



10th September 2020

**AMB. UKUR YATTANI, EGH
CABINET SECRETARY
MINISTRY OF NATIONAL TREASURY AND PLANNING**

Dear Sir,

PETITION ON MEASURES TO INSTITUTE TRANSPARENCY AND ACCOUNTABILITY IN COVID-19 PROCUREMENT

We, the undersigned, organisations and associations, are representatives of various civil society and non-governmental organisations, the private sector, professional bodies and trade unions in Kenya. We have noted with great concern, gaps in transparency and accountability by government agencies charged with managing COVID-19 resources. These loopholes have led to the over pricing of commodities, purchase of substandard Personal Protective Equipment (PPEs), embezzlement of commodities including donated PPEs, failure of the PPEs to reach those who need them the most including healthcare workers on the frontline of fighting COVID-19, and misappropriation of public funds meant to procure protective gear.

We welcome the Presidential Directive made on 31st August 2020 requiring the online publication of all COVID-19 procurement within 30 days, and expect that this directive will be acted upon and thus propose the following additional measures to enhance transparency and accountability in public procurement:

- Full adherence to procurement procedures as dictated by the Public Procurement and Asset Disposal Act 2015, the Executive Order No. 2 of 2018 and publication of all information to enhance oversight at National and County level.

- Procurement data should be published in the required state portal www.tenders.go.ke by 30th September 2020, as per the Presidential Directive and on an independent COVID-19 Kenya Portal that conforms to the international open contracting data standards.
- The National Treasury in the spirit of conforming to the Presidential Directive, should issue a policy directive in the next 30 days, that allows the Public Procurement Regulatory Authority (PPRA) to recommend sanctions against procuring entities that fail to comply to the Executive Order No. 2 of 2018.
- That in consultations with the Office of the President, the Executive Order No. 2 of 2018 is modified to include requirements for procuring entities to publish emergency and urgent need procurement data within a specified timeline to promote transparency and accountability in the event of an emergency.
- The Public Procurement Regulatory Authority should publish emergency procurement guidelines within 30 days to guide urgent need procurement processes which should include guidance on the publication of procurement data including the timelines of publication.
- The Public Procurement Regulatory Authority based on its expertise and mandate should set specific timelines for preparation and publication of a Market Price Index (MPI) within 30 days, to guide procurement of items required in emergency situations such as the current COVID-19 Pandemic.
- That the Public Procurement Regulatory Authority continuously monitors adherence to public procurement open information systems by all government entities as enshrined in the Executive Order No. 2 of 2018 and publish the monitoring reports monthly.

Sincerely,



Sheila Masinde

Executive Director

Transparency International Kenya

smasinde@tikenya.org

On behalf of the listed organisations

1. Association of Professional Societies in East Africa (APSEA)
2. Civil Society Reference Group (CSRG)
3. Constitution and Reform Education Consortium (CRECO)
4. County Governance Watch
5. Inuka Kenya Ni Sisi! Ltd
6. Kenya Human Rights Commission
7. Kenya Legal & Ethical Issues Network on HIV & AIDS (KELIN)
8. The Institute for Social Accountability
9. Transparency International Kenya
10. White Ribbon Alliance Kenya
11. Wote Youth Development Projects
12. Youth Agenda

CC:

MUTAHI KAGWE - CABINET SECRETARY FOR HEALTH

H.E GOVERNOR WYCLIFFE OPARANYA - CHAIRPERSON, COUNCIL OF GOVERNORS

HON. SABINA CHEGE - CHAIRPERSON, PARLIAMENTARY HEALTH COMMITTEE

HON. SYLVIA KASANGA - CHAIRPERSON, SENATE ADHOC COMMITTEE ON COVID-19

HON. DR. MICHEAL MBITO - CHAIRPERSON, SENATE HEALTH COMMITTEE

MAURICE JUMA - DIRECTOR GENERAL, PUBLIC PROCUREMENT REGULATORY AUTHORITY

HON. KEMBI GITURA - CHAIRPERSON, KENYA MEDICAL SUPPLIES AUTHORITY BOARD

**TWALIB MBARAK - CHIEF EXECUTIVE OFFICER, ETHICS AND ANTI-CORRUPTION
COMMISSION**

HON. FLORENCE KAJUJU - CHAIRPERSON, COMMISSION ON ADMINISTRATIVE JUSTICE