

REPUBLIC OF KENYA



GOVERNMENT OF MAKUENI COUNTY



PERFORMANCE CONTRACT BETWEEN

THE GOVERNOR OF MAKUENI COUNTY

AND

COUNTY EXECUTIVE COMMITTEE FOR WATER, SANITATION,

ENVIRONMENT AND CLIMATE CHANGE

FOR THE PERIOD 1ST JULY 2018 TO 30TH JUNE 2019

PERFORMANCE CONTRACT

This Performance Contract (hereinafter referred to as “Contract”) is entered into between the County Government of Makueni (hereinafter referred to as (“CG”) represented by H.E. the Governor of P.O. Box 78- 90300 Makueni (together with its assignees and successors) of the one part, and the County Executive Committee Member, County Department of Water, Sanitation, Environment and Climate Change (hereinafter referred to as the “the CECM), (together with its assignees and successors) of P.O. Box 78- 90300 Makueni 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 and Strategic Objectives

a) **Vision:**

A leader in providing safe, reliable and affordable water in a clean environment

b) **Mission:**

To govern, develop, and sustain all public water supplies progressively ensuring that all County residents have access to safe, reliable, and affordable water in a sustainable way.

c) **Strategic Objectives:**

- i. Increasing availability and access to safe water within 2 km
- ii. Improving water governance mechanism
- iii. Improving water catchment management, conservation and climate change resilience

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


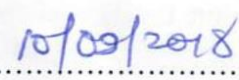
The performance contract will run for a period of one financial year from 1st July 2018 to 30th June 2019.



Part VI: Signatories to the Performance Contract

For and on behalf of the County Department

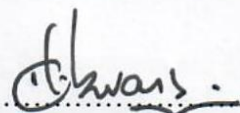
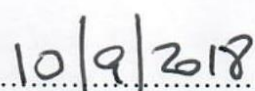
Signature..........Date..........
Robert Kisyula
COUNTY EXECUTIVE COMMITTEE MEMBER
DEPARTMENT OF WATER, SANITATION, ENVIRONMENT AND CLIMATE
CHANGE

Witnessed by:



Signature..........Date..........
MARTIN KITAVI
CHIEF OFFICER, WATER.

Signature..........Date..........
MARY MBENGE
CHIEF OFFICER, ENVIRONMENT, SANITATION AND CLIMATE CHANGE

For and on behalf of the Government of Makueni County

Signature..........Date..........
H.E. KIVUTHA KIBWANA,
GOVERNOR, MAKUENI COUNTY

Witnessed by:

Signature..........Date..........
H.E. ADELINA MWAU,
DEPUTY GOVERNOR, MAKUENI COUNTY

PERFORMANCE CONTRACT MATRIX

	CRITERIA CATEGORY	UNIT OF MEASURE	WEIGHT	CURRENT STATUS FY 2017/18	TARGET FY 2018/19
A.	FINANCIAL STEWARDSHIP AND DISCIPLINE				
	Absorption of Allocated Funds	%	4	54	100
	Development Index (DE/TE)X100	%	3	79.8	78.5
	A-in-A	Ksh	0	0	0
	Asset Management	%	1	25	100
	Pending bills	%	2	0	≤ 1
	Weight Sub Total		10		
B	SERVICE DELIVERY				
	Implementation of Citizens' Service Delivery Charter	%	2	50	100
	Customer Satisfaction	Report	2		1
	Application of service delivery Innovations	%	2	1	100
	Resolution of Public Complaints	%	2	10	100
	Automation	%	2	30	100
	Weight Sub Total		10		
C	INSTITUTIONAL TRANSFORMATION				
	Development of Departmental Planning Framework	%	3	0	100
	Youth Internships/ Industrial Attachments/Apprenticeships	No	1	12	15
	Access to Government Procurement Opportunities (AGPO)	Ksh.	2	348,293,330.25	150,000,000
	Promotion of Local Content	%	1.5		20
	Competence Development	%	2		100
	Knowledge Management	%	2		40%
	Work Environment	%	1		100
	Safety and Security Measures	%	1		100
	Cascading of Performance Contracts	%	1.5	40	100
	Weight Sub Total		15		
D	CORE MANDATE				

	CRITERIA CATEGORY	UNIT OF MEASURE	WEIGHT	CURRENT STATUS FY 2017/18	TARGET FY 2018/19
	Vision 2030 Flagship Projects, programmes / Projects aligned to SDGs and SPS)				
	Ensure availability and sustainable management of water and sanitation for all				
	Mega Dam construction	%	1	0	100%
	Feasibility study reports and designs	%	1	0	100
	Wote sewerage plant (preliminary and detailed design / commencement of construction works)		1	0	100
	County Department's priority projects/ programmes ("Big Four" Initiatives, Makueni vision 2025				
	Increased availability and access to safe water	%	18		100
	Enhanced rain water harvesting and storage capacity	%	5		100
	Improved water catchment management	%	4	80	100
	Climate change adaptation and resilience	%	3	0	70
	Improved water Governance mechanism	No	3	65	85
	Legal frameworks (on water sanitation environment & Climate change)	%	5	10	100
	Environmental conservation and management	%	9	70	100
	Revenue Collection	Ksh.	4	10,600,000	50,000,000
	Ease of Doing Business	%	2		100
	Compliance With Statutory Obligations	%	2	100	100
	Project Completion Rate	%	2	49	70
	Weight Sub Total		60		
E	CROSS-CUTTING ISSUES				
	Prevention of Alcohol and Drug Abuse	%	1		100

	CRITERIA CATEGORY	UNIT OF MEASURE	WEIGHT	CURRENT STATUS FY 2017/18	TARGET FY 2018/19
	Prevention of HIV Infections	%	1		100
	Disability Mainstreaming	%	0.5		100
	Gender mainstreaming	%	0.5		100
	Corruption Prevention	%	1		100
	National Cohesion and Values	%	1		100
	Weight Sub Total		5		
	OVERALL TOTAL WEIGHT		100		

EXPLANATORY NOTES

A. Finance and Stewardship:	
1. Absorption of Allocated Funds	The Department commits to utilize 100% of the funds allocated as per the approved budget and in line with government regulations
2. Development Index	Development budget = 474,393,132.00 Recurrent Budget = 129,770.868.05 The Development Index is Therefore DE/TE*100 $474,393,132/604,164,000.05*100=78.5\%$
3. A-in-A	0
4. Asset management	The Department commits to carry out the following: - <ul style="list-style-type: none"> i. Inventory Management – establish and maintain a catalogue of the assets and properties including their status in terms of the working condition (60%) ii. Disposal of Idle Assets –: <ul style="list-style-type: none"> ✓ Identification of idle/ obsolete items (30%) ✓ Forward the list to finance for appropriate action (10%)
5. Pending Bills	The Department commits to reducing all pending bills to less than 1% of the budgetary allocation for the Financial year

B. Service Delivery:	
1. Implementation of Citizen's Service Delivery Charter	The Department commits to: <ul style="list-style-type: none"> i. Do a process map - 40 ii. Developing & validate the charter - 40% iii. Sensitize the employees 20% -
2. Customer satisfaction	The Department commits to improve customer satisfaction through encouraging feedback by introducing a customer suggestion/ complaints box in every Sub County Water office and analyzing the feedback to establish gaps for intervention; <ul style="list-style-type: none"> ✓ Procure the boxes & Install – 10% ✓ Sensitizing the community - 30% ✓ Collection of the complaints/complements – 10% ✓ Analysis of the complaints – 50%
3. Application of service delivery innovations	The Department commits to: - <ul style="list-style-type: none"> i. Monitor, sustain the existing ATM Kiosks in Kalawa (30%) ii. Replicate the ATM systems in Ivingoni/Nzambani ward (70%)
4. Resolution of Public Complaints	The Department commits to: - <ul style="list-style-type: none"> i. Develop of complaint procedure (100%) ii. Receive and Register complaints - iii. Investigate complaints iv. Take appropriate action v. Feedback to complainant
5. Automation	The Department commits to implement the following for Wote water and Sanitation Company to reduce non-revenue water and boost revenue collection: - <ul style="list-style-type: none"> ✓ Integrated billing system -100%
C. Institutional Transformation	
1. Development of County planning Framework	The Department commits to <ul style="list-style-type: none"> i. Develop a departmental strategic draft plan -50% ii. Annual Departmental Work Plans- 30% iii. Ensure all staff develop individual work plan (20%)
2. Youth Internships/ Industrial Attachments/ Apprenticeships	The Department will place 15 staff under internship, industrial attachment and apprenticeships <ul style="list-style-type: none"> ✓ 5 No. Internship ✓ 10 No. Attachés
3. Access to Government Procurement Opportunities	Out of the Department development budget, we commit to award tenders to this category amounting to 30% (KES 150,000,000) of the development budget

(AGPO)	
4. Promotion of local content	The department will promote local content through; <ul style="list-style-type: none"> ✓ Utilizing sand in the construction of sand dams ✓ Utilizing local hardcore in construction
5. Competence Development	The Department will: <ul style="list-style-type: none"> i. Identify needed competencies in the department -40% ii. Carry out competency Gaps capacity assessment for the board members and the Secretariat 30% iii. Develop a Competence Development Plan for the Board/Secretariat 30%
6. Knowledge Management	The Department commits to: - <ul style="list-style-type: none"> i. Identify/Map data needs, sources and data gaps under our mandate -30% ii. Document data needs, sources and data gaps under our mandate -30% iii. Capture, organize and process data and information in a consistent manner – 20% iv. Introduction of succession plans and exit interviews -20%
7. Work Environment	The Department commits to:- <ul style="list-style-type: none"> i. Carry out an internal work environment survey to establish the baseline – 50% ii. Prepare a work plan for implementation of the survey recommendations - 40% iii. Implement the recommendations – 10%
8. Safety and Security Measures	The Department commits to:- <ul style="list-style-type: none"> i. Replace the worn out safety gear including helmets, overalls and gumboots for the drilling team -30% ii. Awareness creation to the dam construction team and the drilling staff – 60% i. Ensure all new dams have fencing and a draw off system in the design -10%
9. Cascading of Performance Contracts	<ul style="list-style-type: none"> i. Roll out of performance appraisals cascading, quarterly reviews & evaluating to all staff <ul style="list-style-type: none"> ✓ Departmental staff -20% ✓ Water companies’ staff – 10% ✓ Sand Authority -10% ✓ Climate change board – 10% ii. Carry out evaluation of performance contracts- 50%
D. Core Mandate	

Flagship Projects	The department commits to carrying out feasibility study and design for construction of one mega dam in Kaiti - 100%
	The department commits to carry out a feasibility study for a sewerage system in Wote town – 100%
Other Projects	
Increasing availability and access to water	The Department commits to reduce the distance to water sources through development of new water sources and developing existing ones as follows:-
	i. Construct 19 earth dams -30%
	ii. Drill 12 boreholes – 10%
	iii. Equip 13 Boreholes – 10%
	iv. Construction of 3 Sand dams -20%
	v. Rehabilitate 20 projects affected by the March- April heavy rains – 10%
	vi. Construction of 58 Pipelines extensions targeting 50km and 20 new water points -20%
	vii. Construction of 1 rock catchment -10%
Enhanced rain water harvesting and storage capacity	The department commits to promote rain water harvesting through:-
	i. Advocacy campaigns through local radio at least once in every 2 months -40%
	ii. Roads for water programme- partner with Roads and Public works and Agriculture Departments in cut off drains farm pond construction.
	iii. Do 100m of cut off drains on roads – 20%
	iv. Sensitize various groups on farm ponds – 20%
	v. Purchase 25 water tanks for organized groups and market Centre's / institutions -20%
Improved water catchment	The department commits to ;
	i. Construct two conservation gabions in two project sites affected by gulley erosion and -50%
	ii. Construction of a check dam upstream of ten Earth dams – 20%
	iii. Manage excess sand deposits in 2 rivers to open the water channels – 30%

Climate change adaptation and resilience	<ul style="list-style-type: none"> i. The department commits to ensure community resilience capacity level is enhanced by using 50 % of climate change fund allocation to mitigate and adapt to climate change effects through physical infrastructure investment ii. Community resilience building (establishment (10%) & Training (20%) and sensitize of 24 No. ward Climate change iii. Monitor the performance of the WCCPC -20% iv. Inject 6m to Tetheka fund – 50%
Improving water Governance mechanism	<p>The Department commits to:</p> <ul style="list-style-type: none"> i. Train 85 Community water projects/Schemes committee on Good water governance -70% ii. Monitor the progress of community managed water schemes on a monthly basis and monthly reports-30%
Legal frameworks	<p>The department commits to;</p> <ul style="list-style-type: none"> i. Finalize the water policy-25% ii. Formulate a draft water bill-25% iii. Finalize environment & climate change policy-25% iv. Review the Makueni county sand conservation and utilization Act and submit approval -25%
Environmental conservation and management	<p>The departments commits to</p> <ul style="list-style-type: none"> i. Identify & Construct a 5km long firebreak in a well conserved forest -10% ii. Ensure compliance on environmental legal requirements through : <ul style="list-style-type: none"> ✓ Noise pollution control by issuing at least 100 noise pollution permits 30 % ✓ Conducting EIA on 10 project 30% iii. Ensure environmental sustainability through: iv. Induction and operationalization of county environment committee 20 % v. Sensitize 96 county administration staff on environmental safeguards 10 %
Revenue collection	<p>The departments commits to contribute to county revenue generation by Kshs. 50 M through environmental levies, rates, penalties from forestry, sand and noise pollution control -100%</p>
Ease of doing Business	<p>The department commits to devolve the function of issuance of permits for; noise pollution and farm forestry produce, to sub-county level- 100%</p>
Compliance with Statutory obligations	<p>The department commits to comply with and enforce all relevant legislations/ regulations through;</p> <ul style="list-style-type: none"> i. Public procurement and disposal Act, regulations –

	<ul style="list-style-type: none"> development of and adherence to procurement plan – 25% ii. PFM Act- 25% iii. Compliance with EMCA 1999 in award and implementation of its contracts-50%
20. .Project Completion Rate	The Department commits to strive towards 100% project completion
E. Cross-Cutting Issues	
1. Prevention of Alcohol and Drug Abuse	<p>The Department commits to:</p> <ul style="list-style-type: none"> i. Sensitize staff on alcohol and drug abuse by discussing the matter in at least 6 of our meetings - 50% ii. Identify and refer serious cases for the affected staff for cancelling – 50%
2. Prevention of HIV Infections	<p>The Department commits to:</p> <ul style="list-style-type: none"> i. Create awareness to all her staff on prevention of HIV infections through availing merchandise like printed T-shirts to 50% of staff-40% ii. Campaign against HIV/AIDS through projects publicity sign boards - 60%
3.Disability Mainstreaming	<ul style="list-style-type: none"> i. Maintain disaggregated disability data by number, age, gender and placement for staff and individuals reached by the County Department programmes (100%)
4.Gender mainstreaming	<p>The department commits to: -</p> <ul style="list-style-type: none"> i. Carry out baseline survey to determine the level of gender mainstreaming in the Department - 30% ii. Undertaking sensitization of employees on Gender mainstreaming in the Department in at least 5 meetings - (30%); iii. Compliance with one-third gender representation policy on selection of PMC members -40%
5.Corruption Prevention	<p>The Department commits to:</p> <ul style="list-style-type: none"> i. Sensitize staff on the matter in at least 6 meetings-50% ii. Sensitize PMCs on corruption in at least 60 projects - 30% iii. Sensitize Contractors on corruption prevention in at least 2 meetings- 20%
6. National Cohesion and Values	<p>The Department commits to demonstrate the implementation of the following FIVE National Values while undertaking its programs and projects</p> <ul style="list-style-type: none"> i. Inclusiveness- Ensure a prequalification list is maintained -20% ii. Democracy and participation of people – Ensure peoples participation in any project that has issues which call for

	<p>joint discussions e.g. change of scope or site – 20%</p> <p>iii. Equity – To ensure open tendering on project above 4m – 20%</p> <p>iv. Good governance- Capture the issue in various stakeholder meetings and mainstream the subject in all the 85 PMC trainings – 20%</p> <p>v. Transparency and accountability- Ensure there is fair competition in all tenders/ quotations– 20%</p>
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