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# THE KENYA GAZETTE

Published by Authority of the Republic of Kenya

(Registered as a Newspaper at the G.P.O.)

Vol. CXXI—No. 64

NAIROBI, 17th May, 2019

Price Sh. 60

## CONTENTS

GAZETTE NOTICES	PAGE	GAZETTE NOTICES—(Contd.)	
The Taskforce for Improvement of Government Information and Public Communications Functions to align them with emerging public sector dynamics and expectations—Extension of Term.....	1954	The Environmental Management and Co-ordination Act—Environmental Impact Assessment Study Reports.....	1982–1985
The Public Finance Management Act—Appointment.....	1954–1955	The Records Disposal (Court) Rules.....	1985
The Imarisha Lake Naivasha Management Committee—Appointment.....	1955–1956	Disposal of Uncollected Goods.....	1985
County Governments Notices.....	1956, 1979–1980	Loss of Policies.....	1985–1989
The Land Registration Act—Issue of Provisional Certificates, etc.....	1956–1968	Change of Names.....	1989–1991
The National Treasury—Statement of Actual Revenues and Net Exchequer Issues as at 30th April, 2019.....	1968–1971		
The Energy Regulatory Commission—Fuel Energy Cost Charge.....	1971–1973	<b>SUPPLEMENT Nos. 62, 63, 64 and 66</b>	
<b>The Public Procurement and Asset Disposal Act.....</b>	<b>1973–1976</b>	<i>Legislative Supplements, 2019</i>	
The Capital Markets Act—Approved Institutions, etc.....	1976–1979	LEGAL NOTICE NO.	PAGE
The Information and Communications Act—Application for Licences.....	1979	31—The Environmental Management and Co-ordination Act—Amendment to the Second Schedule.....	195
The Seed and Plant Varieties Act—Authorized Inspectors/Analysts.....	1979	32—The Environmental (Impact Assessment and Audit) (Amendment) Regulations, 2019.....	202
The Political Parties Act—Change of Political Party Official, etc.....	1980–1981	33—The Judiciary Fund Regulations, 2019.....	205
The Companies Act—Dissolution, etc.....	1981	34–36—Exemptions.....	223
The Physical Planning Act—Completion of Part Development Plans.....	1981–1982	37–63—The Competition Act—Exclusions.....	225–238
		64—The Universities Act—Charter for the University of Embu.....	239

	Units Purchased In April, 2019
<i>Hydropower Plant</i>	(KWh.)
Gitaru	44,348,000
Kamburu	21,179,000
Kiambere	59,267,000
Kindaruma	10,441,980
Masinga	6,831,000
Tana	3,149,370
Wanjii	1,608,008
Sagana	254,232
Ndula	-
Turkwel	37,458,600
Gogo	359,473
Sondu Miriu	4,477,000
Sangoro	1,378,320
Regen-Terem	460,867
Chania	26,683
Gura	649,855

Total units purchased from hydropower plants with capacity equal to or above 1MW = 191,889,387 kWh

Total units generated and purchased (G) excluding exports in April, 2019 = 947,719,865 kWh

ROBERT PAVEL OIMEKE,  
Director-General.

MR/5815861

GAZETTE NOTICE NO. 4274

**THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT**

(No. 33 of 2015)

PURSUANT to section 181 of the Public Procurement and Asset Disposal Act, 2015 the Public Procurement Regulatory Authority issues the Code of Ethics set out in the Schedule hereto, to be observed by persons participating in public procurement and asset disposal activities in Kenya.

SCHEDULE

**THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT**

(No. 33 of 2015)

CODE OF ETHICS

**THE CODE OF ETHICS FOR PERSONS PARTICIPATING  
IN PUBLIC PROCUREMENT AND ASSET DISPOSAL  
ACTIVITIES IN KENYA**

**PART I—STATEMENT OF INTENT**

This Code of Ethics is made pursuant to the provisions of section 181 of the Public Procurement and Asset Disposal Act, 2015 and is intended to set minimum standards of ethical behavior for persons participating in public procurement and asset disposal activities in Kenya and to ensure compliance with the Act and the Regulations and the adoption of good business practices.

**PART II—PRELIMINARY PROVISIONS**

*Citation.*

1. This Code may be cited as the Code of Ethics for persons participating in the public procurement and asset disposal activities in Kenya.

*Interpretation.*

2. In this Code, unless the context otherwise requires—

“Act” means The Public Procurement and Asset Disposal Act, 2015;

“Authority” means the Public Procurement Regulatory Authority established under section 8 of the Act;

“candidate” has the meaning assigned to it under section 2 of the Act;

“coercive practices” means any act or conduct geared towards harming or threatening to harm, directly or indirectly, persons or their property to influence their participation and their final outcome of a procurement process, or to affect the execution of a contract;

“collusive practice” means any act or conduct between persons designed to fix a price or prices and selling conditions or a person having many companies in the same line business and competing for the same business while disguised as genuine competitors in a bidding process;

“conflict of interest” means a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest;

“consultant” means a person who provides services of predominantly intellectual, technical or advisory nature;

“contractor” means a person who enters into a procurement contract with a procuring entity to supply goods, works or services, and includes the main contractor and subcontractor(s);

“corruption” has the meaning assigned to it under section 2 of the Anti-Corruption and Economic Crimes Act, 2003;

“disposal” has the meaning assigned to it under section 2 of the Act;

“fraudulent practices” includes a misrepresentation of fact in order to influence a procurement or disposal process or the exercise of a contract to the detriment of the procuring entity or the tenderer or the contractor, and includes collusive practices amongst tenderers prior to or after tender submission designed to establish tender prices at artificial non-competitive levels and to deprive the procuring entity of the benefits of free and open competition;

“gift” has meaning assigned to it in regulation 2 of the Leadership and Integrity Regulations, 2015;

“guidelines” means advice, opinion, directions or instructions issued by the Authority from time to time regarding public procurement;

“person” has meaning assigned to it in Article 260 of the Constitution;

“procuring entity” has the meaning assigned to it under section 2 of the Act;

“public officer” has the meaning assigned to it in Article 260 of the Constitution;

“public procurement” has the meaning assigned to it in section 2 of the Act;

“Regulations” means Regulations made under the Act;

“relative” means a spouse, child, parent, brother or sister; a child, parent, brother or sister of a spouse; or any other prescribed person;

“State Officer” has the meaning assigned to it in Article 260 of the Constitution;

"supplier" has the meaning assigned to it under section 2 of the Act; and

"tenderer" has the meaning assigned to it under section 2 of the Act;

*Scope of Application.*

3. The Code of Ethics shall apply to persons participating in public procurement or disposal of public assets.

*Objective of the Code.*

4. The objective of the Code is to set minimum standards of ethical behavior for persons to ensure compliance with the Act and the Regulations and the adoption of good business practices.

*Commitment to the Code*

5. A person shall sign and commit to this Code in the form set out in the First Schedule to this Code and submit to the procuring entity as part of the bid documents.

**PART III—REQUIREMENTS OR OBLIGATIONS**

*Compliance with the Constitution, laws and Regulations*

6. A person participating in public procurement and asset disposal activities shall, among others, comply with the Constitution, the Act and its attendant regulations, this Code of Ethics, rules and practices relating to ethics and integrity, and other laws related to taxation, labour, health and safety standards as well as environmental protection.

*Professionalism*

7. (1) A person participating in public procurement and asset disposal activities shall comply with professional standards of their industry or of any professional body of which they are members.

(2) Where that person is a member of a professional body, the person shall uphold the code of ethics of the respective profession and be of good professional standing.

(3) A person who has been de-registered from a professional body shall not qualify for a tender or be engaged in public procurement.

*Ethics and Integrity*

8. A person shall at all times maintain unquestionable standards of ethics and integrity in the public procurement and disposal process.

*Courtesy and respect*

9. A person participating in public procurement and disposal process shall accord respect and courtesy to the public officer(s) and other persons in all their dealings.

*Impartiality*

10. A person shall not engage in any act that may promote or encourage patronage, tribalism, cronyism and nepotism or any other form of preferential treatment in the public procurement or disposal proceeding.

*Gifts, favors and other benefits*

11. A person shall not offer or give gifts of any kind to public entities or the employees except as may be authorized by law, regulations, policies and codes of conduct from time to time issued by the Authority or any other relevant agencies.

*Prohibition against corrupt, fraudulent, coercive, collusive and unethical practices*

12. A person shall not—

- (a) contact, unduly influence or exert pressure on any member of a committee or any other employee, agent of a procuring entity to take a particular action which favors or tends to favor them;
- (b) engage in any form of corruption, collusive, coercive and or unethical practices;
- (c) engage in, nor be a party to, agreements, business practices or conduct that, as a matter of law, are anti-competition; or
- (d) directly or indirectly engage in any act that may interfere or have adverse effects on the procurement or disposal proceeding.

*Conflict of interest and limitation to enter into contract*

13. (1) A person shall not enter into a contract with a procuring entity if the person—

- (a) is an employee of the procuring entity or a member of a board or committee of the procuring entity;
- (b) is a State officer or public officer or a member of a committee or board of that state organ or public entity, or an officer of that public entity or state organ; or
- (c) has not satisfied eligibility requirements outlined in section 55 of the Act.

(2) A person shall not accept a contract whose performance would constitute a conflict of interest arising from any other previous or the subject contract.

(3) A person shall disclose any potential or actual conflict of interest to a procuring entity using a format provided in the bid document.

*Performance of duties*

14. (1) A person shall—

- (a) sign and commit to Code of Ethics in a tender, proposal or quotation submitted and failure to commit to the Code of Ethics shall lead to automatic disqualification;
- (b) obtain and submit bid documents in the manner prescribed in the tender or disposal notice and tender documents;
- (c) ensure that certified copies of all mandatory documents required in procurement or disposal proceeding such as certificates are available; and
- (d) supply the right quantity and quality of the contracted item, deliver at the stipulated time(s) and perform the obligations of the contract.

(2) A person shall—

- (a) ensure that competent persons carry out the contractual obligations of the person; and
- (b) accept full responsibility for all goods, works, services which have been provided.

*Communication of information*

15. A person shall—

- (a) observe communication requirements during the bidding process as provided for in the Act, Regulations, tender documents and practices;
- (b) respond promptly and courteously to all lawful requests for information, clarifications, and complaints in relation to the procurement or a contract;
- (c) ensure that all information provided to procuring entities is given in writing by authorized officers of the person; and
- (d) ensure that information given while participating in public procurement or disposal is true, accurate and fair, and not designed to mislead the procurement entity or the public.

*Duty to disclose business information*

16. A person shall at the times of bidding, provide a list of directors, beneficial owners and any other relevant information regarding the business entity through which the person seeks to trade with a procuring entity as may from time be provided in the bid document.

*Duty not to give false, malicious or misleading information*

17. A person shall not give false, malicious or misleading information to a procuring entity, Authority or any other entity regarding any matter involving the procurement or disposal process or a person involved in the procurement or disposal process.

*Confidentiality of information*

18. (1) A person shall not disclose any information obtained in the course of participation or performance of a procurement or disposal

contract to any unauthorized person or use such information to further private interests.

(2) The obligation under paragraph (1) shall continue even after the business or contractual relationship with the procuring entity has come to an end.

*Duty to report impropriety or corruption*

19. (1) A person shall reject and report to the Authority or the relevant agency any procurement or disposal practice which might be deemed to contrive the Constitution, laws, regulations and this Code.

(2) The report referred to under paragraph (1) shall be in the format prescribed under the Second Schedule.

**PART IV—COMPLIANCE AND MONITORING OF THE CODE**

*Compliance with the Code*

20. A person shall at all times ensure compliance with all the requirements of this Code.

*Structures for employees and agents*

21. A person shall put in place proper structures for its employees and agents that are in line with the Act, Regulations and this Code.

*Co-operation in conducting of due diligence*

22. A person shall cooperate and assist in conducting of due diligence, where a procuring entity conducts on-site evaluations and inspections of the person's facilities or project site, including those of their subcontractors and Joint Venture partners to review their compliance to this Code during execution of the Contract.

*The role of the Authority in enforcement of the Code*

23. The Authority shall—

- (a) exercise oversight in the enforcement of this Code, including taking remedial measures in case of breach of the Code;
- (b) on its own motion or upon receipt of a complaint, inquire into the allegation of the violation of the Code of Ethics and take appropriate action including instituting debarment proceedings as provided under the Act and Regulations;
- (c) establish a complaints management system for reporting and receiving of complaints on alleged violations of the Constitution, relevant laws, Regulations and the Code of Ethics.

*Prohibition against obstruction, hinderance, etc. to an officer of the Authority*

24. A person shall not—

- (a) obstruct or hinder an officer of the Authority or any other authorized person from carrying out a duty or function or exercising a power relating to procurement and disposal laws; or
- (b) knowingly or in collusion with others lie to or mislead a person carrying out a duty or function or exercising a power relating to procurement and disposal laws.

**PART V—COMPLAINTS AND REPORTING MECHANISM AND ENFORCEMENT OF THE CODE**

*Power to report*

25. (1) Any person may report a violation of this Code to the Authority or other law enforcement agencies and the complainant may in addition report the breach to the relevant professional body.

(2) Where breach of this Code involves a state or public officer, the breach shall be reported to the Ethics and Anti-Corruption Commission or other relevant law enforcement agency in accordance with the Leadership and Integrity Act, 2012 and the Regulations made thereunder.

(3) A report under this paragraph shall be in the format provided for under the Second Schedule to this Code and shall include the following particulars—

- (a) name and contact of the complainant (optional);
- (b) name of the person, company or agent involved in the alleged breach;
- (c) name of procuring entity where breach has occurred or officer alleged to have committed the breach;

- (d) nature of alleged breach; and
- (e) date and location of the alleged breach.

*Investigation of the complaint*

26. (1) Upon receipt of the report, the Authority shall register, carry out investigations into the complaint, and take appropriate action including referring the matter to the relevant authorities or report to the relevant professional body for action where appropriate.

(2) The Authority shall communicate its preliminary findings to the complainant within 60 days of the filing of the complaint where contacts are provided.

(3) Upon conclusion of the investigations the Authority shall communicate the feedback to the complainant where contacts are provided, procuring entity or other relevant body where appropriate.

*Confidentiality of the report*

27. (1) The reports to the Authority shall be handled with utmost confidentiality.

(2) A person who lodges a complaint with the Authority or other relevant body shall not be victimized, subjected to harassment or any other form of unfair treatment.

*Quarterly publication*

28. The Authority shall at the end of each quarter publish a list of persons who have been sanctioned for violations of this Code.

**PART VI— REVIEW OF THE CODE**

*Review of the Code.*

29. The Authority may from time to time review this Code in consultation with the relevant stakeholders.

**FIRST SCHEDULE**

(para. 4)

**DECLARATION AND COMMITMENT TO THE CODE OF ETHICS COMMITMENT TO THE CODE OF ETHICS (to be submitted as part of any quotation or tender or proposal)**

I ..... (person) on behalf of (Name of the Business/ Company/Firm)..... declare that I have read and fully understood the contents of the Public Procurement and Asset Disposal Act, 2015, Regulations and the Code of Ethics for persons participating in Public Procurement and Asset Disposal and my responsibilities under the Code.

I do hereby commit to abide by the provisions of the Code of Ethics for persons participating in Public Procurement and Asset Disposal.

Name of Authorized signatory.....

Sign.....

Position.....

Office address.....

Telephone.....

E-mail.....

Name of the Firm/Company.....

Date.....

(Company Seal/ Rubber Stamp where applicable)

Witness Name .....

Sign.....

Date.....

**SECOND SCHEDULE**

(para. 18(2) & 24(3))

**COMPLAINTS FORM**

*Part I Details of Complainant (optional)*

Name of complainant.....

Contact details:

Postal address.....

Telephone /Cellphone No.....

Email Address.....

*Part II Institution where Complaint is lodged*

Name of Authority/Agency where the report has been lodged.....

*Part III Details of Violator of the Code/procurement laws*

Name of the person involved in alleged breach.....

Name of Public entity involved.....

*Part IV Nature of allegations*

State concisely the allegations, date, time, place of the alleged breach, persons involved and malpractices/violations committed or omitted.....

I declare that the information given herein is true to the best of my knowledge.

Signature.....

Date.....

Enclose supporting documentary evidence/attachments

**MAURICE J. JUMA,**  
Director-General,  
Public Procurement Regulatory Authority.

GAZETTE NOTICE No. 4275

**THE CAPITAL MARKETS ACT**

(Cap. 485A)

IN EXERCISE of powers conferred by section 11 (3) (e) and (f) and pursuant to section 27 (1) (a) of the Capital Markets Act, it is notified for general information that the companies and entities set out in the Schedule hereto are licensed/authorized by the Capital Markets Authority to operate in the various categories as indicated in the schedule:

**SCHEDULE***Approved Institutions*

Name of the Company	Address	Nature of Operation
The Nairobi Securities Exchange	P.O. Box 43633-00100, Nairobi	Securities Exchange
Central Depository and Settlement Corporation Limited	P.O. Box 3464-00100, Nairobi	Central Depository
Agusto and Company Limited	P.O. Box 56136, Ikoyi Lagos, Nigeria	Credit Rating Agency
Metropol Corporation Limited	P.O. Box 35331-00200, Nairobi	Credit Rating Agency
Global Credit Rating Company	1st Floor, GFin Tower, 42 Hotel Street, Cyber City, Ebene, 72201, Mauritius	Credit Rating Agency
Care Ratings Africa Private Limited	1st Floor, MTML Square 63 Cybercity, Ebene	Credit Rating Agency

*Investment Banks*

Name	Address	License No.
African Alliance Kenya Investment Bank Limited	P.O. Box 27639, Nairobi	001
Barclays Financial Services Limited	P.O. Box 30120-00100, Nairobi	002
CBA Capital Limited	P.O. Box 30437-00100, Nairobi	003
Dyer and Blair Investment Bank Limited	P.O. Box 45396-00100, Nairobi	004
Equity Investment Bank Limited	P.O. Box 74454-00200, Nairobi	005
Faida Investment Bank Limited	P.O. Box 45236-00100, Nairobi	006

Genghis Capital Limited	P.O. Box 9959-00100, Nairobi	007
KCB Capital Limited	P.O. Box 48400-00101, Nairobi	008
NIC Capital Limited	P.O. Box 44599-00100, Nairobi	009
Renaissance Capital (Kenya) Limited	P.O. Box 40560-00100, Nairobi	010
SBG Securities Limited	P.O. Box 47198-00100, Nairobi	011
Standard Investment Bank Limited	P.O. Box 13714-00800, Nairobi	012
Kestrel Capital (East Africa) Limited	P.O. Box 40005-00100, Nairobi	091
Sterling Capital Limited	P.O. Box 45080-00100, Nairobi	021
Dry Associates Investment Group	P.O. Box 684-00606, Nairobi	114
Salaam Investment Bank Kenya Limited	P.O. Box 14939-00100, Nairobi	115

*Stockbrokers*

ABC Capital Limited	P.O. Box 34137-00100, Nairobi	013
AIB Capital Limited	P.O. Box 11019-00100, Nairobi	014
Apex Africa Capital Limited	P.O. Box 43676-00100, Nairobi	015
Francis Drummond and Company Limited	P.O. Box 45465-00100, Nairobi	016
Kingdom Securities Limited	P.O. Box 48231-00100, Nairobi	018
NIC Securities Limited	P.O. Box 63046-00200, Nairobi	019
Old Mutual Securities Limited	P.O. Box 50338-00200, Nairobi	020
Suntra Investments Limited	P.O. Box 74016-00200, Nairobi	022
Securities Africa Kenya Limited	P.O. Box 43633-00100, Nairobi	100
EFG Hermes Kenya Limited	P.O. Box 349-00623, Nairobi	105

*Non-Dealing Online Foreign Exchange Brokers*

EGM Securities Limited	P.O. Box 57876-00200, Nairobi	107
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*Money Managers*

Standard Investment Bank Limited	P.O. Box 13714-00800, Nairobi	116
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*Authorized Securities Dealers*

Chase Bank Limited	P.O. Box 66049-00800, Nairobi	096
Standard Chartered (Kenya) Plc	P.O. Box 30003-00100, Nairobi	109

*Fund Managers*

Alpha Africa Asset Managers	P.O. Box 34530-00100, Nairobi	023
Amana Capital Limited	P.O. Box 9480-00100, Nairobi	024
Apollo Asset Management Company Limited	P.O. Box 30389, Nairobi	025
Abraaj Kenya Advisers Limited	P.O. Box 19558-00100, Nairobi	026
Britam Asset Managers (Kenya) Limited	P.O. Box 30375-00100, Nairobi	027
Canon Asset Managers Limited	P.O. Box 30216-00100, Nairobi	028
Nabo Capital Limited	P.O. Box 10518-00100, Nairobi	029
CIC Asset Management Limited	P.O. Box 59485-00200, Nairobi	030
Co-optrust Investment Services Limited	P.O. Box 48231-00100, Nairobi	031