works.
8. Road inventory and condition survey.
9. Revision of annual roads programme.

PART III – DISBURSEMENT, RELEASE AND WITHHOLDING OF FUNDS

10. Disbursement programme.
11. Release of funds and withholding of funds
12. Sanctions and penalties

PART IV – ROADS PROGRAMME MANAGEMENT AND REPORTING

13. Delivery of road works
14. Supervision of works.
15. Site safety.
16. Environmental and social management.
17. Immediate intervention works.
18. Contract project file
19. Reporting.

PART V – MONITORING AND EVALUATION

20. Technical, financial and performance audits.
21. Duty to avail documents and information to the Inspector.
22. Penalties for failure to comply.
23. Audit action plans by road agencies.

SCHEDULES

FORMS

THE KENYA ROADS BOARD (GENERAL) RULES

[Legal Notice 141 of 2022]

1. Citation.

These Rules may be cited as the Kenya Roads Board (General) Rules.

2. Interpretation.

In these Rules, unless the context otherwise requires—

"contract" means a contract for the supply of goods, works or services;

"Inspector" means a person designated as such by the Director- General under section 26(1) of the Act;

"periodic maintenance" means maintenance works carried out within a period of between five and ten years including resealing or recarpeting of roads, overlays of less than one hundred millimetres, fog sprays and shoulder reforming but not including pavement layer reconstruction or addition of a pavement layer;

"road maintenance" means the preservation of roads, structures and related facilities within the road reserve as nearly as possible to their original condition or as subsequently improved; and

"routine maintenance" means maintenance works required continuously or at intervals on every road whatever its engineering characteristics or traffic volume.

3. Application.

These Rules shall apply to the designated road agencies set out in the Third Schedule to the Act.

4. Object of these Rules.

The object of these Rules shall be to—

- (a) facilitate the co-ordination of road maintenance, rehabilitation and development; and
- (b) ensure accountability, efficiency, transparency and effective application and utilisation of the Fund by—
 - (i) establishing procedures for the preparation and submission of road works programmes by road agencies;
 - (ii) prescribing the format and detail of records and information; and
 - (iii) prescribing the manner and conduct of monitoring and evaluation of road maintenance, rehabilitation, and development through technical, financial and performance audits.

5. Duties of the Board.

The Board shall—

- (a) one year before the commencement of the financial year, notify each road agency of the funds that are likely to be available for road maintenance, rehabilitation, and development;
- (b) inform each road agency of the priorities in the allocation of funds and criteria to be applied in making the allocations;
- (c) at the commencement of each financial year, develop a disbursement programme that is guided by the projected cashflow, public roads programme and budget of the Fund; and
- (d) release monies to each road agency in the manner provided in the Act and these Rules.

[Subsidiary]

6. Duties of road agencies.

Subject to section 21 of the Act, each road agency shall, for the purposes of utilising funds received from the Fund-

- (a) maintain, rehabilitate and develop the categories of roads within its mandate;
- (b) establish and implement quality control and quality assurance systems;
- (c) utilise disbursed funds to implement the approved Annual Public Roads Programme;
- (d) maintain and submit such records and reports as may be directed by the Board in such format and detail as may be specified by the Board; and
- (e) supervise and monitor road works within the area of jurisdiction of the road agency.

PART II – ANNUAL ROADS PROGRAMMES

7. Submission of annual road programmes and prioritisation of works.

(1) Each road agency shall, not more than six months before the commencement of the financial year, submit to the Board an Annual Roads Programme in Form A as set out in the Schedule.

(2) Each road agency shall, in respect of an Annual Roads Programme, indicate the funding requirements for a project contained in the Programme that is intended to be implemented in more than one financial year.

(3) When developing the Annual Roads Programme under sub rule (1), each road agency shall be guided by the cost estimation manual issued by the Board.

(4) The roads agency, during the preparation of the Annual Roads Programme, shall-

- (a) ensure that the programme conforms with the funds that the roads agency was notified would be available for road maintenance, rehabilitation and development under rule 5;
- (b) conduct an Annual Roads Inventory Condition Survey to determine the proportion of the road network that requires maintenance and submit the information to the Board in Form B as set out in the Schedule;
- (c) take into consideration the five-year Road Sector Investment Programme prepared by the Board;
- (d) hold stakeholder meetings to determine the order of priority of road works and submit the minutes and resolutions thereof to the Board;
- (e) in determining the order of priority of road works under paragraph (d), follow the following sequence of activities—
 - (i) routine maintenance;
 - (ii) rehabilitation;
 - (iii) spot improvement; and
 - (iv) periodic maintenance; and
- (f) allocate at least twenty per cent of the road works to be undertaken through use of local labour-based methods.

(5) The Board shall not approve an Annual Roads Programme that does not comply with these notify the road agency in writing within seven days of the decision.

(6) A road agency may, where the Board has refused approval for an Annual Roads Programme, within thirty days of being notified of the decision of the Board, and in any event not later than the 31st December of the year, whichever is earlier, review and resubmit the Annual Roads Programme to the Board.

(7) The Board shall, upon receiving the Annual Roads Programmes from all road agencies, consolidate the programmes into an Annual Public Roads Programme by the 28th February of each year.

(8) The Board shall, not later than the 30th April of each year, submit to the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance the Annual Public Road Programme for approval.

(9) The Board shall publish the Annual Public Roads Programme.

(10) Each road agency shall, in prioritising road works under these Rules, adhere to the requirements prescribed by the Board.

8. Road inventory and condition survey.

(1) Each road agency shall submit to the Board a Road Inventory and Condition Survey for the portion of the road network it is responsible for not later than the 30th September of each year.

(2) The survey submitted under subrule (1) shall be in Form B as set out in the Schedule.

(3) The road agency shall use the Road Inventory and Condition Survey submitted under this rule for the conduct of a road maintenance needs assessment for prioritisation under rule 6(10).

9. Revision of annual roads programme.

(1) A road agency shall not amend the Annual Road Works Programme submitted under these Rules without the written approval of the Board.

(2) Where a road agency proposes to amend an Annual Road Works Programme, the amendment shall be undertaken in accordance with rule 6.

(3) The road agency shall submit the amended Annual Road Works Programme to the Board on or before the 31st January.

(4) The Board shall not approve the implementation of an Annual Road Works Programme that has been amended by a road agency if the amended Programme does not comply with the requirements of the Act or these Rules.

(5) Where the Board does not approve an amendment to the annual road works programme of a road agency, it shall notify the road agency in writing and specify the reasons for the refusal.

PART III – DISBURSEMENT, RELEASE AND WITHHOLDING OF FUNDS

10. Disbursement programme.

(1) Every road agency shall, not more than three months before the beginning of the financial year, submit to the Board an annual expenditure programme for the financial year.

(2) The expenditure programme submitted by the road agency shall be divided into four periods of three months each.

(3) The Board shall, at the beginning of the financial year, notify each road agency of the cash flow projections with respect to the expenditure programme submitted by the road agency.

11. Release of funds and withholding of funds

(1) The Board shall release funds to a road agency which has complied with the Act and these Rules.

(2) The Board shall withhold the release of funds to a road agency which has not complied with the Act and these Rules until compliance is achieved.

(3) The Board may take such remedial measures as may be necessary to ensure implementation of the Annual Public Roads Programme by a road agency.

12. Sanctions and penalties

The Board may, with the approval of the Cabinet Secretary, impose the sanctions specified in section 30 of the Act where a road agency fails to comply with the provisions of the Act or these Rules.

[Subsidiary]

PART IV – ROADS PROGRAMME MANAGEMENT AND REPORTING

13. Delivery of road works

Each road agency shall—

- (a) comply with the design and construction standards for road works issued by the Cabinet Secretary;
- (b) establish and implement a quality management system for the delivery of road works including materials testing and supervision;
- (c) ensure that any planned work is executed within time, cost, set standards and specifications; and
- (d) shall procure goods, works, and services in a manner that promotes economy, efficiency, effectiveness and equity.

14. Supervision of works.

(1) Each road agency shall supervise road works in accordance with design and construction standards for road works issued by the Cabinet Secretary and the relevant contractual documents.

(2) Each road agency shall maintain project supervision records which shall be made available to the Board as and when required.

15. Site safety.

(1) Each road agency shall plan for road safety activities and establish and implement safety management plans for road works.

(2) Each road agency shall maintain road works safety records which shall be made available to the Board as and when required.

16. Environmental and social management.

Each road agency shall develop and implement an environmental and social management plan in respect of each maintenance project before commencement of works.

17. Immediate intervention works.

(1) Each road agency shall set aside in their workplan reasonable amounts for immediate intervention works.

(2) Where a road agency determines that a road under its jurisdiction requires immediate intervention works, the road agency may request approval from the Board to undertake such works.

(3) For the purposes of this rule, "immediate intervention works" means road works that require to be undertaken immediately by a road agency in respect of a road that occurs before the scheduled period as specified in the road works programme submitted by the road agency.

18. Contract project file

Each road agency shall keep and maintain a contract file in respect of road works which shall contain the following—

- (a) copies of the procurement plans;
- (b) site photographs;
- (c) site instructions;
- (d) minutes of meetings relating to resolution and decisions made by the road agency;
- (e) a copy of the contract agreement between the road agency and any person undertaking road works for the road agency;
- (f) payment certificates for payments made by the road agency in respect to the contract;

- (g) monthly progress reports and quality control records; and
- (h) any other relevant correspondence between the road agency and any other person in respect of the contract.

19. Reporting.

(1) Each road agency shall, within thirty days after the end of each period of three months, submit to the Board a report of all works and projects implemented in the preceding period of three months in Form C as set out in the Schedule.

(2) The Board shall not release funds to a road agency that fails to submit the report specified in subrule (1).

PART V – MONITORING AND EVALUATION

20. Technical, financial and performance audits.

(1) The Board shall conduct technical, financial and performance audits of all works, goods and services funded by the Fund in accordance with section 26 of the Act.

(2) The Board may conduct a special technical, financial and performance audits.

(3) There shall be entry and exit meetings between the Inspector and Road Agencies and the minutes of these meetings shall be signed off by both parties.

(4) An Inspector may, with the permission of the Board, suspend or postpone an audit under this rule in the following circumstances—

- (a) the failure by a road agency to provide a conducive work area;
- (b) the failure by a road agency to avail documents and information;
- (c) the failure by a road agency to provide such officers as may be required for field visits;
- (d) any threats made by any person against the inspector in respect of the audit;
- (e) where the site intended to be audited is insecure or unsafe; or
- (f) failure or refusal of officers, directors or employees to be present during the audit when required to do so.

(5) The Inspector shall, within seven days after suspending or postponing an audit under this rule, prepare and submit to the Director- General a report thereon and specify the reasons for suspending or postponing the audit in the report.

21. Duty to avail documents and information to the Inspector.

(1) Each road agency shall, when required to do so by the Board or an Inspector authorized by the Board to conduct an audit, produce and make available books, accounts, records and other documents in accordance with section 26 of the Act:

Provided that—

- (a) the books, accounts, records and other documents shall not, in the course of the audit, be removed from the premises at which they are produced; and
- (b) the Inspector may make copies of any books, accounts, records and other documents required for purposes of its report.

(2) Where Board directs that a special audit be undertaken, the relevant road agency shall provide the information specified in section 26 of the Act.

(3) The Inspector shall, within ninety days after commencing an audit, issue an audit report.

(4) Where necessary, the Inspector shall give the relevant road agency a notice of fourteen days within which to produce any required additional information in respect of an audit.

[Subsidiary]

22. Penalties for failure to comply.

A road agency that fails to comply with the directions issued under rule 20 shall be liable to the sanctions specified in section 30 of the Act.

23. Audit action plans by road agencies.

(1) Where an audit has been conducted under the Act and these Rules, the road agency shall, within thirty days after being notified of the results and recommendations of the audit, submit to the Director-General a written action plan specifying the period within which the recommendations set out in the audit report shall be addressed or implemented.

(2) The Director-General shall, after receiving the action plan under subrule (1), submit the audit report and action plan to the Board for adoption.

(3) A road agency that fails to implement the action plan submitted under subrule (1) in the manner proposed in the action plan shall be liable to the sanctions specified in section 30 of the Act.

ANNUAL PUBLIC ROADS PROGRAMME IMPLEMENTATION REPORT FY

S/ N	Contract No.	Road ID	Road Name	Location	Road Surface type	Road Condition	Type of works	Road Length (km)	APPP Budget Allocation FY 20/21	Surface of funds	Date of Procurement Notice Contract of	Award Date	Commencement date	Contract period	Completion date	Name of Contractor	Contract Sum (Kshs.)	Savings (Appp Budget less Contract Sum)	Variation Order (Yes/No)	Achieved Outputs	Certified Amount	Payments Made	Status of Completion(%)
1																							
2																							

Note:

Type of Works: Routine Maintenance/Periodic Maintenance/New Construction/ Structures/Administrative

Kenya Roads Board

[Subsidiary]

Source of funds: Agency allocation/10% CS allocation/Savings/Bond proceeds
