

**REPUBLIC OF KENYA**



**GOVERNMENT OF MAKUENI COUNTY**



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**PERFORMANCE CONTRACT BETWEEN GOVERNOR OF  
MAKUENI COUNTY**

**AND**

**COUNTY EXECUTIVE COMMITTEE MEMBER**

**OF**

**ROADS, TRANSPORT, ENERGY AND PUBLIC WORKS**

**FOR THE PERIOD 1<sup>ST</sup> JULY 2018 TO 30<sup>TH</sup> JUNE 2019**

## **PERFORMANCE CONTRACTING**

This Performance Contract (hereinafter referred to as the “Contract”) is entered into between the, County Government of Makueni represented by His Excellency the Governor of P.O BOX 78-90300 (together with its assignees and successors) of the one part, and the County Executive Committee Member for Roads, Transport, Energy and Public Works (together with its assignees and successors) of P.O BOX 78 - 90300 of the other part.

## **WHEREAS**

The County Government is committed to ensuring that public offices are well managed and they are cost effective in delivering quality service to the public in line with provisions of the Constitution of Kenya;

The County Government recognizes that Departments hold a vital key in the implementation of County priority programmes and projects, other national priorities including the “Big Four” initiatives in order to improve the quality of lives of the people of Makueni County and make the County competitive;

The purpose of this performance contract is to establish the basis for ensuring that efficient and effective services are delivered to the people of Makueni County in line with the provisions of the Constitution and by requiring Departments to adapt systems that enable innovativeness and adaptability of public services to the needs of users.

This Performance Contract therefore represents a basis for continuous performance improvement that meets the needs and expectations of the county residents.

**NOW THEREFORE**, the parties hereto agree as follows:

### **Part I: Statement of Responsibility by the Executive Committee Member**

It is my responsibility to provide the required leadership in designing suitable plans and strategies that will contribute to high and sustainable socio- economic development. It is my undertaking to ensure that the Department has a credible strategic plan and performance contract that will deliver the desired goals.

It is also my undertaking that I will perform my responsibilities diligently and to the best of my abilities to support the achievement of the agreed performance targets.

## **Part II**

### **Vision, Mission, core values and Strategic Objectives**

#### **(a) Vision:**

To be a world-class provider of cost-effective public utilities, infrastructure, facilities and services in the areas of energy, transport and built environment.

#### **(b) Mission**

To provide efficient, affordable and reliable infrastructure for sustainable economic growth and development.

#### **(c) Core Functions**

##### **Functions under roads & transport**

1. County Transport including county roads and street lighting
2. Development, standardization and maintenance of roads
3. Mechanical and transport services
4. Enforcement of axle load control
5. Public road transport and maintenance of security roads
6. Traffic and parking
7. Initiating and overseeing roads project implementation
8. Protection of road reserves

##### **Functions under energy & public works**

1. Storm water management in built up areas
2. Electricity, gas reticulation and energy regulation as well as county electrification
3. Material testing and advice on usage
4. Standardization of vehicles plant and equipment
5. Rural electrification program, and hydropower development
6. Renewable energy promotion and development as well as geothermal exploration development
7. Energy regulation, security and conservation
8. Thermal power development plus fossil fuels exploration and development
9. Oil and gas sector capacity building
10. Other functions that the department may deem necessary to enhance service delivery

#### **(d) Strategic Objectives**

1. To develop and maintain sustainable transport infrastructure and services to facilitate efficient movement of goods and people.
2. To develop, maintain and manage transport infrastructure to facilitate efficient movement of goods and people while ensuring environmental sustainability.

3. To attain sustainable provision, management and development of a well-regulated built environment.
4. To develop and maintain cost effective public buildings and other public works which are also environment friendly and sustainable.
5. To improve access to competitive, reliable and safe supply of electricity to all Makueni citizens.
6. To facilitate availability of sufficient, secure, efficient and affordable clean energy by 2025.

### **Part III: Statement of Strategic Intent by the Executive Committee Member**

In carrying out my duties, I intend to put all my efforts towards contributing effectively and efficiently to the achievement of the county development agenda as espoused in the Kenya Vision 2030 and Makueni County Vision 2025 and the Makueni County CIDP 2018-2022, keeping in mind the specific priorities of my Department.

Bearing in mind the imperative of inclusivity, I will implement the following Strategic Intentions during the Financial Year

1. Ensuring that systems are established for equality for all users of public services;
2. Ensuring impartiality and fairness in the process of delivery of public services;
3. Ensuring promotion of National Cohesion and National Values;
4. Ensuring continuity of public services under all circumstances;
5. Establishing systems to enable innovativeness and adaptability of public services to the needs of users;
6. Ensuring professionalism and ethics in Public Service is achieved and maintained;
7. Establishing systems to ensure promotion and protection of rights of users of public services and public servants as enshrined in the Bill of Rights;
8. Institutionalizing a culture of accountability, integrity, transparency and promotion of values and principles of public service;
9. Ensuring a corruption free public service
10. Ensuring effective, efficient and responsible use of public resources; and
11. Ensuring responsiveness by public servants in delivery of public services.

### **Part IV: Commitments and Obligations of the County Government**

1. Develop County Integrated Development Plan, which should be anchored on National and County policies, SPS and national plans such as Vision 2030 Medium Term Plan III;
2. Establish and operationalize service delivery, financial and related management systems for the county;

3. Establish a culture of service and accountability in the county public service, including working styles, attitudes and work ethics
4. Ensure that appropriate measures are instituted to mitigate against corrupt practices in the county public service.
5. Ensure timely approval of departmental requests.
6. Ensure timely availability/provision of necessary resources based on approved budget.

#### **Part V: Reporting Requirements**


The County Executive Committee Member shall submit quarterly and annual performance reports in the prescribed format to the County Performance Management Coordination Committee for monitoring progress and evaluation of performance.

#### **Part VI: Duration of the contract**


The performance contract will run for a period of one financial year from 1<sup>st</sup> July 2018 to 30<sup>th</sup> June 2019.


**Part VI: Signatories to the Performance Contract**

**For and on behalf of the County Department of Roads, Transport, Energy and Public Works**

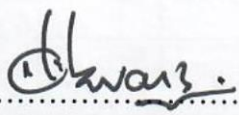
Signature..........Date.....10/9/18.....  
Eng. Sebastian Kyoni  
County Executive Committee Member  
DEPARTMENT OF ROADS, TRANSPORT, ENERGY AND PUBLIC WORKS

**Witnessed by:**


Signature..........Date.....10.09.2018.....  
Eng. Josphat Mulei Musyoki  
Chief Officer,  
ENERGY AND PUBLIC WORKS

Signature..........Date.....10/09/2018.....  
Eng. Sammy Nganda Ngumbi  
Chief Officer,  
ROADS AND TRANSPORT

**For and on behalf of the Government of Makueni County**

Signature..........Date.....  
H.E. Kivutha Kibwana,  
**GOVERNOR, MAKUENI COUNTY**

**Witnessed by:**

Signature..........Date.....10-9-2018.....  
H.E. Adelina Mwau,  
**DEPUTY GOVERNOR, MAKUENI COUNTY**

## ANNEX I

### Performance Contract Matrix

	CRITERIA CATEGORY	UNIT OF MEASURE	WEIGHT	CURRENT STATUS FY 2017/18	TARGET FY 2018/19
<b>A</b>	<b>FINANCIAL STEWARDSHIP AND DISCIPLINE</b>				
1	Absorption of Allocated Funds	%	4	47.28	100
2	Development Index	%	2	71.56	67.95
3	A-in-A	Kshs	0	N/A	N/A
4	Asset Management	%	2	0	100
5	Pending bills	%	2	0	≤ 1
	<b>Weight Sub Total</b>		<b>10</b>		
<b>B</b>	<b>SERVICE DELIVERY</b>				
1	Development and Implementation of Citizens' Service Delivery Charter	%	2	30	100
2	Customer Satisfaction	REPORT	2	0	100
3	Application of service delivery Innovations	%	2	20	100
4	Resolution of Public Complaints	%	2	65	100
5	Automation	REPORT	2	78	100
	<b>Weight Sub Total</b>		<b>10</b>		
<b>C</b>	<b>INSTITUTIONAL TRANSFORMATION</b>				
1	Development of County Planning Framework	%	3	75	100
2	Youth Internships/ Industrial Attachments/Apprenticeships	No	1	5	15
3	Access to Government Procurement Opportunities (AGPO)	Ksh.(M)	2	40	118
4	Promotion of Local Content	%	1.5	0	100
5	Competence Development	No.	2	6	10
6	Knowledge Management	%	2	0	100%
7	Work Environment	%	1	0	100
8	Safety and Security Measures	%	1	10	50
9	Cascading of Performance Contracts	%	1.5	100	100
	<b>Weight Sub Total</b>		<b>15</b>		

<b>D</b>	<b>CORE MANDATE</b>				
	<b>FLAGSHIP PROJECTS</b>				
<b>1</b>	Construction of Thwake bridge (Deck and approaches)	%	10	65	100
<b>2</b>	Green energy promotion	%	10	0	50
	County Department's priority projects/ programmes ("Big Four" Initiatives, (30%))				
	<b>OTHER PROJECTS</b>				
<b>3</b>	Routine maintenance of rural roads(grading)	Kms	2	621	1200
<b>4</b>	Periodic maintenance of rural roads	Kms	2	68	150
<b>5</b>	Rehabilitation of rural roads	Kms	2	144	100
<b>6</b>	Construction of drifts and drift slabs	No.	2	10	25
<b>7</b>	Installation of culverts	M	2	250	660
<b>8</b>	Installation of gabions & scour checks	No.	2	150 gabions & 200 scour checks	450 gabions & 360 scour checks
<b>9</b>	Completion of Executive office block	%	2	95	100
<b>10</b>	Completion of Guesthouse-(External works	%	2	95	100
<b>11</b>	Completion of Governors residence (External works	%	2	95	100
<b>12</b>	Equipping of Central Mechanical Workshop	%	1	0	100
<b>13</b>	Maintenance of County Plant, Equipment & County Vehicles	%	1	0	100
<b>14</b>	Completion of 96NO Solar Street lights	%	2	10	100
<b>15</b>	Completion of Nunguni bus park	%	2	65	100
<b>16</b>	Completion of Emali bus park	%	2	80	100
<b>17</b>	Technical support to other Departments	%	2	100	100
<b>18</b>	Fencing of proposed site for open air market and livestock auction yard at Sultan Hamud.	%	2	0	100
	<b>DYNAMIC/ QUALITATIVE:</b>				
<b>19</b>	Revenue Collection	Kshs	0	N/A	N/A
<b>20</b>	Ease of doing business	%	2	0	60
<b>21</b>	Compliance With Statutory Obligations	%	3	80	100



<b>22</b>	Project Completion Rate	%	2	47.28	100
	<b>Weight Sub Total</b>		<b>60</b>		
<b>E</b>	<b>CROSS-CUTTING ISSUES</b>				
<b>1</b>	Prevention of Alcohol and Drug Abuse	%	0.5	20	100
<b>2</b>	Prevention of HIV Infections	%	0.5	10	100
3	Disability Mainstreaming	%	0.5	10	100
4	Gender mainstreaming	%	0.5	10	100
5	Environmental Sustainability	%	1	30	100
6	Corruption Prevention	%*	1	30	100
<b>7</b>	National Cohesion and Values	%	1	40	100
	<b>Weight Sub Total</b>		<b>5</b>		
	<b>OVERALL TOTAL WEIGHT</b>		<b>100</b>		

## EXPLANATORY NOTES

	Criteria Category	Notes
A	<b>FINANCE STEWARDSHIP AND DISCIPLINE:</b>	
1	Absorption of Allocated Funds	The department commits to utilize the allocated budget fully (100%). Absorption=(Total Expenditure/ Total Budget)x100%
2	Development Index	The department commits to maintain the DI at 67.95 DI=(DE/(DE+RE))*100 =394,579,124.00 / (394,579,124.00+186,145,658.55) =0.6795X100. =67.95%
3	A-in-A	The department has not received any donor funds reflected as direct payments.
4	Asset management	The department commits to establish and maintain an inventory of the assets and properties including their status. (100%) 1. Establish an asset inventory (20%) 2. Prepare asset register (20%) 3. Identify, segregate and recommend idle and unserviceable assets to Finance department (60%)
5	Pending bills	The department commits to maintain the pending bills to $\leq 1$ .
B	<b>SERVICE DELIVERY</b>	
1	Implementation of Citizens' Service Delivery Charter	The department commits to displaying the charter prominently at the point of entry/service delivery points in both English and Kiswahili 100% 1. Review the current service delivery charter (50%) 2. Process mapping (30%) 3. Display the service charter (20%)
2	Customer Satisfaction	The department commits to undertake customer satisfaction baseline survey by end of quarter 4 100% 1. Establish survey tool (30%) 2. Administer the survey tool (30%) 3. Report on the survey findings (40%)
3	Application of service delivery Innovations	The department commits to incorporate in its programs the following innovation: Incorporate Roads for water structures in the Roads standards and designs. (100%)
4	Resolution of Public Complaints	The department commits to: 1. Form a public complaint resolution committee (40%) 2. Design a mechanism for resolution of public complaints (30%) 3. Implement the mechanism. (30%)

	<b>Criteria Category</b>	<b>Notes</b>
5	Automation	The department commits to 1. Do a mapping of ICT needs in the department. (50%) 2. Continuously update department's page in the County Government website (25%) 3. Create official staff email addresses for easy communication. (25%)
<b>C</b>	<b>INSTITUTIONAL TRANSFORMATION</b>	
1	Development of County Planning Framework	During the FY 2018/19, the departments shall develop the following. 1. 5Year Departmental Strategic Plan (30%) 2. Annual Departmental Work Plans (30%) 3. Individual Work Plan. (40%)
2	Youth Internships/ Industrial Attachments/Apprenticeships	The department commits to accommodate 1. Five interns (20%) 2. Ten attachees (80%)
3	Access to Government Procurement Opportunities (AGPO)	The department commits to: 1. Sensitize on registration and available contracts for AGPO (40%) 2. Reserve at least 30% of contracts in procurement plan for AGPO (60%) <u>Calculations.</u> =30% x Development Budget =0.3x 394,579,124.00 =Kshs. 118,373,737.20
4	Promotion of Local Content	The department commits to: 1. Issue guidelines to contractors to advocate for Sourcing of unskilled labour and materials from locals (50%). 2. Ensure adherence to guidelines issued to contactors. (50%)
5	Competence Development	The department commits to: 1. Establish the competency needs for the department (25%) 2. Evaluate the existing competence (25%) 3. Long-term Plan of bridging the competence gaps (25%) 4. Carry out Staff Training Needs Assessment (25%)
6	Knowledge Management	The department commits to: 1. Identify and document data needs and data gaps under its mandate (40%). 2. Incorporation of more experienced staff with younger staff (mentorship) in projects and internal workshops. (30%) 3. Capture, organise and process data and information in a consistent manner (40%).
7	Work Environment	The department commits to:

	<b>Criteria Category</b>	<b>Notes</b>
		<ol style="list-style-type: none"> <li>1. Carry out an internal work environment survey-50%</li> <li>2. Prepare a work plan for implementation of the survey recommendations by end of second quarter-25%</li> <li>3. Implement the recommendations in the subsequent quarters-25%</li> </ol>
8	Safety and Security Measures	<p>The department commits to put in place mechanisms to mitigate against technological hazards, fire and natural disasters (100%)</p> <ol style="list-style-type: none"> <li>1. Ensuring the security and safety of personnel and the public through efficient and adequate designs. (30%)</li> <li>2. Security of documents and information (20%)</li> <li>3. Security of equipment and assets (30%).</li> <li>4. Issuing guidelines to contractors on safety requirements on site. (20%)</li> </ol>
9	Cascading of Performance Contracts	<p>The department commits to</p> <ol style="list-style-type: none"> <li>1. Cascade performance contracts to all staffs (40%)</li> <li>2. Evaluation of the PC (60%)</li> </ol>
<b>D</b>	<b>CORE MANDATE</b>	
1	Construction of Thwake bridge	<p>The department commits to</p> <ol style="list-style-type: none"> <li>1. Complete the construction of the deck (70%) Span 100M, 7M Carriage way, 1.9 M walkway on both sides Concrete surface</li> <li>2. Complete the approaches (30%) 500M Gravel Finish</li> </ol>
2	Green energy promotion	<p>The department commits to:</p> <ol style="list-style-type: none"> <li>1. Do feasibility study and specify types of green energy for the county (30%)</li> <li>2. Resource map for green energy (30%)</li> <li>3. Sensitize 10No.CTTI on green energy (20%)</li> <li>4. Develop a green energy policy (20%)</li> </ol>
3	Routine maintenance of rural roads(grading)	<p>The department commits to Improve through grading, 1200 Kms of road. (100%)</p> <ol style="list-style-type: none"> <li>1.Contractured projects 300Km of graded roads to be achieved through procurement to qualified contractors and as per budget lines and attached Appendix I. (40%)</li> <li>2.In-House projects 900Km of graded roads (30Km per ward), to be achieved by use of County Equipment. (60%)</li> </ol>
4	Periodic maintenance of rural roads(gravelling of roads)	<p>The department commits to Improve to all-weather standards 150kms of road.</p> <ol style="list-style-type: none"> <li>1.Contractured projects</li> </ol>

	<b>Criteria Category</b>	<b>Notes</b>
		30Km of graveled roads to be achieved through procurement to qualified contractors and as per budget lines and attached Appendix I. (40%) 2.In-House projects 120Km of graveled roads (4Km per ward), to be achieved by use of County Equipment. (60%)
5	Rehabilitation of rural roads(opening of new roads)	The department commits to open up 150Kms of new roads (100%) 1.Contractd projects 50Km of opened roads to be achieved through procurement to qualified contractors and as per budget lines and attached Appendix I. (40%) 2.In-House projects 50Km of opened roads to be achieved by use of County Equipment. (60%)
6	Construction of drifts and drift slabs	The department commits to Constructs 20No. Drifts and drift slabs across the county (100%) as per the attached Appendix I and in line with the budget lines.
7	Installation of culverts	Constructs 660 M of culverts (100%) as per the attached Appendix I and in line with the budget lines.
8	Installation of gabions & scour checks	The department commits to Construct 450 No gabions and 360 No. scour checks (100%) as per the attached Appendix I and in line with the budget lines.
9	Completion of Executive office block	The department commits to complete the following works: 1. Access road (20%) 2. Executive and visitors parking (20%) 3. Walkway (20%) 4. Landscaping (20%) 5. Driveways (20%)
10	Completion of Guesthouse	The department commits to complete the following works: 1. Perimeter wall (20%) 2. Drainages (10%) 3. Cabro paving (20%) 4. Landscaping (30%) 5. Compound lighting (10%)
11	Completion of Governors residence	The department commits to complete the following works: 1. Perimeter wall (20%) 2. Drainages (10%) 3. Cabro paving (20%) 4. Landscaping (30%) 5. Compound lighting (10%)
12	Equipping of Central Mechanical Workshop	The department commits to: Spend the allocated budget on the equipping of the Central workshop (100%).

	<b>Criteria Category</b>	<b>Notes</b>
13	Maintenance of County Plant & equipment and County Vehicles.	The department commits to: 1. Service to departmental plant and equipment is done timely. (100%)
14	Completion of 96NO Solar Street lights	The department to complete 96No street lights (100%) - see Appendix II
15	Completion of Nunguni bus park	The department commits to complete construction of Nunguni bus park phase 11. 1. 5. No container comprising of 25 No Kiosks (25%) 2. Construction of ablution block (25%) 3. Installation of gabions for Protection works (25%) 4. Cabro paving to bus park (25%)
16	Completion of Emali bus park	The department commits to complete construction of Emali bus park and Green Grocers phase 11 8 No. container comprising of 40No Kiosks (100%)
17	Technical support to other Departments	The department commits to 1. Map & Provide guidelines of technical support requirements to all the departments (20%) 2. Provide technical support to all the departments (80%)
18	Fencing of proposed site for open air market and livestock auction yard at Sultan Hamud.	The department commits to construct a masonry perimeter fence around the 1.6ha land at Sultan Hamud (100%)
	<b>DYNAMIC/ QUALITATIVE:</b>	
19	Revenue Collection	The department does not collect any revenue directly.
20	Ease of doing business	The departments commits to 1. Ease the procedure and timeline for approvals of construction permits. (10%) 2. Improve connectivity to utilities through provision and maintenance of good road network in the County thus improving trading activities. (40%) 3. Promote trading activities through lighting up of streets and markets in the County to facilitate a 24hr Economy and to attract investors. (25%) 4. Construction of Bus parks and market stalls to provide a conducive environment for trading activities. (25%)
21	Compliance with the statutory obligations.	The department commits to comply with 1. Public Procurement and Disposal Act, regulations and rules (30%). 2. NCA regulations (20%) 3. FIDIC regulations (30%)

	<b>Criteria Category</b>	<b>Notes</b>
		4. NEMA guidelines (20%)
22	Project Completion Rate	The department commits to complete all projects within the stipulated contract period (100%)
E	<b>CROSS-CUTTING ISSUES</b>	
1	Prevention of Alcohol and Drug Abuse	The department commits to carry out 1. Baseline Survey on alcohol and drug abuse. (30%) 2. To do a 1No. Sensitization/ awareness meeting on drug abuse for the staff (30%) 3. Provide information on available counselling centers. (10%) 4. Distribute 100No. Fliers on management of alcohol and drug abuse. (30%)
2	Prevention of HIV Infections	The department commits to: 1. Hold 1No. Sensitization/ awareness meeting on HIV aids for the staff (40%) 2. Display HIV/AIDS awareness messages on all our projects publicity signboards. (50%) 3. Provide information on available counselling centers. (10%)
3	Disability Mainstreaming	The department commits to: Incorporate disability friendly designs in the construction works (100%)
4	Gender Mainstreaming	The department commits to; Undertake a sensitization of employees on Gender mainstreaming (100%)
5	Environmental Sustainability	The department commits to 1. Establish and operationalize of departmental Environment Committee (50%) 2. Domesticate the Environmental Policy at the workplace (20%) 3. Include environmental conservation measures in our cost estimates (BOQ). (30%)
6	Corruption Prevention	The department commits to: 1. Sensitize the PMC through public participation (40%) 2. Conduct surveys on corruption through questionnaires (30%) 3. Produce a report on corruption complaints (30%)
7	National Cohesion and Values	The department commits to: 1. Ensure equity in distribution of resources in project allocation (30%) 2. Sensitize staff on national values and national cohesion by holding one-day session with the Makueni County Public Service Board. (30%) 3. Encourage use of National Language in the workplace. (40%)