

National News

Audit The report is for the financial year ending June 2024

How counties are losing billions in legal fees scandal

Auditor-General's report reveals lawyers raking in billions from devolved units that ignore set guidelines to save taxpayer funds

BY COLLINS OMULO

Marsabit County Public Service Board procured legal services from a law firm at Sh10.3 million to defend a civil case where the plaintiff had sued for Sh1 million in damages arising from the unlawful detention of a motor vehicle, an audit report has revealed.

The report by Auditor-General Nancy Gathungu for the financial year ending June 2024 revealed that there was no evidence of the application of the Advocates Remuneration Order of 2014 in determining the legal fee.

However, Marsabit's case is not isolated, with lawyers raking in billions, often picked from a pre-qualified list with no further assessment as to legal costs and internal capacities, and firms getting more than half of the cases—and the money.

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CITY HALL CASE Outrageous fees

Nairobi County has perennially hit the headlines over its outrageous legal fees, with the Governor Johnson Sakaja-led administration owing four advocates Sh6.26 billion—representing 29 percent of the total pending legal fees of Sh21.37 billion.

This amount comprises an outstanding legal fees balance of Sh17.1 billion and decretal sums of Sh4.26 billion. Decretal sums are money awarded in a court decree, encompassing the principal amount, costs, and any accrued interest. The pending legal fees represent 11 per cent of the county's entire pending bills.

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The county government is battling 1,086 ongoing legal cases, resulting in numerous legal claims incidental to its operations—whose outcome and financial impact or loss may not be ascertained or quantified.

"If those contingent liabilities crystallise, the county may be exposed to a huge cash outlay, which may affect its ability to meet obligations when they fall due, thus impacting service delivery," reads the report.

"It was noted that most of the court cases related to issues such as unpaid claims for goods, works



or services completed by contractors, unprocedural termination of employment contracts, irregular procurement processes, and poor contract management," it adds.

Raising further concerns, the report revealed that advocates were appointed directly from a list of prequalified legal firms, without subjecting the process to a mini-competition—such as forming an ad hoc evaluation committee to assess quotations for legal services. No evaluation reports were provided either.

"In the circumstances, the audit could not verify how the legal firms were selected to pro-

vide services to the county. This lack of a competitive process may have resulted in inflated costs and missed opportunities to engage more qualified service providers," the report said.

City Hall was also on the spot over unfair award of cases and payments to advocates.

Of 159 court cases as of June 2024, 65 were assigned to just eight advocates, with each handling between four and 20 cases.

Curiously, the management did not provide an explanation for the criteria used to allocate multiple cases to the eight advocates out of 350 prequalified law firms. This was contrary to Regulation

91(5) of the Public Procurement and Asset Disposal Regulations, 2020, which requires fair and equitable rotation among prequalified service providers.

In some cases, advocates defending new cases were paid, while older cases have remained unpaid for years.

Narok paid Sh364.9 million in legal fees—exceeding its Sh337.3 million budget by Sh27.6 million.

Kajiado incurred Sh79.1 million in legal fees, with law firms procured directly without written approval from the accounting officer or justification for urgency. Consequently, the fees were not competitively priced.



OFFICE OF THE CLERK COUNTY ASSEMBLY OF MERU

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P.O. Box 3-60200
MERU

PUBLIC PARTICIPATION

Pursuant to Article 196 of the Constitution of Kenya, 2010, Sections 87 (a), (b) of the County Governments Act, 2012, Section 16 (2) of the Meru County Public Participation Act 2014, Section 9 of the Urban Areas and Cities Act, Cap 275, the **Nkubu Municipality Charter** has been submitted to the County Assembly for consideration and approval. The Charter was committed to the **Select Committee on Delegated Legislation** for consideration and report to the House. The aforesaid **Committee** will be holding a public meeting on the Charter on **Thursday, 3rd April, 2025 at Nkubu Social Hall from 10.00 a.m. – 1.00 p.m.**

Similarly, the **amended Maua and Meru Municipality Charters** were committed to the said Select Committee on Delegated Legislation for approval in line with the relevant provisions of the law.

The said Select Committee now also invites stakeholders and interested members of the Public to submit any representations that they may have on the said Charters. The representations may be forwarded to the **Clerk, County Assembly of Meru, P.O Box 3-60200, Meru OR hand delivered to the office of the Clerk, County Assembly of Meru premises, OR emailed to publicparticipationmeru@gmail.com by Thursday 3rd April 2025 at 4.00 p.m.**

Copies of the **Nkubu Municipality Charter, Amended Maua and Timau Municipality Charters** may be downloaded from the County Assembly's website: www.assembly.meru.go.ke and social media pages.

Jacob Kirari,
Clerk, County Assembly of Meru.



INTERNATIONAL RESCUE COMMITTEE, INC

BID NOTICE

The International Rescue Committee, Inc. (IRC) is a private international, nonsectarian, voluntary organization providing relief, protection and resettlement services for refugees and victims of oppression or violent conflict. In partnership with various Donors, the IRC has a requirement for the following.

REFERENCE NO.	REQUEST FOR PROPOSAL TITLE/ DESCRIPTION	IRC TENDER EMAIL-ADDRESS
Ref. #:2KEN/KEKAD/REN-01-25	LOT 1 RENOVATION OF THE MAIN WAREHOUSE AT DADAAB FIELD SITE	Submission Online -Renovation works at IRC HAGADERA FIELD SITE
	LOT 2 MAINTENANCE OF HAGADERA E6 HEALTH POST PHARMACY	
	LOT 3 MAINTENANCE OF L6 HEALTH POST PHARMACY	
	LOT 4 MAINTENANCE OF IN-PATIENT PHARMACY IN HAGADERA, IRC'S MAIN HOSPITAL	
	LOT 5 MAINTENANCE OF HAGADERA OUT-PATIENT PHARMACY AT THE MAIN HOSPITAL	
Ref. #:2KEN/KEKAK/REN-01-25	Lot 1- RENOVATION OF PROPOSED MAIN HOSPITAL PHARMACY	Submission Online -Renovation works at IRC KAKUMA FIELD SITE
	Lot 2- RENOVATION OF LOCHARNGAMOR-CLINIC 4	
	Lot 3- RENOVATION OF DRUG STORE AT AMMUSAIT-CLINIC 7	
	Lot 4- RENOVATION OF CLINIC 6	

Interested and suitably qualified contractors may download complete tender information and RFP documents (specifications) from the IRC Website: <http://www.rescue.org/about/procurement>

Bidders' proposal shall be submitted Online in compressed zipped folder (PDF files) as per the tender instructions.

The bidder's proposal shall comprise of technical proposal and financial proposal together with all the required documents as per clause 7 in the Request for Proposal.

Bid documents shall be submitted Online through below email: Confirm.Tenders@rescue.org On or before 14th April 2025 12.00am EAT

Bids submitted after this deadline shall not be accepted.

Please note that IRC shall not be bound to accept the lowest priced tender or bid or any tender or bid submitted, and any form of canvassing will lead to automatic disqualification.



COUNTY GOVERNMENT OF KIRINYAGA AND RUKANGA MAKUTANO WATER AND SANITATION PLC (RUMAWASCO)



PUBLIC NOTICE

INVITATION FOR APPLICATION FOR VACANT POSITIONS IN THE BOARD OF DIRECTORS OF RUKANGA MAKUTANO WATER AND SANITATION PLC

Rukanga Makutano Water and Sanitation PLC (RUMAWASCO) is a company wholly owned by the County Government of Kirinyaga. It is responsible for efficient and economical provision of Water and Sanitation Services in Kirinyaga West sub county as per the Water Act 2016.

The company seeks to fill the vacant positions for the Board of Directors. The Board of Directors is comprised of representatives of Stakeholders identified by the company within its area of jurisdiction. The company has three (3) board vacancies for representatives of the following stakeholders;

- One (1) Director representing Registered Women Organizations – Applicant must be a woman **(RE-ADVERTISED)**
- One (1) Director representing Commercial Consumers – Hospitality, Health Institutions, Business, Institutions of Learning, etc. (Applicant must be a woman)
- One (1) director representing Special Interest Groups – The Youth and Association of Persons Living With Disabilities (PLWD)

ELIGIBILITY

- To be eligible for an appointment, one must meet the following criteria;
- Minimum Bachelor's degree from a recognized university or a diploma in recognized institution.
 - Minimum seven (7) years working experience in the core profession or have run own enterprises for a minimum of 7 years.
 - Must be nominated by a registered stakeholder group.
 - Must be a resident within the area served by the Company.
 - Must download, fill and submit the **FIT AND PROPER TEST** available on WASREB's website www.wasreb.co.ke. The submitted copy **MUST** be fully signed by the applicant and stamped and witnessed by a Commissioner for Oaths
 - Must meet the requirements of Chapter 6 of the Constitution of Kenya.
- Attach the following documents on the application.
- Valid Certificate of Good Conduct from the Directorate of Criminal Investigation (DCI).
 - Valid Clearance Certificate from Accredited Credit Reference Bureau (CRB).
 - Valid Clearance Certificate from Higher Education Loans Board (HELB).
 - Valid Tax Compliance Certificate from Kenya Revenue Authority (KRA).
 - Valid Clearance Certificate from Ethics and Anti-Corruption Commission (EACC).
 - National Identification Card.
 - Detailed Curriculum Vitae.
 - Letter of nomination from stakeholder.
 - Certified copies of certificates and testimonials

NOTE

- Previous applicants may reapply for the vacancies.**
- Suppliers and other trading associates of the company are not eligible for directorship positions of the company.**
- Persons in current professional and social relationships with current directors and staff of the company cannot become directors of the company.**

APPLICATIONS INSTRUCTIONS

Applications in a sealed envelope marked "APPLICATION FOR DIRECTORSHIP IN RUMAWASCO" should be addressed as below and submitted into the Tender Box at the Company's offices situated along A2 highway between Makutano and Sagana Town on or before **10th April 2025 at 10.00am.**

The Chairperson, Selection Committee
Rukanga Makutano Water and Sanitation PLC
P.O. Box 311-10230 Sagana