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KENYA

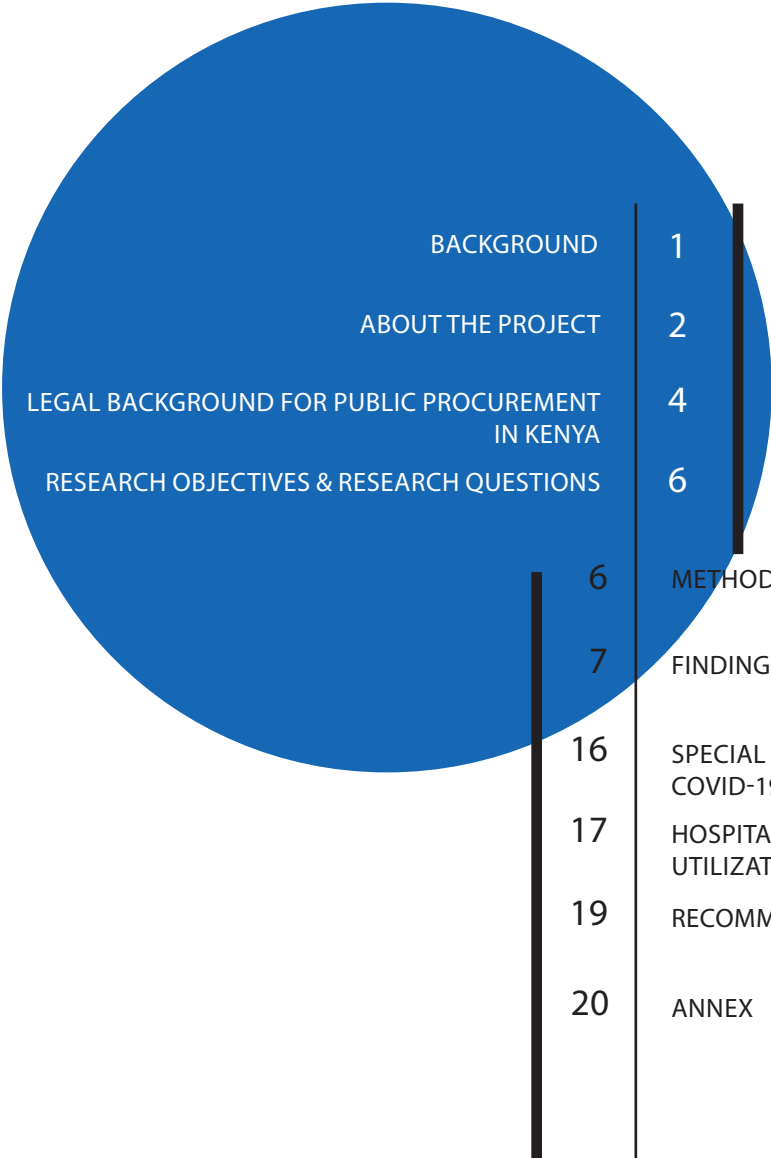
**SUPPLIER ANALYSIS OF
COVID-19 CONTRACTS
AWARDED BY THE COUNTY AND NATIONAL
GOVERNMENTS IN KENYA**

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Author: Transparency International Kenya (TI-Kenya)

Every effort has been made to verify the information contained in this report. All information was believed to be correct as of April 2021. TI-Kenya cannot accept responsibility for the consequences of its use for other purposes or in other context.

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BACKGROUND

Transparency International Kenya (TI-Kenya) was founded in 1999 in Kenya as a not-for-profit organisation with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International movement that is bound by a common vision of a corruption-free world.

TI-Kenya's vision is "A corruption free Kenya"

The organisation has 20 years' experience in governance work at the national and county levels. These include direct engagement with the Government, the private sector, individuals and groups. TI-Kenya uses advocacy as its signature approach; this is complemented by other approaches such as partnerships' development, research, capacity building and civic engagement.

This report was conducted under the "The Policy, Legal and Institutional Frameworks" a programme which seeks to contribute to the existence of a conducive operating environment for effective public accountability. It addresses challenges in the operationalisation of the Constitution of Kenya (CoK) 2010, various anti-corruption laws and policies; capacity challenges within institutions charged with the fight against corruption; and backlash from corrupt individuals/corruption cartels. The overall objective of the programme is 'to support the existence and enforcement of appropriate policy, legal and institutional frameworks through influencing, coalition building, and capacity development'.

ABOUT THE PROJECT

The Covid-19 pandemic is a significant challenge for all countries around the world, and the effective functioning of state apparatus is critical in the fight against the pandemic. Fundamentally, transparent and accountable state procurement process is even more crucial an emergency of this magnitude. Slow and ineffective decision-making costs lives. Thus, extreme urgency significantly accelerates all procurement-related processes, and with that speed, the risks of corruption, integrity and mismanagement arise. Loose emergency-related regulations, limited scrutiny, increased discretion, and information asymmetry further contribute to these challenges. Thus, the key principles of public procurement such as efficiency, effectiveness, transparency, and impartiality shall not lose their critical importance amid the crisis, but rather be reinforced and adjusted to the needs arising out of such extraordinary times.

CONTEXT

Kenya reported the first case of Covid-19 on the 13th of March 2020, leading to a roll out of concerted efforts by the government to manage and contain further spread of the virus in the country. The efforts were coordinated by the newly established National Emergency Response Committee chaired by the Cabinet Secretary in charge of health¹ at the national level and respective County Emergency Response Committees gazetted in each of the 47 counties.

On March 31st 2020, The Senate (upper house of the Parliament of Kenya) also resolved to establish an Ad Hoc committee on the Covid-19 situation² with the mandate of providing oversight on actions and measures taken by the national and county governments in addressing the spread and economic effects of the Covid-19 pandemic. Among the key issues that dominated response to the pandemic included identification and acquisition of various items that are fundamental to the management of the Covid-19 virus. This included testing kits, personal protective equipment, ambulances, isolation and quarantine centers, intensive care units, sanitizers among others. As the situation unfolded, funds were allocated for this purpose for urgent purchase of the requisite items. The National Treasury allocated Ksh 23.4 Billion to MoH towards this purpose³.

By end of April 2020, confirmed cases in Kenya stood at 363 with 14 deaths reported having tested over 12,000 persons. According to the CS health, at the beginning of the pandemic the country had only 8 infectious disease beds and zero testing capacity within the country to test for Covid-19⁴. There was a projected need of about 227 ICU beds for Covid-19 patients against the available 37 beds set aside. The total number of functional ventilators available in the country was 297 with only 90 of this found in public health facilities. KEMSA planned to procure 35,072 PPE kits, and 180,000 loose body suits (alongside procurement of other essential health products worth Ksh 9 Billion) to meet the increased demand against a global crunch of the items. The Kenya Medical Practitioners and Dentists Union conducted a needs assessments and quantified health workers PPEs and related items into their millions (4,140,000 N-95 masks, disposable gowns, Hazmat suits, face shields, shoe covers, caps and 8,280,000 surgical masks and 92,000 goggles)⁵. Between July and August 2020, the Ministry of health indicated that local capacity to produce PPEs, sanitizers was already being explored to manage the diminished global supply, inflated prices as well as logistical bottlenecks involved in shipping these items. By this time, the president had also issued a directive to bypass KEMSA and allow counties to procure non pharmaceutical items directly from local manufacturers as KEMSA had challenges meeting the demand.

Amid these plans, there were media reports indicating massive misappropriation of funds set aside for the management of Covid-19⁶. Civil society organizations stepped up calls for strong accountability mechanisms in the use of Covid-19 funds amid public outcries. This was picked up by the health committee of the National

¹ The committee was established via executive order 2 of 2020 on the 28th of February 2020 with the mandate of coordinating Kenya's preparedness, prevention and response to COVID

² <http://www.parliament.go.ke/index.php/the-senate/committees/ad-hoc-committees/12/covid-19>

³ [REPORT ON INQUIRY INTO THE UTILISATION OF THE APPROPRIATED FUNDS FOR COVID19 PANDEMIC.pdf](https://www.parliament.go.ke/sites/default/files/2020-05/REPORT%20ON%20INQUIRY%20INTO%20THE%20UTILISATION%20OF%20THE%20APPROPRIATED%20FUNDS%20FOR%20COVID19%20PANDEMIC.pdf) (parliament.go.ke)

⁴ National COVID 19 conference accessed (min 42-43) from <https://www.youtube.com/watch?v=qg7N3-uxoHw&t=2730s>

⁵ <http://www.parliament.go.ke/sites/default/files/2020-05/Senate%20Ad%20Hoc%20Committee%20on%20COVID19%20-%203rd%20Progress%20Report.pdf>

⁶ <https://www.standardmedia.co.ke/health/article/2001369631/how-sh1-billion-coronavirus-fund-was-spent>

Assembly who instituted an inquiry into the utilization of the appropriated funds for Covid-19 pandemic to the Ministry of health in 2019/20 financial year, with a specific focus on Kenya Medical Supplies Authority.⁷ The report was released in October 2020.

Additionally, the Office of the Auditor General, at the request of the Senate Ad Hoc Committee on Covid-19, the Senate Health Committee and the Public Investments Committee of the National Assembly, conducted a special audit on the procurements undertaken by KEMSA in response to the Covid-19 pandemic. The report was tabled in parliament in October 2020. Both reports noted that there were irregularities particularly in the procurement of Covid-19 items needed in the country. Another special Audit was commissioned in August 2020, focusing on how counties expended the Covid-19⁸ funds. This report was made available to the public in April 2021⁹

Two key conferences took place in September 2020 with regards to the management and containment of Covid-19. One was the Council of Governors (CoG) virtual Covid-19 conference on the 31st of August 2020¹⁰ and the National Covid-19 conference held on 28th September 2020 at the Kenyatta International Conference Center.¹¹ Both conferences were instrumental in bringing together different stakeholders to discuss the challenges and successes in the management of Covid-19 in the country. The council of Governors conference was particularly crucial in getting commitments on transparency in Covid-19 procurement undertaken by relevant government agencies. The CoG passed a resolution that both levels of government embrace open government and publicize tenders and awarded contracts on County and National Government websites.¹² Additionally, the president directed publication of the Covid-19 procurement by the Ministry of Health within 30 days¹³. By end of September 2020,¹⁴ KEMSA had indeed published a list of tenders awarded between September 2019 and September 2020.

It is this list that was used as a basis for production of this report with additional information sourced from the two special audits conducted by the Auditor general.

7 [REPORT ON INQUIRY INTO THE UTILISATION OF THE APPROPRIATED FUNDS FOR COVID19 PANDEMIC.pdf \(parliament.go.ke\)](#)

8 [SPECIAL AUDIT REPORT -KEMSA.pdf \(parliament.go.ke\)](#)

9 http://oagkenya.oagkenya.go.ke/index.php/reports/cat_view/2-reports/72-special-audit-reports

10 <https://www.youtube.com/watch?v=r53I-idzT9E&t=4362s> and <https://www.youtube.com/watch?v=oukIT6-i54w>

11 <https://www.youtube.com/watch?v=qg7N3-uxoHw&t=8747s>

12 <https://s3-eu-west-1.amazonaws.com/s3.sourceafrica.net/documents/120737/Council-of-Governors-Resolutions-of-the-COVID-19.pdf>

13 <https://www.president.go.ke/2020/08/31/president-kenyatta-orders-ministry-of-health-to-publish-all-covid-19-procurements/>

14 <https://www.kemsa.co.ke/wp-content/uploads/2020/10/SUMMARY-OF-KEMSA-CONTRACT-AWARDS-SEPT-2019-SEPT-2020.pdf>

LEGAL BACKGROUND FOR PUBLIC PROCUREMENT IN KENYA

PUBLIC FINANCE MANAGEMENT ACT 2012

This is an Act of Parliament to provide for the effective management of public finances by the national and county governments, including Parliament and County Assemblies in conducting their oversight roles.¹⁵

The¹⁶ Act places responsibility on accounting officers for the proper and efficient management of finances both at the National and County Government entities. Furthermore, the said sections place responsibility on Accounting officers to ensure procurement practices are according to the Law, whilst ensuring Value for Money. Public officers are prohibited from spending public money contrary to the relevant Laws, and any officer found in contravention commits an offence and is liable on conviction to a term of imprisonment not exceeding two years or to a fine not exceeding one million shillings, or to both.¹⁷

Additionally, an accounting officer who engages in a corrupt act commits an offence and upon conviction is liable to a term of imprisonment not exceeding five years or to a fine not exceeding ten million shillings or both.¹⁸

PUBLIC FINANCE MANAGEMENT REGULATIONS OF 2015

The purpose of the Regulations is to give effect to Section 205 of the Public Finance Management Act, 2012.¹⁹

The Regulations place a duty on accounting officers to ensure public funds are used only for the purpose they were intended to²⁰. Additionally accounting officers are required to prepare procurement plans annually to form the basis of procurement activities to be undertaken during the fiscal year²¹. Accounting officers are prohibited from authorizing payments meant for other activities without following prerequisite procedures and approvals.²²

THE PUBLIC PROCUREMENTS AND DISPOSAL ACT (PPDA) 2015

This is an Act of Parliament which gives effect to Article 227 of the Constitution. It is the primary legislation governing public procurement and asset disposal.²³

The Act provides for guiding principles of public procurement and Asset disposal in line with the Constitution of Kenya 2010.²⁴

One of the methods of procurement provided under the Act is Direct procurement. The Act provides the following instances in which Direct procurement method may be used:²⁵

- When the goods, works or services are available only from a particular supplier or contractor, or a particular supplier or contractor has exclusive rights in respect of the goods, works or services, and no reasonable alternative or substitute exists;
- When there is urgency caused by unforeseeable circumstances such as to war, invasion, disorder, natural disaster, making it impractical to use other methods of procurement.
- When the procuring entity requires additional supplies, having procured goods, equipment, technology or services that supplier or contractor, for reasons of standardization.

¹⁵ <https://www.treasury.go.ke/tax/acts.html?download=603:the-public-finance-management-act-2012-1-1>

¹⁶ Section 67 as read together with Sections 68 and 148 of the Public Finance Management Act, 2012.

¹⁷ Section 196 of the Public Finance Management Act, 2012.

¹⁸ Section 198 of the Public Finance Management Act, 2012.

¹⁹ https://sentaokenya.org/?smd_process_download=1&download_id=24143

²⁰ Section 43(b) of the Public Finance Management (National Government) Regulations 2015.

²¹ Section 115(2) of the Public Finance Management (National Government) Regulations 2015

²² Section 54 of the Public Finance Management (National Government) Regulations 2015

²³ <http://ppra.go.ke/ppda/>

²⁴ Section 3 of the Public Procurement and Asset Disposal Act, 2015.

²⁵ Section 103 of the Public Procurement and Asset Disposal Act, 2015.

- Where good goods, works or services are being provided by a public entity on condition that the acquisition price is fair and reasonable and compares well with known prices of goods, works or services in the circumstances.

The Act provides for the procedure for Direct procurement whereby the commencement shall be the issuance of a tender.²⁶ Additionally, an ad-hoc committee appointed by the accounting officer shall be responsible for negotiations with the supplier.²⁷ Procurement of goods, works and services must be done within an approved budget with goods to be procured at prevailing market prices.²⁸

The Act prohibits approval of procurements to operate retrospectively except for urgent needs.²⁹ However, there must be adequate evidence for the emergency.³⁰

EXECUTIVE ORDER 2 OF 2018

This is an order issued in 2018 that requires all public procuring entities to maintain and continuously publicize procurement information including but not limited to, information relating to all tenders awarded including full particulars of the awarded bidder, award date and contract period.³¹

The Executive Order exempts publication of data of procurement arising from the declaration of a National Emergency or National disaster.

The Public Procurement Regulatory Authority has stated that compliance by procuring entities is low, with the majority of procuring entities publishing tenders without contracts.³²

THE KENYA MEDICAL SUPPLIES AUTHORITY (KEMSA)

The Kenya Medical Supplies Authority (KEMSA) is a State Corporation established under the KEMSA Act,³³ whose main function is to procure, warehouse and distribute drugs and medical supplies for prescribed public health programs.³⁴

Another function of the Authority is to enter into partnerships with County Governments to provide procurement services for drugs and medical supplies.³⁵

²⁶ Section 104 of the Public Procurement and Disposal Act, 2015.

²⁷ Section 104(b) of the Public Procurement and Disposal Act, 2015.

²⁸ Section 44(1) as read together with Section 54(2) of the Public Procurement and Disposal Act, 2015.

²⁹ Section 69(2) of the Public Procurement and Disposal Act, 2015.

³⁰ Section 69(3) of the Public Procurement and Disposal Act, 2015.

³¹ <https://openinstitute.africa/wp-content/uploads/2018/07/Executive-Order-No.-2-of-2018-Procurement.pdf>

³² <http://ppra.go.ke/compliance-reports/>

³³ Section 3 of the Kenya Medical Supplies Authority Act, 2013.

³⁴ Section 4 of the Kenya Medical Supplies Authority Act, 2013.

³⁵ *ibid*

RESEARCH OBJECTIVE AND RESEARCH QUESTIONS:

The key goal of the research is to analyze Covid-19 procurements made by the Government of Kenya during the Covid-19 pandemic. The document provides an overview of Covid-19 procurement decisions in response to the pandemic made by KEMSA between March and September 2020 ; an analysis of the market overview for PPEs and pharmaceutical equipment and products needed for the management of Covid-19.

Key research questions should be answered in order to provide an overview of the landscape of Kenyan Covid-19 procurement. The questions include but not limited to ;

1. Contracts awarded by National and County Governments to manage Covid-19 in Kenya
2. The cost of the items procured
3. Profile of the suppliers that provided the items
4. Procurement decisions that awarded the contracts

METHODOLOGY

DATA ANALYSIS

The report relied on the data published by KEMSA as of August 31st following the presidential directive.³⁶ Additional data was sourced from the report of the special Audit of the Auditor General on utilization of COVID 19 funds by KEMSA and report of the special Audit of the Auditor General on utilization of COVID 19 funds by Counties. Since the KEMSA data was published in Portable Digital Format (PDF) , it was first converted into the more user friendly format -MS Excel. The data was cleaned to ensure there was no distortion of content or values. The Audit reports were not converted but were transcribed into Excel where necessary.

Certain inferences were made where the datasets/information was incomplete. The inferences affected about 1% of the data across different categories. Where necessary, the data was left out during analysis and this is highlighted across the report and the datasets. The analysis contains footnotes of specific query on the data and how it was subsequently treated during the analysis. Some of the contract values listed in foreign currency were converted to local currency using the prevailing rates. All the analysis was done using Microsoft Excel.

³⁶ <https://www.kemsa.co.ke/wp-content/uploads/2020/10/SUMMARY-OF-KEMSA-CONTRACT-AWARDS-SEPT-2019-SEPT-2020.pdf>

FINDINGS

i. Total Number of Contracts awarded

According to the KEMSA data, a total of 358³⁷ contracts were awarded between September 2019 and September 2020³⁸. Majority of the contracts were awarded between April and June 2020(149 contracts) followed by those awarded between Jan and March 2020 (81 contracts) and those awarded between July and September 2020(62 contracts). A total of 262 contracts were awarded between March and September 2020.³⁹

Month	Number of contracts
April to June 2020	149
Jan to Mar 2020	81
July to Sep 2020	62
Post Sept 2020	26
Oct to Dec 2019	24
Before Sept 2019	16
Total	358

ii. Total value of contracts awarded

The total value of the contracts awarded was Ksh 15,433,933,448(USD 139,819,260)⁴⁰ with the value of the contracts awarded between March and September 2020 totaling to Ksh 9,138,962,841. The most amount of money was spent between April and June 2020 as Ksh 6,040,315,510 was spent on 149 contracts followed by Ksh 5,859,254,557 spent on 81 contracts between January and March 2020, then Ksh 1,676,969,682 spent on 62 contracts.

Breakdown of contract values per quarter ⁴¹

Month	Number of contracts	Amount (Ksh)
April to June 2020	149	6,040,315,510
Jan to Mar 2020	81	5,859,254,557
July to Sep 2020	62	1,676,969,682
Post Sept 2020	26	1,208,541,774
Oct to Dec 2019	24	528,919,223
Before Sept 2019	16	119,932,703
Total	358	15,433,933,448

The highest amount/ value of contract awarded was Ksh 3,609,546,436.00 while the lowest was Ksh 435.

37 The numbering was not consistent ; number 22 and 23 missing from the original list thus affecting proper numbering. This was amended during analysis and as such the numbers reduced from 360 to 358.

38 It is unclear what the column 'contract date' in the list depicts – it could mean date by when the contract should be fulfilled since the list was produced by 30th September and was meant to contain data for procurement done between September 2019 and September 2020. There are several contracts awarded before and after the stated dates.

39 Between the first confirmed case of COVID 19 in Kenya and when KEMSA published the list Sept 30th Sept 2020

40 3 amounts were listed in foreign currency USD and Euro. These were converted into KES using CBK FX rates for those days. 2 items listed the cost per item and not the total cost without providing a unit cost, while one was not listed at all and this was excluded during analysis.

41 As per the column labelled 'contract dates' noted in the list shared

Breakdown of KEMSA costs between March and September 2020⁴²

The most amount of money was spent in June 2020 as Ksh 4,199,438,466 was spent on 80 contracts followed by Ksh 1,305,107,184 spent on 47 contracts in May 2020, then Ksh 892,758,426 spent on 25 contracts.

Month	Number of contracts	Amount (Ksh)
June	80	4,199,438,466
May	47	1,305,107,184
March	25	892,758,426
Sep	6	592,959,319
Aug	14	559,436,624
April	22	535,769,860
Post Sept	26	528,919,223
July	42	524,573,739
Total	262	9,138,962,841

iii. Items procured and costs

Between March and September 2020, there were 120 contracts awarded relating directly to the management of Covid-19 in the country as below :

Item	Number of contracts	Amount
Masks	54	3,258,145,928
Testing items	17	1,442,460,089
PPE Kits	19	1,395,627,580
ICU and related equipment	16	356,152,705
Thermometers	6	168,960,000
Sanitizers	6	150,020,000
Ventilators	3	48,200,000

The most procured items in the list during this time were assorted masks valued at Ksh 3,258,145,928 followed by testing items valued at Ksh 1,442,460,089, Personal Protective Equipment (PPE) kits (Ksh 1,395,627,580).

iv. Reasons for award

Thirty five percent of all contracts awarded in the list were awarded to responsive bidders followed by 33% awarded as emergency direct procurement, 12% as evaluated responsive bidder and 11% as lowest evaluated responsive bidder.

Reasons for awarding contracts	%	Number of contracts
Responsive bidder	35%	126
Emergency Direct Procurement	33%	119
Evaluated Responsive Bidder	12%	44
The Lowest Evaluated Responsive Bidder	11%	40
Lowest Evaluated Bidder	3%	11
Other reasons	5%	18

⁴² The list was published in September 2020. Dates in this analysis post September 2020 have been lumped together as "post Sept"

In terms of costs, 44% of the cost was spent on evaluated responsive bidder followed by 41% spent on emergency direct procurement.

Reasons for awarding contracts	Cost	%
Evaluated Responsive bidder	6,788,559,446	44%
Emergency Direct Procurement	6,301,073,319	41%
Responsive bidder	1,279,269,753	8%
Other reasons	1,065,030,931	7%

Between March and September, 44% of all contracts were as a result of emergency direct procurement followed by 32% percent to responsive bidders and 8% to the lowest evaluated responsive bidder.

Reasons for awarding contracts	%	Number of contracts
Emergency Direct Procurement	44%	116
Responsive bidder	32%	84
The Lowest Evaluated Responsive Bidder	8%	20
Evaluated Responsive bidder	7%	18
The Lowest Evaluated Responsive Bidder	4%	10
Other reasons	5%	14

In terms of value, 68% of the costs expended between March and September were spent on contracts awarded through emergency direct procurement followed by 13% spent on contracts awarded through evaluated responsive bidders.

Reasons for awarding contracts	Value	%
Emergency Direct Procurement	6,174,359,978	68%
Evaluated Responsive bidder	1,196,548,202	13%
Responsive bidder	884,333,602	10%
Other reasons	883,721,059	10%

v. Total number of suppliers awarded.

The 358 contracts awarded were shared between 208 companies. One hundred and forty-six companies were awarded single contracts (70% of the companies), 34 companies awarded 2 contracts each, 11 companies awarded 3 contracts each. Out of the 358 contracts awarded, 334 were awarded to Companies whose operations were in Kenya.

Number of companies	Number of contracts
146	1
34	2
11	3
4	4
4	5
3	6
1	7
2	8
1	9
1	12
1	13

Mission for Essential Drugs and Supplies (MEDS)⁴³ was the recipient of the largest number of contracts (13 contracts) followed by Faram East Africa Limited (12 contracts) and 9 contracts awarded to Megascope Health Care Limited. Laboratory and Allied Limited and Harleys limited were 8 contracts each, Crown Healthcare at 7 contracts while Petrel Agencies Limited, Surgipharm Limited and Angelica Medical Supplies limited had 6 contracts each.

Supplier	Number of contracts		Number of contracts
⁴⁴ Mission for Essential Drugs and Supplies (MEDS)	13	Registered under Trus-tee Bishops, The Kenya Episcopal Conference Registered Trustees and Christian Health Association of Kenya	Mombasa Rd
Faram East Africa Limited	12	Erastus Momanyi, Wilfred Injera	Westlands Av, Nairobi
Megascope Healthcare (K) Limited	9	Richard Ngatia Waweru, Charles Ngugi Njenga	Washika Rd, Lavington Nairobi
Laboratory and Allied Limited	8	Manesh Vithalbai, Rancho-dhai patel, Ani Vithyalbhai Patel-Kenyan	Mombasa Rd
⁴⁵ Harley's Limited	8	Rupen Mulchend Haria, Nishi Asvin Haria, Asvin Kumar Raishi Haria	Westlands Rd, Nairobi
Crown Healthcare	7	Shilen Dhirajlal Thak-erar, Bansri Vinodlal Ruparel	Mombasa Rd
Petrel Agencies Limited	6	Kanyua Mutema, James Kanyua Mutema & Lucy Wangare Mutema	Nairobi (specific location not found)

⁴³ The organization appears listed in the three different names (Mission for Essential Drugs, Mission for Essential Drugs and Supplies, and Mission for Essential Drugs Supplies), has the same address but the ownership/ director details had different details. The different lists of directors include i) A list of Catholic Bishops, and ii) The Kenya Episcopal Conference (KEC) which is an assembly of the Catholic Bishops in Kenya and Christian Health Association of Kenya (CHAK) which was established as a Hospitals' Committee of NCKK

⁴⁴ Two different lists of directors are provided. Company names also seem different but the physical address is the same

⁴⁵ One name, (Ani Vithyalbhai Patel) missing from some tenders

⁴⁶ Surgipharm Limited	6	Hirenkumar Metha,- Bina Deepak,Deepak Ko-thari, Mohammed Akoojee, Johan Andries Truter ,Rakesh Kumar ,Shah Vipinchandra, Regina/ Jack/V. K. Maini/Alphon- seImperial Capital,Vijai Kanwle Dr Maini, ,Rakesh maini,Vaunn Li-onel,Jo- hannes George,Renier Jaco-bus,Marius Swanepoel	Nivina Towers, West- lands Rd, Nairobi
⁴⁷ Angelica Medical Supplies Limited	6	Nicholas Gitonga Matu, Daniel Matu Njuguna,Mary Wanja Ibutu,Stela W Nyamu	Hurlingam Nairobi

Between March and September 2020⁴⁸ , 262 contracts were awarded to 174 companies. One hundred and thirty-one companies (75%) were awarded single contracts, followed by 28 companies that were awarded 2 contracts each, four companies awarded 4 contracts each. It is worth noting that 249 of these contracts were awarded to companies whose country of operation was listed as Kenya.

Number of companies	Number of contracts
131	1
28	2
4	4
4	3
3	5
1	10
1	9
1	6
1	7

Out of the breakdown provided above, Mission for Essential Drugs and Supplies (MEDS) was the recipient of the largest number of contracts (10 contracts) followed by Megascop Health Care Limited at 9 contracts, 7 contracts awarded to Faram East Africa, 6 awarded to Angelica Medical supplies and 5 contracts each awarded to F&S Scientific Ltd, Petrel agencies and Surgipharm limited.

⁴⁶ Directors' names changed four times but same address

⁴⁷ (website indicates location as hurlingam but there are 2 different addresses in tender documents including Tom Mboya, Nairobi)

⁴⁸ This count includes contracts listed as awarded after September 2020

Company	Number of contracts
Mission for Essential Drugs and Supplies (MEDS)	10
Megascope Healthcare (K) Limited	9
Faram East Africa Limited	7
Angelica Medical Supplies Limited	6
F & S Scientific Ltd	5
Petrel Agencies Limited	5
Surgipharm Limited	5

vi. Largest beneficiary supplier (Value)

Overall, the largest beneficiaries of the contracts in terms of value was Mylan Laboratories (country of operation listed as India) at the cost of Ksh 4,586,161,047 for 3 contracts, followed by Tianjin Yorkool International Trading Co. Ltd (country of operation listed as China) for one contract valued at Ksh 653,299,107 and Mission for Essential Drugs and Supplies (MEDS) for 13 contracts valued at Ksh 632,158,758.

Company	Number of contracts	Total value of contracts awarded	Country of operation
Mylan Laboratories Limited	3	4,586,161,047	India
Tianjin Yorkool International Trading Co. Ltd	1	653,299,107	China
Mission for Essential Drugs and Supplies (MEDS)	13	632,158,758	Kenya
Angelica Medical Supplies Limited	6	421,416,852	Kenya
Abbott GmbH	1	369,370,406	Germany
Ornate Ventures limited	1	435	Kenya

The highest value single contract was awarded to Mylan Laboratories Limited for supply of ARVs at a total value of Ksh 3,609,546,436. The huge amount spent in supply of ARVs⁴⁹ could be partly explained by preceding complaints about the shortage of ARVs due to Covid-19 disruptions. There were revelations by the media of the drugs being out of stock and mounting pressure by organizations working with people living with HIV/AIDS for the government to procure the ARV⁵⁰. Mylan Laboratories Limited had 2 other contracts for supply of the same item (though the other 2 items were valued at Ksh.631,359,262 and Ksh.345,255,350 respectively). This company's country of operation is listed as India. The lowest value contract was awarded to Ornate Ventures limited at a cost of Ksh 435. The company's country of operation is Kenya and had only that one contract. Between March and September 2020, the largest beneficiaries of the contracts in terms of costs was Tianjin Yorkool International Trading Co. Ltd at the cost of Ksh 653,299,107 for a single contract, followed by Mission for Essential Drugs and Supplies (MEDS) for 10 contracts valued at Ksh 476,538,589, Angelica Medical Supplies at the cost of Ksh 421,416,852 for 6 contracts.

49 <https://www.standardmedia.co.ke/health/article/2001379236/alarm-as-hiv-drugs-run-low-due-to-covid-19-disruptions>

50 <https://aidsfonds.org/news/pitch-partners-in-kenya-raise-alert-on-shortage-of-crucial-drug-for-plhiv>

Company	Number of contracts	Cost	Country of Operation
Tianjin Yorkkool International Trading Co. Ltd	1	653,299,107	China
Mission for Essential Drugs and Supplies (MEDS)	10	476,538,589	Kenya
Angelica Medical Supplies Limited	6	421,416,852	Kenya
Abbott GmbH	1	369,370,406	Germany
Cepheid HBDC SAS	1	359,947,168	France
Chem-Labs Ltd	1	4,200	Kenya

The highest value contract was awarded to costs was Tianjin Yorkkool International Trading Co. Ltd at the cost of Ksh 653,299,107 for a single contract while the lowest value contract was awarded to Chem-Labs Ltd a cost of Ksh 4,200. The company had only that one contract.

vii. Country of operation and cost

The total cost of contracts awarded to companies whose country of operation was Kenya totaled Ksh 8,382,431,743 followed by cost of contracts awarded to companies whose country of operations was India at Ksh 5,132,510,064.

Country of operation	Cost (Ksh)	Percentage
Kenya	7,135,252,042	78.08%
China	653,299,107	7.15%
Germany	469,029,661	5.13%
France	359,947,168	3.94%
South Africa	200,675,146	2.20%
UK	181,900,000	1.99%
India	138,859,717	1.52%

Top companies (with the highest number of contracts awarded and highest value contract) versus type of procurement used

a. Mission for Essential Drugs and Supplies (MEDS)-10 contracts

Out of the 10 contracts awarded to this company between March and September, only one contract was awarded as a result of emergency direct procurement for Supply of Surgical Mask Disposable 3 Ply With Four Ties & Face Mask- N95 worth Ksh 34,380,000. Three of the contracts were awarded to MEDs as the evaluated responsive bidder worth Ksh 221,339,072 and 3 as the responsive bidder. It is worth noting that MEDS had the second highest value of contracts awarded between March and September 2020.

Reason for award	Number of contracts	Cost (Ksh)
Responsive bidder	6	220,819,517
Evaluated Responsive Bidder	3	221,339,072
Emergency Direct Procurement	1	34,380,000

b. Megascope Healthcare (K)limited – 9 contracts

Out of the 9 contracts awarded to this company between March and September, 6 were awarded as a result of emergency direct procurement for Supply of various items relating to the management of Covid-19 including face masks/shields, ventilators and personal protective equipment (PPE)kits worth Ksh 171,305,000. Three of the contracts were awarded to Megascope as the responsive bidder worth Ksh 112,511,064 for items also relating to management of Covid-19 except equipment (MRI machine and CT scan) worth Ksh 50,811,064.

Reason for award	Number of contracts	Cost (Ksh)
Responsive bidder	3	112,511,064
Emergency Direct Procurement	6	171,305,000

c. Faram East Africa Limited

Out of the 7 contracts awarded to this company between March and September, 4 were awarded as a result of emergency direct procurement for Supply of various items relating to the management of Covid-19 particularly relating to lab and testing items worth Ksh 19,808,550. Two of the contracts were awarded to Faram as the evaluated responsive bidder worth Ksh 14,167,425 and 1 contract awarded as the responsive bidder worth Ksh 773,591.

Reason for award	Number of contracts	Cost (Ksh)
Emergency Direct Procurement	4	19,808,550
Evaluated Responsive bidder	2	14,167,425
Responsive bidder	1	773,591

d. Faram East Africa Limited

Out of the 6 contracts awarded to this company between March and September, three were awarded as a result of emergency direct procurement for Supply of various items relating to the management of Covid-19 including thermometers and personal protective equipment (PPE)Kits valued at Ksh 369,214,000. Two of the contracts were awarded to Angelica Medical as the responsive bidder worth Ksh 40,552,852 and one contract awarded as the only bidder worth Ksh 11,650,000

Reason for award	Number of contracts	Cost (Ksh)
Emergency Direct Procurement	3	369,214,000
Responsive bidder	2	40,552,852
Only Bidder	1	11,650,000

e. Other notable companies

- i. Between March and September, Tianjin Yorkool International Trading Co. Ltd was awarded the highest valued contract as the evaluated responsive bidder for the supply of insecticidal nets.
- ii. Abbott GmbH was awarded a single contract as emergency direct procurement for the supply of Covid-19 testing kits valued at Ksh 369,370,406. This was the 4th highest valued contract awarded between March and September 2020.
- iii. Cepheid HBDC SAS was awarded a single contract worth Ksh 359,947,168 for the provision of Supply of TB Genexpert equipment for testing Covid-19 as the sole manufacturer.

SPECIAL AUDIT REPORT ON THE UTILIZATION OF COVID-19 FUNDS BY KEMSA

Following media reports⁵¹ on allegations of corruption in the award of Covid-19 contracts, the office of the Auditor General received requests from Senate Health Committee, the Public Investment Committee of the National Assembly and the Ad Hoc Committee on Covid-19 to conduct a special audit. The scope of the audit included a forensic audit of the procurements undertaken by KEMSA in response to Covid-19. The following is a presentation of issues raised with regards to the awarding of contracts to various companies.

i. Companies issued with commitment letters without a market survey

According to Annex 2 of the audit report, the Auditor General flagged 139 contracts where KEMSA issued commitment letters without doing a market survey. A total of 84 of these contracts are listed in the published KEMSA list. It is worth noting that according to the KEMSA list, between March and September 2020, 262 contracts were awarded to 174 companies. Out of these contracts, 116 (44%) were awarded as through emergency direct procurement. Out of the 116, the Auditor General raised queries regarding issuance of commitment letters without conducting market surveys on 84 of the contracts, awarded to 70 companies worth Ksh 4297,014⁵². The Auditor General also noted that for one company, Abbot GMBH, supplied items at a cost prescribed by KEMSA's budgetary allocation. Another company, Steplabs technical services was awarded a contract worth Ksh 86,704,000 for the Supply of PCR Tests & Extraction Kits and Virus Transport Media. The Auditor noted, the company was paid some of the amounts before they delivered the items.

The auditor general further noted that five of these companies were awarded contracts to provide health products and technologies yet;

- a. this was not the business for which the supplier was registered for,
- a. the supplier was financially incapable to execute contract,
- b. the directors were incapable and inexperienced to supply medical commodities,
- c. the supplier had inadequate experience in the industry,
- d. the supplier was not evaluated, approved or registered to supply medical commodities

A summary of these companies can be seen in the table below:

Company	Type of business	Value of contracts awarded (Ksh)	Items supplied
⁵³ Aszure Commercial Services Limited	Furniture company	347,515,000	KN95 Respirator Face Mask
⁵⁴ Bell Industries Limited	Agrobusiness/agrochemicals	177,125,000	PPEs and Thermometers
⁵⁵ Bennetts Ventures Limited	Production of medical equipment	180,000,000	Surgical Face Masks
⁵⁶ Briema Grains Stores Limited	Grains	167,000,000	KN95 Respirator , Face Mask & 3 Ply Ear Loop.
⁵⁷ Nanopay Limited	Unclear	19,000,000	Surgical Face Mask 3 Ply Ear Loop.

⁵¹ <http://www.parliament.go.ke/sites/default/files/2020-10/SPECIAL%20AUDIT%20REPORT%20-KEMSA.pdf>

⁵² See annex 1 with the list of the 70 companies

⁵³ Information based on Media reports- the company has no online presence

⁵⁴ <https://www.bellindustrieskenya.com/>

⁵⁵ <https://bennettsventures.co.ke/>

⁵⁶ No online presence on the company.

⁵⁷ No online presence of the Kenyan Company. What exists is a Canadian company.

The Auditor further noted that Nanopay limited had only been in existence for a period of less than one year before it was awarded the contract and recommended that an investigation be conducted to establish risk of procurement fraud and collusion.

ii. Irregular extension of delivery timelines & delivery of items past agreed timelines

The auditor general further raised queries about companies that had delivered the supplies outside of agreed timelines with or without approvals. A summary of these companies can be seen in the table below:

Company	Amount	Queries
Purma Holdings Limited	90,000,000	Irregular extension of delivery timelines
Villa Surgical & Equipment Limited	142,000,000	Irregular extension of delivery timelines of 2 contracts
Visrom company Ltd	90,000,000	Irregular extension of delivery timelines
Ziwala Limited	84,000,000	Irregular extension of delivery timelines
Meraky Healthcare Limited	140,000,000	Irregular extension of delivery timelines
Gladlab Supplies Limited	135,000,000	Irregular extension of delivery timelines
Geokim Supplies Company Limited	90,000,000	Delivery of items past agreed timelines without approval
Komtel Kenya Ltd	133,000,000	Delivery of items past agreed timelines without approval

The auditor raised further concerns with regards to the contract issued to Gladlab Supplies Limited as it emerged that there was a significant price difference between the cost per unit contained in the supplier’s letter of intent (Ksh 3183 per box of 50 pieces of surgical masks) versus the price that was eventually awarded (Ksh 4500 per box of 50 pieces of surgical masks).

SPECIAL AUDIT REPORT ON THE UTILIZATION OF COVID-19 FUNDS BY COUNTIES

The Senate Ad Hoc Committee on Covid-19 requested the office of the Auditor General to conduct a special audit on the utilization of Covid-19 funds allocated to and appropriated by the County Government.⁵⁸ The audit was meant to establish whether public funds utilized by county governments for the procurement of medical supplies for the purpose of Covid-19 pandemic was used in a manner that was lawful and effective. In 14⁵⁹ of the 47 counties audited, the Auditor general did not raise specific issues with companies that provided HPTs to these counties. A summary of some of the issues relating to procurement decisions, especially where specific companies have been listed have been summarized below:

i. Inadequate competitive bidding

The auditor raised queries with regards to contracts awarded in a bidding process that was deemed to be not competitive. During the bidding process where Grenas was awarded a contract, 2 of the 5 companies (Grenas and Quryne Africa limited) that bid had the same director; Grenas won the contract. A similar situation was witnessed in the same county with Hoswin Venture limited (that won the contract). In Busia County, the Auditor noted that there was absence of competitive bidding as 4 of the companies awarded contracts to renovate isolation centers in the county had the same director.

Company	Items	County
Grenas Enterprise Limited	Medical Drugs	Baringo
Hoswin Venture Limited	Spraying Pumps	Baringo
Hanal Investment	Renovation of isolation centers	Busia
Sowina Investment	Renovation of isolation centers	Busia
Megalaser International	Renovation of isolation centers	Busia
Shabsal Company Ltd	Renovation of isolation centers	Busia

ii. Tenders awarded to ineligible bidders

In the Audit report, the auditor general flagged companies that were newly registered and were awarded contracts by the respective county governments. Additionally, Hunain Contractors was awarded a contract to supply disposable face masks and hand Sanitizers, yet their area of expertise was in construction.

Company	County	Year of Incorporation
Bertune Trading Ltd	Isiolo	February 2020
Hunain contractors	Isiolo	November 2018
Doki General Supplies	Meru	July 2020
Urban Medical Furniture	Meru	June 2020
Patrilo Holdings Limited	Meru	May 2020
Binoti Limited	Kakamega	March 2020
Yamama construction Company	Taita Taveta	May 2020

⁵⁸ http://oagkenya.oagkenya.go.ke/index.php/reports/cat_view/2-reports/72-special-audit-reports

⁵⁹ See Annex 2

Company	County	Reason for ineligibility
Blue Oasis Limited	Trans Nzoia	No tax compliance and pin certificates availed
Aidarus Commodities	Mombasa	Tax compliance certificate not availed
Seliyani Ventures limited	Mombasa	Tax compliance certificate had expired
Treviyon enterprises	Turkana	Tax compliance certificate not availed
Ultraceuticals Pharmacy	Turkana	Pharmaceuticals Technologists practice ex-pired in 2018

Additionally, the Auditor General flagged contracts awarded to companies that had not availed valid tax certificates or certificates that were expired which is a clear breach of the law. Ultraceuticals Pharmacy had an expired practice certificate.

iii. Companies that were paid in the absence of valid contracts

The Auditor flagged the companies below as having been paid in the absence of valid contracts (they were either not signed or were not availed to the auditors).

Company	County	Contract amount (Ksh)
BOC Gases*	Kajiado	5,001,120
Tremaoch Kenya Limited	Kisii	945,000
Saheen Limited	Kisii	2,191,400
Gracious Tents limited	Taita	7,897,000
Coast Institute of Technology	Taita	Different amounts
Pharmtrade Pharmacy Limited	Tana River	5,955,650
Tri Pillar Consultants *	Tharaka Nithi	8,436,000

Additionally, the auditor noted that BOC gases had been paid twice for the same contract while Tri Pillar Consultants were awarded a contract for supply of patient beds above the available market rates at the published MPI from PPRA.

iii. Companies that were paid in the absence of valid contracts

During the analysis of the three documents , it was noted that there were companies that had been awarded contracts by different procuring entities. The companies are listed below :

Company	Procuring entity that awarded contract
Eldobase Chemicals Ltd	Trans Nzoia county , Turkana county , Uasin Gishu County
Harleys Limited	Mombasa County , KEMSA
Lufarcon Limited	Kiambu County , Tharaka Nithi County
Mission for Essential Drug Supplies	Samburu County , KEMSA
Nairobi Enterprises	Mombasa County , Migori County , KEMSA
Pasaiba Tourmaline Ltd	Tharaka Nithi County , Isiolo County , KEMSA
SAI pharmaceuticals	Taita Taveta , KEMSA

CONCLUSION

While the analysis in this report was conducted using available public data on companies awarded Covid-19 contracts, there are some key patterns that emerged. Majority of the contracts that were awarded contracts were Kenyan companies. To ensure that quality health products and technologies are procured in a timely manner and within the provisions of the law, it is vital that high levels of transparency are maintained during the entire procurement process. This ultimately serves to maintain a competitive business environment that allows legitimate businesses to thrive and continue to be a credible source of HPTs required to respond to the pandemic.

RECOMMENDATIONS

1. While urgent need procurement is exempt from publication on PPIP as per the executive order, it should be accommodated under more flexible reporting timelines to promote transparency in procurement in all instances. It is commendable that KEMSA is currently publishing this information, but this is more than one year after the procurement process took place while counties are yet to publish their data.
2. There is need to provide guidance on publication of data in exceptional circumstances; there data should also be provided in CSV or excel formats in situations where it's not possible to update the PPIP in real-time.
3. While direct procurement is a preferred method of procurement in emergency situations, proper guidelines should be issued by PPRA in conjunction with the office of the Auditor General.
4. There is need to prepare and publish a MPI for relevant items as soon as practical to avoid paying above market price for crucial items. This was a recurring issue flagged by the auditor general both at county and national level.
5. Counties need to urgently publish the list of COVID 19 contracts awarded between March and July 2020; July and December in their websites to allow for proper analysis of the beneficiaries of the contracts for proper oversight and accountability.

ANNEX

Annex 1: Companies awarded KEMSA contracts Flagged by the Auditor General – Commitment letters issued without a market survey.

	Company	Cost (Ksh)	Number of contracts
1.	Abbott GmbH	369,370,406	1
2	Absa Chemicals Limit	21,000,000	1
3	Accenture Kenya Ltd	117,000,000	1
4	Amiken Limited	375,000	1
5	Angelica Medical Supplies Limited	19,000,000	1
6	Armick Limited	28,800,000	2
7	Aszure Commercial Services Limited	347,515,000	2
8	Bell Industries Limited	177,125,000	2
9	Bennetts Ventures Limited	180,000,000	1
10	Briema Grains Stores Limited	167,000,000	1
11	Caperina Enterprises	45,000,000	1
12	Caresha Healthcare Solutions Limited	94,500,000	1
13	Cirem Contractors Ltd	18,000,000	1
14	Crown Healthcare	40,145,000	1
15	Dawa Limited	13,260,000	1
16	Deekay Relief Ltd	181,900,000	1
17	Dominion Supplies (K) Limited	90,000,000	1
18	Duke Agencies Ltd	180,000,000	1
19	Dutch Care Holdings Ltd	94,595,000	1
20	Ecotech East Africa Ltd	19,600,000	1
21	Edumart Enterprises	51,921,000	1
22	Escobar Kenya Limited	33,750,000	1
23	Everywhere Distributors Limited	113,516,225	1
24	Geokim Supplies Company Limited	90,000,000	1
25	Gladlab Supplies Limited	135,000,000	1
26	Haksson Medpharm Supplies	765,000	1
27	Hamethyst Limited	2,700,000	1
28	Harley's Limited	60,000	1
29	JKUAT Enterprises	19,400,000	1
30	Kenya Medical Research Institute	6,120,000	1
31	Kobian Kenya Limited	102,600	1
32	Komtel Kenya Ltd	223,000,000	1
33	Laboratory and Allied Limited	10,164,000	1
34	Leon Interiors Deco & Designs	42,500,000	1
35	Light Up Africa Limited	9,900,000	1
36	Marray and Sons Ventures Limited	45,000,000	1
37	Megascope Healthcare (K) Limited	139,000,000	3

ANNEX

Annex 1: Companies awarded KEMSA contracts Flagged by the Auditor General – Commitment letters issued without a market survey.

	Company	Cost (Ksh)	Number of contracts
38	Meraky Healthcare Limited	140,000,000	1
39	Mission for Essential Drugs (MEDS)	4,902,156	1
40	Nairobi Enterprises Ltd	134,744,000	2
41	Nanopay Limited	34,979,000	1
42	Neitor Solutions Ltd	13,750,000	1
43	Nhajol Enterprises	18,000,000	1
44	Northlink GSC Limited	135,000,000	1
45	Ohiyo Company Limited	67,500,000	1
46	Omaera Pharmaceuticals Limited	50,000,000	1
47	Panim Holdings Ltd	550,000	1
48	Pasaiba Tourmaline Ltd	4,554,000	1
49	Petrel Agencies Limited	122,795,000	5
50	Protetta Holdings Ltd	42,000,000	1
51	Purma Holdings Limited	120,500,000	2
52	Regal Freighters	270,000,000	1
53	Regal Pharmaceuticals Ltd	2,304,000	1
54	Remyhill Company Limited	15,750,000	1
55	Sagana Holdings Limited	21,846,000	1
56	Salgad Investment Ltd	13,500,000	1
57	Set Life Medical Solutions Limited	18,402,428	1
58	Skylight Chemicals Limited	18,444,568	2
59	Steplabs Technical Services Ltd	86,704,000	1
60	Teleflex Medical Technologies Limited	3,600,000	1
61	Thermo System E.A Ltd	6,285,000	1
62	Tradesoft Limited	5,548,500	1
63	Trippleage Investment Ltd	14,000,000	1
64	Trobical Twin Investment Ltd	3,960,000	1
65	Tronz Ventures Limited	31,730,000	2
66	Villa Surgical & Equipment Limited	142,000,000	2
67	Visrom company Ltd	90,000,000	1
68	Wallabis Ventures Limited	142,000,000	3
69	Ziwala Limited	84,000,000	1
70	Ziwala Ltd	21,000,000	1

ANNEX

Annex 2: Counties where no companies were listed by Auditor General

	Company
1.	Bungoma
2	Elgeyo Marakwet
3	Embu
4	Garissa
5	Kilifi
6	Kwale
7	Mandera
8	Nairobi
9	Nandi
10	Narok
11	Nyamira
12	Siaya
13	Vihiga
14	West Pokot

REFERENCES

1. Executive Order No 2 of 2018 accessed at <http://ppra.go.ke/download/executive-order-2-of-2018/>
2. Senate Adhoc committee progress report on COVID 19 situation in Kenya accessed at <http://www.parliament.go.ke/sites/default/files/2020-05/Senate%20Ad%20Hoc%20Committee%20on%20COVID19%20-%203rd%20Progress%20Report.pdf>
3. REPORT ON INQUIRY INTO THE UTILISATION OF THE APPROPRIATED FUNDS FOR COVID19 PANDEMIC.pdf (parliament.go.ke)
4. National COVID 19 conference accessed (min 42-43) from <https://www.youtube.com/watch?v=qg7N3-uxoHw&t=2730s>
5. <https://www.standardmedia.co.ke/health/article/2001369631/how-sh1-billion-coronavirus-fund-was-spent>
6. Report on Inquiry into the utilization of appropriated funds for COVID 19 pandemic accessed at REPORT ON INQUIRY INTO THE UTILISATION OF THE APPROPRIATED FUNDS FOR COVID19 PANDEMIC.pdf (parliament.go.ke)
7. Special Audit report on utilization of COVID 19 funds by Kenya Medical Supplies Authority accessed at SPECIAL AUDIT REPORT -KEMSA.pdf (parliament.go.ke)
8. <https://www.youtube.com/watch?v=r53I-idzT9E&t=4362s> and <https://www.youtube.com/watch?v=ouklT6-i54w>
9. <https://www.youtube.com/watch?v=qg7N3-uxoHw&t=8747s>
10. Council of Governors resolutions of the COVID 19 conference accessed at <https://s3-eu-west-1.amazonaws.com/s3.sourceafrica.net/documents/120737/Council-of-Governors-Resolutions-of-the-COVID-19.pdf>
11. Presidential address on publishing of covid 19 procurements accessed at <https://www.president.go.ke/2020/08/31/president-kenyatta-orders-ministry-of-health-to-publish-all-covid-19-procurements/>
12. <https://www.kemsa.co.ke/wp-content/uploads/2020/10/SUMMARY-OF-KEMSA-CONTRACT-AWARDS-SEPT-2019-SEPT-2020.pdf>
13. The Public Finance Management Act, No 18 of 2012 accessed at https://sentaokenya.org/?smd_process_download=1&download_id=24143
14. The Public Finance Management (National Government) Regulations, 2015 accessed at http://www.parliament.go.ke/sites/default/files/2017-05/Legal_Notice_No._34_National_Govt_Regu.pdf
15. Public Procurement and Asset Disposal Act, 2015 accessed at <http://ppra.go.ke/ppda/>
16. Executive Order No 2 of 2018 accessed at <https://openinstitute.africa/wp-content/uploads/2018/07/Executive-Order-No.-2-of-2018-Procurement.pdf>
17. Compliance reports accessed at <http://ppra.go.ke/compliance-reports/>
18. Kenya Medical Supplies Authority Act, 2013 accessed at <https://www.kemsa.co.ke/kemsa-act/>
19. <https://www.kemsa.co.ke/wp-content/uploads/2020/10/SUMMARY-OF-KEMSA-CONTRACT-AWARDS-SEPT-2019-SEPT-2020.pdf>
20. Bell Industries Limited <https://www.bellindustrieskenya.com/>
21. Bennetts Ventures Limited <https://bennettsventures.co.ke/>

CONTACTS

HEAD OFFICE

Kindaruma Road, Off Ring Road, Kilimani Gate No. 713; Suite No. 4
P.O Box 198 - 00200, City Square, Nairobi | Tel: 2727763/5 / +254 (0) 722 209 589
Mobile: +254 (0) 722 296 589 | **Email:** transparency@tikenya.org

REGIONAL OFFICES & ADVOCACY AND LEGAL ADVICE CENTRES

ALAC ELDORET

P.O BOX 842 - 30100
NCKK offices: West Market - Kidiwa
TEL: +254 53 2033100
Mobile: 0704899887
Email: alaceldoret@tikenya.org

ALAC MOMBASA

2nd floor, KNCHR offices Panal Freighters Lane
Off Haile Selassie Avenue Behind Pride inn Hotel
Mombasa CBD
Mobile: 0728418822
Email: alacmombasa@tikenya.org

ALAC WESTERN

Nyalenda Railways Estate-along
Nairobi Road Opposite YMCA
Building block 9/220
Mobile: 0716900227
Email: alacwestern@tikenya.org

ALAC NAIROBI

Kindaruma Road, Off Ring Road, Kilimani
Gate No. 713; Suite No. 4
P.O Box 198 - 00100, Nairobi
TEL: +254 20 3864230, 0701471575
Email: alacnairobi@tikenya.org

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