



25<sup>th</sup> September 2020

## Open Letter to the Cabinet Secretary for Education Professor George Magoha, on Transparency and Accountability Concerns in the Procurement of Locally Assembled Desks for Schools

Recognising the risks posed by procurement fraud to the national COVID-19 emergency response, we, representing civil society organisations and networks, wish to bring to your attention concerns on the recently announced Government of Kenya *Economic Stimulus Programme for the supply of locally assembled desks to both public primary and secondary schools*.

We note and appreciate measures taken by the Government of Kenya to contain the spread and contraction of COVID-19. Safeguarding citizens is part of the Governments' obligation to save lives and livelihoods. We also recognize the potential power of awarding contracts worth Kshs 1.9 billion to the local *jua kali* sector to produce school desks under the current Economic Stimulus Programme.

We are however deeply concerned about critical transparency and accountability gaps in the recent advert on procurement of locally assembled desks for schools (see attached) and request your written response to the following:

1. A need for clarity on the method to be used in the procurement process as provided for under the procurement laws;
2. Between 15<sup>th</sup> and 17<sup>th</sup> September the Ministry published adverts for *jua kali* workshops and artisans to submit duly filled forms initially by 18<sup>th</sup> September 2020 and then extended to 25<sup>th</sup> September 2020. The notice given is simply too short for the target audience to allow for open and competitive bidding and raises legitimate concerns whether suppliers have been pre-selected and the advertisement is merely a formality;
3. Advise on whether a market survey and technical requirements have been completed to ensure that Kenyans get value for money in this process. We request you to share this with us.

4. Advise on whether your identification criteria will incorporate established local government mechanisms for registration of businesses by the County Governments for participation of local *jua kali* workshops and the artisans involved in carpentry;
5. Advise on whether this procurement will be managed in line with Regulation 108 of the Public Procurement and Asset Disposal Regulations 2020 that requires community participation;
6. Avail any report of a needs assessment that was conducted with a view of establishing the infrastructural and structural needs beyond provision of desks as part of the plans for planned reopening of schools (for instance bed capacity for boarding schools, spacing/expansion to ensure physical distancing in the class rooms and boarding facilities etc);
7. Avail a detailed plan for allocation and distribution of the procured desks to public schools with a clear framework on the existing needs across different schools as well as the available infrastructure in public primary and secondary schools to ensure safe and sustainable use of the procured desks.

To ensure openness, transparency and fairness in this process as intended by the Ministry of Education and the Ministry of Interior and Coordination of National Government, we therefore recommend that the Education Ministry:

1. Publish and provide us with detailed procurement information in relation to the method of procurement to be applied, including one that upholds fairness, equity, transparency, cost-effectiveness and fair competition among those submitting their applications;
2. Extend the timelines to allow for adequate participation of all interested potential service providers as well as ensure an open and accountable evaluation and identification process;
3. Publish a detailed market survey with the technical requirement made public to ensure value for money and that the provision of goods meet the standards required including fit for use by children with special needs;
4. Coordinate with County Governments to verify legitimate service providers registered as business owners in County Government records and guarantee integrity in the process of identification of service providers;
5. Ensure that where community participation is involved, provisions of regulations 109 and 110 of the public procurement regulations are adhered to including making information available to the public on the procedures for establishing community project management and implementation committees and their roles;
6. Publish or avail information on all budgetary and expenditure information including a detailed project budget, allocations, disbursements and beneficiaries per county published at the registration points; and,
7. Publish or avail detailed plans for the distribution and utilization of the desks in identified public primary and secondary schools with corresponding infrastructure for safe and sustainable use of the desks.

Our concerns and recommendations will go a long way in shielding the Ministry of Education from the erosion of public confidence and well-meaning public interest litigation arising from inflated prices for goods and services by public servants during the ongoing COVID-19 government response. Only FULL DISCLOSURE and ACCOUNTABILITY of all public funds, aid and donations meant to address the COVID-19 pandemic in Kenya will ensure that public funds being applied will not be diverted to private interests.

Sincerely,



Sheila Masinde,  
**Executive Director**  
**Transparency International Kenya**  
**Email: [smasinde@tikenya.org](mailto:smasinde@tikenya.org)**

**On behalf of the listed organizations**

1. ActionAid Kenya
2. Amnesty International Kenya
3. Civil Society Reference Group (CSRG)
4. Constitution and Reform Education Consortium (CRECO)
5. Elimu Yetu Coalition
6. Global Compact Network Kenya
7. Haki Nawiri Africa
8. Inuka Kenya Ni Sisi!
9. Kenya Association of the Intellectually Handicapped (KAIH)
10. National Taxpayers Association
11. PEMA Education Centre
12. RUMA Women Development
13. Shule Yangu Alliance
14. The Institute for Social Accountability (TISA)
15. Transparency International Kenya
16. Wote Youth Development Projects



## MINISTRY OF EDUCATION

### PROCUREMENT OF LOCALLY ASSEMBLED DESKS FOR SCHOOLS

The Government has allocated Ksh.1.9 Billion under the Economic Stimulus Programme for the supply of locally assembled desks to both public primary and secondary schools. The local *juakali* sector at the sub-county will be involved in the production, and supply of the desks to the schools.

To ensure openness, transparency and fairness in this process, the Ministry of Education and the Ministry of Interior and Coordination of National Government, through their grassroots structures, will adopt a model similar to the one deployed in the Kazi Mtaani Initiative to identify and pay qualifying suppliers.

Interested local *juakali* workshops, and artisans involved in carpentry at the sub-county are invited to register using prescribed forms that can be downloaded from the websites of the two ministries or collect them from the offices of Deputy County Commissioners and Assistant County Commissioners countrywide. Design prototypes will be available at the County Commissioners, County Directors of Education and their sub county offices.

Duly filled forms are to be returned to the aforementioned offices by 18<sup>th</sup> September, 2020.

**Principal Secretary,  
State Department of Early Learning and Basic Education**

**Initial deadline given Newspaper advert  
September 18, 2020**

REPUBLIC OF KENYA



## MINISTRY OF EDUCATION

### PROCUREMENT OF LOCALLY ASSEMBLED DESKS FOR SCHOOLS [EXTENSION OF TIME]

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**This advertisement first appeared on Tuesday, 15<sup>th</sup> September, 2020 in MyGov. The advertisement required that duly filled forms be returned to the aforementioned offices by 18<sup>th</sup> September, 2020.**

**But the returning period has been extended to 25<sup>th</sup> September, 2020.**

**The period for returning the duly filled forms to the aforementioned offices has therefore been extended to 25<sup>th</sup> September, 2020.**

**Dated 18<sup>th</sup> September, 2020.**

**Principal Secretary,  
State Department of Early Learning and Basic Education**

**Newspaper advert on deadline extension to  
September 25, 2020**