



10<sup>th</sup> September 2020

**AMB. UKUR YATTANI, EGH  
CABINET SECRETARY  
MINISTRY OF NATIONAL TREASURY AND PLANNING**

Dear Sir,

**PETITION ON MEASURES TO INSTITUTE TRANSPARENCY AND ACCOUNTABILITY IN COVID-19 PROCUREMENT**

We, the undersigned, organisations and associations, are representatives of various civil society and non-governmental organisations, the private sector, professional bodies and trade unions in Kenya. We have noted with great concern, gaps in transparency and accountability by government agencies charged with managing COVID-19 resources. These loopholes have led to the over pricing of commodities, purchase of substandard Personal Protective Equipment (PPEs), embezzlement of commodities including donated PPEs, failure of the PPEs to reach those who need them the most including healthcare workers on the frontline of fighting COVID-19, and misappropriation of public funds meant to procure protective gear.

We welcome the Presidential Directive made on 31<sup>st</sup> August 2020 requiring the online publication of all COVID-19 procurement within 30 days, and expect that this directive will be acted upon and thus propose the following additional measures to enhance transparency and accountability in public procurement:

- Full adherence to procurement procedures as dictated by the Public Procurement and Asset Disposal Act 2015, the Executive Order No. 2 of 2018 and publication of all information to enhance oversight at National and County level.

- Procurement data should be published in the required state portal [www.tenders.go.ke](http://www.tenders.go.ke) by 30<sup>th</sup> September 2020, as per the Presidential Directive and on an independent COVID-19 Kenya Portal that conforms to the international open contracting data standards.
- The National Treasury in the spirit of conforming to the Presidential Directive, should issue a policy directive in the next 30 days, that allows the Public Procurement Regulatory Authority (PPRA) to recommend sanctions against procuring entities that fail to comply to the Executive Order No. 2 of 2018.
- That in consultations with the Office of the President, the Executive Order No. 2 of 2018 is modified to include requirements for procuring entities to publish emergency and urgent need procurement data within a specified timeline to promote transparency and accountability in the event of an emergency.
- The Public Procurement Regulatory Authority should publish emergency procurement guidelines within 30 days to guide urgent need procurement processes which should include guidance on the publication of procurement data including the timelines of publication.
- The Public Procurement Regulatory Authority based on its expertise and mandate should set specific timelines for preparation and publication of a Market Price Index (MPI) within 30 days, to guide procurement of items required in emergency situations such as the current COVID-19 Pandemic.
- That the Public Procurement Regulatory Authority continuously monitors adherence to public procurement open information systems by all government entities as enshrined in the Executive Order No. 2 of 2018 and publish the monitoring reports monthly.

Sincerely,



**Sheila Masinde**  
**Executive Director**  
**Transparency International Kenya**  
[smasinde@tikenya.org](mailto:smasinde@tikenya.org)  
**On behalf of the listed organisations**

1. Association of Professional Societies in East Africa (APSEA)
2. Civil Society Reference Group (CSRG)
3. Constitution and Reform Education Consortium (CRECO)
4. County Governance Watch
5. Inuka Kenya Ni Sisi! Ltd
6. Kenya Human Rights Commission
7. Kenya Legal & Ethical Issues Network on HIV & AIDS (KELIN)
8. National Taxpayers Association (NTA)
9. The Institute for Social Accountability
10. Transparency International Kenya

11. White Ribbon Alliance Kenya
12. Wote Youth Development Projects
13. Youth Agenda

**CC:**

**MUTAH KAGWE - CABINET SECRETARY FOR HEALTH**

**H.E GOVERNOR WYCLIFFE OPARANYA - CHAIRPERSON, COUNCIL OF GOVERNORS**

**HON. SABINA CHEGE - CHAIRPERSON, PARLIAMENTARY HEALTH COMMITTEE**

**HON. SYLVIA KASANGA - CHAIRPERSON, SENATE ADHOC COMMITTEE ON COVID-19**

**HON. DR. MICHEAL MBITO - CHAIRPERSON, SENATE HEALTH COMMITTEE**

**MAURICE JUMA - DIRECTOR GENERAL, PUBLIC PROCUREMENT REGULATORY AUTHORITY**

**HON. KEMBI GITURA - CHAIRPERSON, KENYA MEDICAL SUPPLIES AUTHORITY BOARD**

**TWALIB MBARAK - CHIEF EXECUTIVE OFFICER, ETHICS AND ANTI-CORRUPTION  
COMMISSION**

**HON. FLORENCE KAJUJU - CHAIRPERSON, COMMISSION ON ADMINISTRATIVE JUSTICE**