

REPUBLIC OF KENYA

**DRAFT
CONSTRUCTION INDUSTRY POLICY
(CIP)**

JUNE 2018

DRAFT

PREFACE

Kenya's construction industry plays a big role in socio-economic development. The industry contributes greatly to the country's Gross Domestic Product given its linkages to the various sectors of the economy. Kenya's vision 2030 recognizes construction as an enabler that will drive the country to become globally competitive and prosperous with a high quality of life by the year 2030. Construction is thus a critical component to the country's development and its impact is felt at both national and regional levels.

The performance of the construction industry is an indicator of economic performance of the country and has linkages with other sectors through employment, manufacturing, transport, and infrastructure services. Improved performance of this sector therefore contributes to wealth and employment creation. Since independence the industry has exhibited mixed signals in its performance due to existing challenges which curtail sustained improvement. The challenges that require to be addressed by policy interventions so that performance in the industry can be enhanced include the following;

- 1) Low completion rates of construction projects
- 2) Lengthy procurement procedures
- 3) Inadequate access to affordable project financing
- 4) Inadequate harmony in policies, laws and regulations
- 5) Low technological uptake and exposure levels of stakeholders to international best practices
- 6) Use of inappropriate construction material
- 7) Poor quality of works as a result of poor workmanship and use of substandard materials
- 8) Unethical conduct and unfair business practices
- 9) Inadequate skilled and competent workforce
- 10) Lack of a standard monitoring and evaluation framework
- 11) Inadequate capacity for enforcement of standards and regulations
- 12) Poor practices in safety and health management
- 13) Lack of sustainable construction green building design skills and construction practices to combat negative effects of climate change

Absence of a comprehensive Construction Industry Policy has continued to expose the industry to the above challenges. Therefore, the government is hopeful that this policy will address these challenges for improved performance of the industry.

The Construction Industry Policy was prepared through a consultative process bringing together various government agencies, professionals and other stakeholders in the industry. In the spirit of our constitution, public participation was conducted which makes this policy relevant to the needs of all industry stakeholders and general public.

The government therefore calls upon all stakeholders to support the successful implementation of this policy in order to realize the envisioned aspirations.

James Wainaina Macharia, EGH

CABINET SECRETARY

**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS**

FOREWORD

The construction industry policy has come at an opportune time in the wake of devolution where some functions in the value chain of construction are expected to be carried out by County Governments. This policy is expected to enhance synergies among stakeholders across governments and sectors.

The policy has been prepared through a consultative and collaborative process with industry stakeholders and in particular County Governments. The purpose is to create a well-coordinated and developed construction industry which will address the existing needs in order to contribute to sustainable socio-economic development.

The counties recognize that construction is a partly devolved function which is at the centre of our growth and development. The national infrastructural regulatory agencies continue to play a significant role in the development of construction at the county level. It is hoped that the synergies between the national and county institutions will contribute to a prosperous nation by enhancing employment, wealth creation and poverty reduction.

This policy has identified thematic areas and objectives with their corresponding policy directions. It is incumbent on all construction industry players to implement them for the policy to positively impact the industry.

The County Governments are grateful for the preparation of this comprehensive policy which will improve the mode of operation in the construction industry. The policy repositions County Governments to deliver on their functions more effectively and efficiently therefore it has full support of the counties as we look forward to its successful implementation.

H.E. Joseph Koli Nanok

CHAIRMAN

COUNCIL OF GOVERNORS

ACKNOWLEDGEMENT

This Policy is a culmination of an all-inclusive consultative process that involved key industry stakeholders as well as the public. The policy honours the past challenges, the present and creates a promising future for the construction industry. Involvement of stakeholders in its development has helped refine and bring into sharper focus the government's role in providing a clear vision that will be the basis of achieving its goals.

Much appreciation goes to the National Construction Authority (NCA) for playing the role of secretariat during the formulation of this policy. The appointed Taskforce worked professionally at every stage of developing this policy. In addition, industry stakeholders provided their views, contributions and critique to refine the policy. Appreciation also goes to the State Department of Housing, Urban Development and Public Works for its support during preparation of the policy. The realization of this policy was made possible through the wise counsel of the Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

As we endeavour to transform the construction industry we acknowledge the critical role of stakeholders in the implementation of this policy and reiterate that with their support the implementation of the policy shall be successful.

There is no doubt that those who played a part have gained a better understanding of policy drafting process which everyone can bank on for similar initiatives in the future.

Charles Hinga Mwaura

PRINCIPAL SECRETARY

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EXECUTIVE SUMMARY

Kenya's construction industry is a key driver to the country's economic growth and contributes greatly to the country's Gross Domestic Product (GDP). However, the industry has gone through various phases since the pre - colonial period when it was structured around communities and their way of life, in which use of sustainable locally available materials, technologies and skill was the norm. During and after colonization a new dispensation was created where there was a mix of use of both local and imported materials and where skills were imparted through apprenticeship as well as formal training. At independence there was a push towards *Kenyanization* of the economy where coordination and allocation of gainful contracts was advocated for Kenyans.

The government therefore established several initiatives aimed at enhancing the industry's performance. Local authorities were created and empowered to coordinate all matters to do with the industry within their jurisdictions. Consequently, in 1966, the National Construction Corporation (NCC) was formed. The purpose of its formation was to promote construction work and assist the indigenous Africans in construction. NCC however collapsed in 1987 due to mismanagement. In 2011 the National Construction Authority (NCA) was established with its mandate being to coordinate, regulate and build capacity of the construction industry.

While playing a critical role in Kenya's economic development, the industry continues to face a number of challenges in terms of; low completion rates projects; lengthy procurement procedures; low access to affordable project financing; inadequate harmony in policies; laws and regulations; low technological uptake and exposure levels of stakeholders to international best practices; use of inappropriate construction material; poor quality of works as a result of poor workmanship and use of substandard material; unethical conduct and unfair business practices; inadequate skilled and competent workforce; lack of a standard monitoring and evaluation framework; inadequate capacity for enforcement of standards and regulations and lack of sustainable construction green building design skills and construction practices to combat climate change in the industry. These challenges have impeded growth and development of the industry and prevented it from harnessing full potentials and benefits.

The Government is taking deliberate steps towards addressing the gaps by developing an overarching comprehensive Construction Industry Policy which seeks to create a well-coordinated and developed construction industry, address the needs of the industry and contribute to sustainable socio-economic development. The Policy objectives include to; create an enabling environment for the growth and development of the industry; promote development of the

human resource capacity; improve quality management; promote research, innovation and development; enhance coordination for better management of the industry; promote access and use of data and information in decision making; improve ease of doing business; reduce challenges related to land management and physical planning; promote environmental integrity and conserve heritage in the industry; protect workers and the general public from any risk associated with construction and boost risk and disaster management strategies; mainstream cross cutting and emerging issues; and to strengthen institutions, resource mobilization, implementation of plans and coordination within the industry.

It is evident that successful implementation of policies is hampered by inadequate resource mobilization strategy, and funding framework. This policy recognizes that there exists a deficit in terms of financing to the various policy directions that have been documented. In order to mobilize sufficient resources for the implementation of this policy, collaborative effort between the public and private sectors as well as development partners will require to be applied. The government further recognizes that the industry needs a comprehensive implementation framework as there is fragmentation in the various subsectors within the industry which makes coordination difficult. This policy establishes a clear, effective and well-coordinated institutional and implementation framework taking into account issues of communication, resource mobilization, human capital, and monitoring and evaluation for its effective implementation.

The Government acknowledges the importance of the local construction industry in the achievement of its socio-economic goals as outlined in Kenya's Vision 2030. In recognition of the role the industry plays in supporting both social and economic development, the Government through this CIP is committed towards facilitating development and growth of the industry.

TABLE OF CONTENTS

PREFACE.....	iii
FOREWORD	v
ACKNOWLEDGEMENT	vi
EXECUTIVE SUMMARY	vii
TABLE OF CONTENTS	ix
LIST OF ACRONYMS.....	xii
DEFINITION OF OPERATIONAL TERMS.....	xiii
1.0 INTRODUCTION.....	1
1.1 HISTORICAL PERSPECTIVE OF THE CONSTRUCTION INDUSTRY	1
1.2 THE ROLE OF THE CONSTRUCTION INDUSTRY.....	1
1.3 PROGRESS AND INITIATIVES	2
1.4 CHALLENGES AND EMERGING ISSUES.....	3
1.5 INDUSTRY VISION	3
1.6 INDUSTRY CONTEXT.....	3
2.0 JUSTIFICATION	5
3.0 GOAL AND OBJECTIVES	6
3.1 Goal.....	6
3.2 Policy objectives.....	6
4.0 GUIDING PRINCIPLES	7
5.0 POLICY STATEMENTS.....	8
6.0 BUSINESS GROWTH AND DEVELOPMENT.....	10
Policy Statement:	10
Industry Context:.....	10
Policy Directions:	10
7.0 HUMAN RESOURCE DEVELOPMENT	12
Policy statement:.....	12
Industry Context:.....	12
Policy directions:.....	12
8.0 QUALITY MANAGEMENT	14
Policy statements:.....	14

Industry Context.....	14
Policy Directions:	14
9.0 RESEARCH, INNOVATION AND DEVELOPMENT.....	16
Policy Statement:	16
Industry Context:.....	16
Policy Directions:	16
10.0 LEGAL AND INSTITUTIONAL FRAMEWORK.....	17
Policy Statement:	17
Industry Context:.....	17
Institutional Framework.....	17
Policy Directions:	18
11.0 INTEGRATED CONSTRUCTION DATA AND INFORMATION MANAGEMENT SYSTEM.....	19
Policy statement:.....	19
Industry Context:.....	19
Policy directions:.....	19
12.0 LAND AND PHYSICAL PLANNING.....	21
Policy statement:.....	21
Industry Context:.....	21
Policy directions:.....	21
13.0 ENVIRONMENTAL SUSTAINABILITY & CONSERVATION OF HERITAGE.....	22
Policy Statement:	22
Industry Context:.....	22
Policy directives:	22
14.0 OCCUPATIONAL SAFETY AND HEALTH.....	24
Policy Statement:	24
Policy Directions:	24
15.0 DISASTER AND RISK MANAGEMENT.....	25
Policy Statement:	25
Industry Context:.....	25
Policy Directions:	25

16.0 CROSS CUTTING AND EMERGING ISSUES	27
Policy Statement:	27
Industry Context:.....	27
Policy Directions:	28
17.0 RESOURCE MOBILIZATION AND FINANCING	29
Policy Statement:	29
Industry Context:.....	29
18.0 INSTITUTIONAL AND IMPLEMENTATION FRAMEWORK.....	30
Policy Statement:	30
Industry Context:.....	30
Policy Directions:	30
19.0 CONCLUSION	32
APPENDICES	33
APPENDIX I: CONSTRUCTION INDUSTRY POLICY COORDINATION INSTITUTIONAL STRUCTURE	33
APPENDIX II: IMPLEMENTATION MATRIX	35
APPENDIX III: EXISTING LEGAL/REGULATORY FRAMEWORKS	50
APPENDIX IV: PROPOSED CIP DRAFTING PROGRAM (REVISED)	61
APPENDIX V: NOMINATED MEMBERS OF THE TASK-FORCE	62

LIST OF ACRONYMS

- ABT:** Appropriate Building Technology
- ADR:** Alternative Dispute Resolution mechanisms
- CBO's:** Community Based Organizations
- CIArb:** Chartered Institute of Arbitrators
- CIP:** Construction Industry Policy
- CSR:** Corporate Social Responsibility
- GDP:** Gross Domestic Product
- GoK:** Government of Kenya
- HABRI:** Housing and Building Research Institute
- KIPPRA:** Kenya Institute of Public Policy and Research
- KLRC:** Kenya Law Reform Commission
- KNBS:** Kenya National Bureau of Statistics
- NCA:** National Construction Authority
- NCC:** National Construction Corporation
- NCIA:** Nairobi Centre for International Arbitration
- NEMA:** National Environmental Management Authority
- NGO's:** Non-Governmental Organizations
- PIC:** Policy Implementation Committee
- PSC:** Policy Steering Committee
- SEA:** Strategic Environmental Assessment
- SMEs:** Small and Medium Enterprises

DEFINITION OF OPERATIONAL TERMS

Construction Industry: An industry concerning Construction Works; this involves the construction, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling, or demolition of any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level; any road, harbour works, railway, cableway, canal or aerodrome; any drainage, irrigation or river control works; any electrical, mechanical, water, gas, petrochemical or telecommunication works; or any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation works, and includes any works' which form an integral part of, including site clearance, soil investigation and improvement, earth-moving, excavation, laying of foundation, site restoration and landscaping.

Environment: A combination of the various physical, geographic, biological, cultural and political elements that affect the life of an individual or organism.

Industry: Means the construction industry.

Stakeholder: Any person or institution with interest in the industry.

Quality Management: Means the process that involves implementing a formalized system to oversee all activities towards achieving a consistent desired level of excellence in the construction industry. This comprises documenting of procedures, processes and responsibilities for achieving quality planning and assurance, quality policies and objectives, quality control and quality improvement.

Government(s): Means the National Government of the Republic of Kenya and the Forty-Seven (47) County Governments of the Republic of Kenya.

Local Contractor(s): Means a firm incorporated in Kenya and accredited by the Board of the National Construction Authority to carry out construction works having met the conditions prescribed by the Board on its suitability to serve the public as a qualified contractor for a specific works and class of works in respect of which registration is sought and has a certificate of compliance from the Registrar of Companies showing that it is trading as a contractor in Kenya.

1.0 INTRODUCTION

1.1 HISTORICAL PERSPECTIVE OF THE CONSTRUCTION INDUSTRY

The construction industry has undergone various historical developments. The pre - colonial construction industry was structured at community level and dominated by use of sustainable locally available materials, technologies and skill that was passed on from generation to generation through apprenticeship.

During the colonial period, there was a mix of both local and imported material as a result of the presence and influence of Europeans in Kenya. Most of the skills were imparted through apprenticeship as well as formal training. The Europeans and Asians skills and materials dominated the market mainly because indigenous technologies were regarded as inferior.

Nevertheless, towards independence a lot was changing in almost every aspect of life including construction wherein *Kenyanization* or *Africanization* consciousness was gaining momentum. Africans realized that big and gainful contracts were in the hands of non-Africans and there was need to reverse the situation. The *Kenyanization* of the industry was affected by the relocation of Asians to Britain yet they were expected to partner with their African counterparts in developing the industry.

The government therefore established several initiatives aimed at enhancing the industry's performance. Local authorities were created and empowered to coordinate all matters to do with the industry within their jurisdictions. In the year 1966, the National Construction Corporation (NCC) was formed through an Act of Parliament CAP 493 of the Laws of Kenya and was launched in 1967. The purpose of the corporation was to promote construction work and assist the indigenous Africans to come up and be able to join with others who were well developed in the construction industry. However, NCC collapsed in 1987 due to mismanagement leaving local contractors without vital support. This scenario continued until 2011 when National Construction Authority was established through enactment of the National Construction Authority Act of 2011 to coordinate, regulate and build capacity of the construction industry.

1.2 THE ROLE OF THE CONSTRUCTION INDUSTRY

Globally, the industry plays a great role in the socio-economic development of any country. Similarly, in Kenya, the industry is a key driver to the sustainable growth of the economy and contributes greatly to the country's Gross Domestic Product and employment as well as linkages to other sectors requiring infrastructure services. Kenya's vision 2030 has identified

construction as being a key enabler that will drive this country to become a globally competitive and prosperous country with a high quality of life by the year 2030. Construction is thus a critical component to the country's development and its impact is felt nationally and regionally.

1.3 PROGRESS AND INITIATIVES

The construction industry has made progress in contribution to GDP (in absolute terms), improved regulation of contractors, capacity development and provision of quality infrastructure services. The industry has also enhanced uptake of ICT but has not attained its competitiveness with aspirator countries. For instance, real GDP grew from 133 billion to 232 billion over the period 2010-2016. This progress is attributed to a number of initiatives which include but not limited to:

- 1) Establishment of the National Construction Authority;
- 2) Establishment of County Governments under devolved system of governance;
- 3) Establishment of Plant and Equipment Hire department under Mechanical department;
- 4) The establishment of the Technical and Vocational Education and Training Authority (TVETA), the National Industrial Training Authority (NITA), the National Youth Service (NYS), the Kenya Building Research Centre (KBRC), Kenya Water Institute (KEWI), Morendat Institute of Oil and Gas, and Kenya Institute of Highways and Building Technologies (KIHBIT);
- 5) Establishment of The Universities Act 2012 and Chartering of more technical universities to address shortage of skilled manpower;
- 6) Establishment of Housing and Building Research Institute (HABRI) in 1993 domiciled at the University of Nairobi;
- 7) Establishment of the Kenya Bureau of Standards (KEBS);
- 8) Establishment of Regulatory Institutions in the Construction Industry in the following sectors including buildings, transport, water, energy and environment;
- 9) Promotion of professional and trade associations;
- 10) Enactment of the Public Private Partnerships Act, (No. 15) 2013;
- 11) Established funds to support disadvantaged groups;
- 12) Presidential decree 2013 amending procurement rules to allow 30% of contracts to be given to the youth, women and Persons with disability without competition through Access to Government Procurement Opportunities (AGPO) program.

1.4 CHALLENGES AND EMERGING ISSUES

Despite the progress and initiatives made in the industry, there exist challenges that derail the progress. Key among these includes:

- 1) Low completion rates of construction projects
- 2) Lengthy procurement procedures
- 3) Low access to affordable project financing
- 4) Inadequate harmony in policies, laws and regulations
- 5) Low technological uptake and exposure levels of stakeholders to international best practises
- 6) Use of inappropriate construction material
- 7) Poor quality of works as a result of poor workmanship and use of substandard materials
- 8) Lack of sustainable construction green building design skills and construction practices to combat climate change in the industry
- 9) Unethical conduct and unfair business practises
- 10) Inadequate skilled and competent workforce
- 11) Lack of a standard monitoring and evaluation framework
- 12) Inadequate capacity for enforcement of standards and regulations
- 13) Poor practises in safety and health management

Besides these challenges, there are emerging issues which the industry needs to address in order to boost progress. These include; Climate change, technological changes, globalization, foreign competition and devolution among others.

1.5 INDUSTRY VISION

The industry envisions growth and development in terms of business, technological uptake, training, capacity building, quality, safety mechanization, competitiveness, environmental stewardship, equity and equality among others.

1.6 INDUSTRY CONTEXT

In order to realize the vision of the industry, scanning of the operational environment is critical. This will include political, economic, social, technological, environmental and legal factors affecting the industry as follows;

- 1) Decisions in the industry are influenced by political systems due to changes in government, manifestos and governance systems which will require a strong policy and institutional frameworks to enhance adaption and resilience of the industry.

- 2) The economy will expect the industry to play its rightful role in terms of contribution to GDP, employment creation, reduction of inflation and linkages with other sectors.
- 3) The social expectations include suitable infrastructure including affordable housing, roads, water and sanitation, transport, energy, health and education among others which include the input of the construction industry. In addition, construction sector is expected to enhance food security through irrigation.
- 4) The dynamism in the technological changes in the construction industry will require that the industry will adapt and apply those changes. In addition, application of appropriate technologies will be required to enhance affordability.
- 5) The sensitivity of the industry towards the environment is critical for sustainable development.
- 6) The legal framework ranges from national, regional to international which will require that stakeholders enhance the awareness and application. The framework is complex given the nature of the industry which serves various sectors of the economy.

2.0 JUSTIFICATION

The country lacks a consolidated and comprehensive Construction Industry Policy which makes it difficult for coordination and synergies among the stakeholders and across sectors. The industry has not reached its full potential in terms of its contribution to the Gross Domestic Product (GDP), employment and wealth creation. According to the Sustainable Development Goals, Africa Agenda 2063, East African Community Vision 2050, Kenya Vision 2030 and The Big Four Agenda of the current government, the industry is expected to grow and contribute significantly to Kenya's development.

The Constitution under Article 42 guarantees the right to a clean and healthy environment; which include the right to (a) have the environment protected for the benefit of the present and future generations through legislative and other measures; 43 1(b) the right to accessible and affordable housing and to reasonable standards of sanitation. The consumers also have a right to; 46 1(a) to goods and services of reasonable quality (b) to the information necessary for them to gainful benefits from goods and services (c) to the protection of their health and economic interests (d) to compensation for loss or injury arising from defects in goods or services.

Therefore, there is need for an appropriate policy that guides operations for all industry players and creates investor and developer confidence. This Policy was developed through a consultative process in line with the Constitution, which requires stakeholder engagement and public participation.

3.0 GOAL AND OBJECTIVES

3.1 Goal

This policy seeks to create a well-coordinated and developed construction industry which will address the needs of the industry and contribute to sustainable socio-economic development.

3.2 Policy objectives

- 1) To create an enabling environment for the growth and development of the industry and promote development of the human resource capacity;
- 2) To ensure improved quality management in the construction industry;
- 3) To promote research, innovation and development in the construction industry;
- 4) To enhance coordination for better management of the industry through a harmonized regulatory and institutional framework;
- 5) To promote access and use of data and information in decision making and to improve ease of doing business;
- 6) To reduce challenges related to land management and physical planning in the industry;
- 7) To promote environmental integrity and conserve heritage in the industry;
- 8) To protect workers and the general public from any risk associated with construction and boost risk and disaster management strategies in the industry;
- 9) To mainstream cross cutting and emerging issues in the industry;
- 10) To strengthen institutions, resource mobilization, implementation of plans and coordination within the industry.

4.0 GUIDING PRINCIPLES

The industry will need guiding principles that are binding to all stakeholders for effective relations and efficient delivery of the policy. These include;

4.1 Quality and Standards: This policy has been prepared taking into consideration the need to adhere to construction quality and standards as approved by the industry. Delivery of construction works based on this principle will provide value for money to stakeholders.

4.2 Public Participation: This policy is based on the tenet of public participation as enshrined in the constitution of Kenya 2010 which in turn will make it fully owned by all stakeholders.

4.3 Innovation: The thriving of the construction industry is based on continual innovation in the products and practices of the construction industry. Innovation will enable the industry to be relevant to the ever-changing needs of the industry.

4.4 Devolution and Decentralization: This policy takes note of the fact that construction services have been partly devolved to the counties as required under the constitution of Kenya 2010. Devolution and decentralization of resources and management will assist in the development and maintenance of infrastructure countrywide.

4.5 National Values and Ethics: Adherence to national values and ethics is a key requirement under Kenya's constitution 2010. This policy therefore envisages for the industry players to practice ethical behaviour and implement the stated values in the industry.

4.6 Equity and Fairness: This policy envisages fair practice among industry players in the delivery of construction related services to customers. The principle of equity will be applied in the distribution and allocation of resources to develop the industry.

4.7 Transparency and Accountability: This policy seeks for the industry to be accountable in its operations. All institutions shall provide information and report when required for the purpose of contributing to the ease of doing business in the industry.

4.8 Sustainability: In implementing the various policy directions contained in this policy, it is expected that the construction industry shall become robust and thriving to meet the expectations of the country for its contributions to the growth and development.

4.9 Professionalism and Social Engineering: All stakeholders will adhere to the construction industry code of conduct and their respective codes of conduct

5.0 POLICY STATEMENTS

Going forward, the industry has given priority to a number of thematic areas which include; business growth and development, human resource development, quality management, research, innovation and development, legal and institutional framework, integrated construction data and information management system, land and physical planning, environmental sustainability & conservation of heritage, occupational safety and health, disaster and risk management, cross cutting and emerging issues, resource mobilization and financing and institutional and implementation framework. These themes will be realized in the following policy statements respectively:

The Government (s) will;

- 1) Create an enabling environment for the local construction industry players in order to boost growth of the industry, while encouraging international and regional players;
- 2) Facilitate training of adequate, qualified and competent industry players in technical and soft skills to attain excellence in the local and regional markets;
- 3) Will ensure improved quality management in the construction industry;
- 4) Promote research, innovation and development in the industry to enhance quality and improve competitiveness;
- 5) Create a harmonized regulatory and institutional framework for the industry to enhance coordination among institutions as well as enforcement of and compliance to set standards;
- 6) Improve efficiency in data and information collection, processing, storage and dissemination within the industry;
- 7) Ensure a well-coordinated and efficient land management and physical planning to enhance the growth of the industry;
- 8) Promote environmental sustainable development and conservation of heritage in the industry;
- 9) Facilitate a zero tolerance approach to unsafe and unhealthy practices at work by all players in the industry and promote safety culture;
- 10) Ensure that appropriate construction risk and disaster management strategies are mainstreamed in the construction industry;
- 11) Promote the interests of the disadvantaged, marginalized and vulnerable groups, including Women, Youth, Persons with Disabilities, Children and marginalized communities as well as mainstream National Agenda on HIV/AIDS, Alcohol and Drug Abuse and the fight against corruption in the industry;

- 12) Provide adequate resources for implementation of this Construction Industry Policy and facilitate for effective and efficient resource mobilization and financing;
- 13) Establish a clear, effective and well-co-ordinated institutional and implementation framework taking into account issues of communication, resource mobilisation, human capital, and monitoring and evaluation for effective implementation of this policy.

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6.0 BUSINESS GROWTH AND DEVELOPMENT

Policy Statement:

The Government(s) will create an enabling environment for the local construction industry players in order to boost growth of the industry, while encouraging international and regional players.

Industry Context:

The construction industry has experienced significant growth in the recent past. However, the full benefits of this expansion have not been realized. The industry is still a net importer of construction materials, contractors, professional services and technology. Domestic construction players have not fully participated in construction projects commissioned by both the public and the private sector, especially in large scale projects which have higher economies of scale.

Majority (over 80%) of Kenyan contractors are SMEs thus only eligible to be registered under lower categories of projects. Start-up enterprises in particular face challenges in their establishment and operationalization within the industry. Among the challenges faced by start-ups and established enterprises include inadequate access to affordable funding. . In addition, unfavourable procurement provisions, payment delays and inadequate machinery stocks have also affected the industry. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Facilitate accessible and affordable funding programmes as well as credit guarantee schemes to support local industry players. This will require promotion of SME's through incentives, increased access to requisite resources and networking platforms through fiscal and non-fiscal means;
- 2) Promote the use of local manufactured products and materials in the industry;
- 3) Support capacity and competitiveness of industry players through Public-Private sector collaborations and promote continuous capacity development for professionals through their respective professional bodies/institutions and associations;
- 4) Foster beneficial intra and inter agency coordination, cooperation and collaboration in the industry to eliminate bureaucracy, promote professionalism and enhance harmony;

- 5) Facilitate the ease of doing business locally and abroad through cross-border bilateral and multilateral agreements among partner states;
- 6) Promote and provide incentives for the establishment of plant and equipment hire facilities to mechanize the industry;
- 7) Create a reward scheme for excelling stakeholders in construction, capacity building, training and technology transfer;
- 8) Foster information access and dissemination about the industry including opportunities, roles of industry players, risks and early warning signals;
- 9) Ensure equitable distribution of public tenders to players within the industry;
- 10) Encourage self-regulation of industry players;
- 11) Prepare and facilitate industry players to access business and work opportunities regionally and internationally;
- 12) Promote development of start-up enterprises in the industry through incubation, mentorship and provision of incentives;
- 13) Promote formation of consortia by contractors in tendering and implementation of projects;
- 14) Establish a mechanism for ensuring optimal costing, pricing and funding of projects in the country.

7.0 HUMAN RESOURCE DEVELOPMENT

Policy statement:

The Government(s) will facilitate training of adequate, qualified and competent industry players in technical and soft skills to attain excellence in the local and regional markets.

Industry Context:

The local construction industry is characterized by inadequate labour force leading to utilization of unqualified labour which in turn results to poor quality of work and inordinate delays. There is a gap in skills and knowledge to meet the dynamic needs of the industry despite the available institutions that provide training. A research by the National Construction Authority (2015) on construction workers shows that, only 18% of the workers are formally trained, while 81% were qualified through on site experience. In order to mitigate these, the following policy actions will be implemented:

Policy directions:

The Government(s) will:

- 1) Enforce mandatory training of contractors on all aspects of the industry. This shall take into account the training needs and skills gaps that exist in the industry;
- 2) Ensure start-up contractor enterprises undergo training in a relevant government accredited institute for a given period before practicing;
- 3) Promote training and accreditation of technicians and craftsmen to maintain a skilled, competitive and adequate workforce. Industry based training through internship and industrial attachments to be emphasized;
- 4) Enforce mandatory inclusion of soft skills training in all training programs in the industry;
- 5) Ensure that all construction works carried out by foreign contractors within the country engage local players (Contractors, professionals, technicians and craftsmen) and promote skills and technology transfer as provided in law;
- 6) Promote continuous professional development for contractors, suppliers, researchers, professionals through their respective professional bodies, institutions and associations and recognition of practical prior learning through assessment;
- 7) Encourage a multi-sectoral approach in education and training for the construction industry workforce;

- 8) Utilize local citizens as technical experts and contractors, as a first option on all public funded construction projects and encourage the private sector to give priority to local expertise;
- 9) Develop and maintain a database of qualified contractors, suppliers, researchers, professionals, technicians, craftsmen and students registered in technical courses;
- 10) Support creation of a reward scheme for stakeholders who take a leading role in training, technology transfer, and participate in CSR activities;
- 11) Encourage industry based training for all students/trainees at all levels in the construction value chain through apprenticeships, internships and attachments;
- 12) Facilitate development and implementation of relevant national occupational standards for the construction industry;
- 13) Facilitate the strengthening and equipping of existing training centres and vocational training institutes by ensuring provision of qualified trainers, funding and relevant infrastructure;
- 14) Ensure adequate graduates are trained and registered under relevant professional bodies.

8.0 QUALITY MANAGEMENT

Policy statements:

The Government(s) will ensure improved quality management in the construction industry.

Industry Context

Quality management in construction is of key concern, whose failure has huge socio-economic implications. Non-compliance to quality standards has led to structural failures, defective products and designs leading to loss in investments and lives. This also affects accessibility and usability of infrastructure. Poor quality of work and products is mainly due to weak enforcement of standards, use of sub-standard materials, poor workmanship, lack of proper supervision and monitoring, low level of mechanisation and lag in development of standards for emerging material, technologies and best practices. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Create public awareness on construction industry related matters and enforce quality standards in the industry;
- 2) Nationalize and harmonize all construction standards under the Agencies in charge of standards;
- 3) Establish a construction materials suppliers and manufacturers register and provide framework for standardization of informal local construction products and services;
- 4) Domesticize foreign construction and material standards designs to suit local conditions;
- 5) Fast-track formulation and updating of construction regulations and standards on emerging technologies and best practices;
- 6) Establish and equip regional laboratories for quality assessment, research and materials testing to check compliance to standards;
- 7) Promote mechanization of the industry to guarantee quality;
- 8) Promote professionalism for all players in construction and standardization of construction project approval process;
- 9) Establish a mechanism for regular calibration of construction equipment;
- 10) Ensure regular mandatory inspections and technical quality audits for all construction projects and completed works to ensure compliance to quality standards;

- 11) Ensure a performance based contracting on maintenance regime for existing and new projects and incorporation of a maintenance and repair component in project planning and implementation;
- 12) Establish a construction manual;
- 13) set minimum standards governing finishing of construction works as a basis for certification;
- 14) Establish a deterrence mechanism against illegal practice by all players in the construction industry.

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9.0 RESEARCH, INNOVATION AND DEVELOPMENT

Policy Statement:

The Government(s) will promote research, innovation and development in the industry to enhance quality and improve competitiveness.

Industry Context:

There have been minimal research initiatives into critical issues in the local construction industry. The industry is generally characterized by the use of inappropriate technologies and practices that have made it uncompetitive. Over the years, there has been limited utilization and dissemination of information on construction industry generated through research, studies and surveys carried out in research and academic institutions.

Existing government research institutions have had challenges in carrying out research activities due to financial and capacity constraints. For instance researchers have not received adequate incentives. The attainment of a nation's development goals requires use of cost effective, efficient, durable and sustainable materials, technologies and practices. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Establish and implement a National Construction Research Agenda for the industry;
- 2) Encourage collaborations among research and academic institutions in carrying out research and dissemination of findings for industry uptake;
- 3) Establish the National Construction Institute to conduct research, disseminate, coordinate (public and private sectors), incubate and accelerate innovations and start-ups in construction entrepreneurial ecosystem in the industry;
- 4) Keep a database of all researches and innovations for consumption by the industry;
- 5) Promote research and development by taking initiative to benchmark and adopt relevant best practices on construction technologies
- 6) Promote, facilitate, reward, and finance research and innovation in the industry. This will require establishment of a construction industry research fund;
- 7) Encourage aggressive resource mobilization by research and academic institutions in the industry, locally and internationally.

10.0 LEGAL AND INSTITUTIONAL FRAMEWORK

Policy Statement:

The Government(s) will create a harmonized regulatory and institutional framework for the industry to enhance coordination among institutions as well as enforcement of and compliance to set standards.

Industry Context:

Legal Framework:

The country has made considerable progress in regulating the construction industry over time. There are various legislations and regulations that govern the conduct of players and quality assurance. These is experienced across the various sectors where construction is expected including; building, transport, water, energy, oil and gas, as well as those sectors involved in the construction value chain like land, physical planning and environment, among others.

Some laws in Kenya that govern the construction industry have been overtaken by time. For instance, some laws passed in the early 1900s are still operational despite the evolution of time, materials and skills. In addition, with the onset of devolution, some laws conflict or overlap. One of the outcomes of this is that the penal consequences are very archaic and are therefore not deterrent. This is further compounded by the inadequate enforcement of laws and corrupt practices in the industry. Delayed payment to contractors for work done is partly attributed to legal environment which makes it easier for delayed decision making. .

Institutional Framework

Kenya has established various institutions in the construction industry to regulate, supervise and develop respective sectors. However, the coordination framework is inadequate to ensure institutional synergies, value addition in processing and improved ease of doing business.

The regulatory environment within which the industry operates is extensive as it cuts across various sectors and jurisdictions. There are many laws, regulations and standards that govern the industry under the jurisdiction of different agencies. These laws in some instances conflict or create unnecessary bureaucracies, thus presenting weak regulatory environment. This affects the ease of doing business.

Under schedule (4) of the constitution, both National and County Governments have distinct roles in the construction industry while some roles are concurrent. This requires the industry players to be aware of the expected services from respective Governments. However, the level of

awareness among industry stakeholders is low. Besides, concurrent roles create disharmony between the roles of the two levels of government, their agencies and stakeholders. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Continually review the construction laws and frameworks to be in tandem with the evolving construction environment including the private sector;
- 2) Enforce laws governing the construction industry impartially for greater effectiveness;
- 3) Review existing laws to accommodate emerging construction technologies;
- 4) Establish/review standard tender/contract documents and conditions of contract for private projects;
- 5) Provide guidelines to streamline contract administration including labour based contracts, in house execution and framework contracting;
- 6) Promote harmonization of approval requirements and processes at the National and County levels;
- 7) Ensure timely payment to contractors are made in stages, instalments or periodically upon approved certification throughout the life of a project as per contract;
- 8) Establish a multi sectorial tribunal that will look at matters regarding enforcement of industry laws;
- 9) Establish a Policy Steering Council (PSC), Policy Implementing Committee (PIC) and Sector Implementing Groups (SIG) to oversee the review and implementation of the regulatory framework and promote institutional coordination and collaborations for effective and efficient delivery of this policy;
- 10) Establish an Alternative Dispute Resolution mechanism within the industry with various stakeholders to allow for out of court resolutions that will save on time and finances;
- 11) Continue implementing various strategies towards eradication of corruption and other integrity challenges in the construction industry;
- 12) Protect whistle-blowers who report on malpractices within the construction industry in accordance with the relevant Acts of Parliament.

11.0 INTEGRATED CONSTRUCTION DATA AND INFORMATION MANAGEMENT SYSTEM

Policy statement:

The Government(s) will improve efficiency in data and information collection, processing, storage and dissemination within the industry:

Industry Context:

Data and information are critical in planning, design, decision making, monitoring and evaluation. Construction projects involve numerous stakeholders including construction professionals, contractors, suppliers and construction workers among others. All these groups have different understanding of the project and many a times their interests differ. This has led to construction industry being characterized by untimely and inaccurate communication that often leads to unnecessary delays and high project costs. Currently, there is inadequate database of materials and standards, no real time and accurate data on registered contractors, projects, professionals, equipment and construction workers.

The local construction industry lacks a one stop shop. This is attributed to the fact that key stakeholders have not fully embraced ICT due to barriers that include lack of appropriate ICT support, difficulties in using new technologies, lack of personal incentives, and poor co-ordination and inadequate capacity. In order to mitigate these, the following policy actions will be implemented:

Policy directions:

The Government(s) will:

- 1) Create and maintain an Information Resource System that will allow wider and timely access and sharing of construction industry data and information including construction personnel;
- 2) Promote the use of intelligent, smart and futuristic systems in the design and implementation of projects;
- 3) Ensure all construction projects are processed, registered and monitored on an integrated ICT platform;
- 4) Encourage every registered contractor and or manufacturer/supplier of construction materials to have an updated interactive website;
- 5) Establish a National Construction Database that will ensure data generation, protection and security for the industry;
- 6) Support local contractors and construction workers to acquire basic, relevant and affordable ICTs skills and equipment;

- 7) Promote the use of innovative methods of planning, design and supervision of construction projects;
- 8) Collect and maintain a database of 'As Built' drawings upon project closure.

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12.0 LAND AND PHYSICAL PLANNING

Policy statement:

The Government(s) will ensure a well-coordinated and efficient land management and physical planning to enhance the growth of the industry.

Industry Context:

The country is experiencing rapid urbanization which exerts pressure on existing infrastructural facilities. Urbanization is happening faster than physical planning and provision of infrastructural services. Most existing land use plans are inadequate and not futuristic thus negatively influencing the performance of the industry.

Performance of the construction industry has been hampered by; Inadequate professional capacity in the planning sector, lack of structured public participation in planning and development control, backlog of plans, inadequate development control, political interference, bureaucracy in approval processes, land use tenure system, encroachment and degradation of monumental sites and heritage buildings. In order to mitigate these, the following policy actions will be implemented:

Policy directions:

The Government(s) will:

- 1) Ensure digitization, security and storage of all land administration and development records;
- 2) Ensure structured public awareness and participation in land use, physical planning and development controls;
- 3) Foster public-private partnerships in monitoring and evaluation of physical planning activities;
- 4) Ensure preparation approval and implementation of comprehensive master plans for all urban areas;
- 5) Expedite issuance of land ownership documents to enable timely execution of construction projects;
- 6) Mainstream urban heritage conservation as provided for in urban planning and sensitize the industry on restoration guidelines in collaboration with the relevant agencies;
- 7) Ensure that spatial and physical planning precedes development and integrates existing and planned infrastructural facilities;
- 8) Strengthen the capacity of approving authorities to effectively implement land use planning and development controls.

13.0 ENVIRONMENTAL SUSTAINABILITY & CONSERVATION OF HERITAGE

Policy Statement:

The Government(s) will promote environmental sustainable development and conservation of heritage in the industry.

Industry Context:

The Kenyan construction industry is experiencing rapid growth. The industry carries a great responsibility to mitigate negative externalities associated with it. These include: unsustainable use of natural resources, high construction waste generation and poor waste management, greenhouse gas emissions, unsustainable energy use, climate change and pollution. Further, historic sites are a vital element of our cultural legacy. However, rapid urbanization and lack of adequate resources has led to degradation of the heritage sites. In order to mitigate these, the following policy actions will be implemented:

Policy directives:

The Government(s) will:

- 1) Ensure the industry meets the requirements of environmental legislation under Environmental Management and Coordination Act in Kenya, Sustainable Development Goals (SDGs) and other Multilateral Environment Agreements (MEAs);
- 2) Enforce sustainable waste management practices in the existing legal framework in Kenya;
- 3) Promote education and training programmes on environmental sustainability;
- 4) Formulate and enforce sustainable construction practices on apt waste management practices, energy efficiency, water efficiency, environmentally sound materials, indoor environmental quality, passive designs and climate resilient infrastructure (future proofing);
- 5) Promote use of passive transport and public transport;
- 6) Fund research on environmental issues affecting the industry;
- 7) Preserve and enhance bio-diversity;
- 8) Ensure that all new and refurbished structures have a post occupancy sustainability plan;
- 9) Enforce conservation and restoration guidelines and integrate it into the Code of Conduct for the industry;
- 10) Promote awareness in the industry on the value of heritage sites as per the relevant Act of Parliament;

- 11) Facilitate assessment of the overall structural integrity of heritage sites;
- 12) Recognize and reward projects and innovations promoting environmental stewardship.

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14.0 OCCUPATIONAL SAFETY AND HEALTH

Policy Statement:

The Government(s) will facilitate a zero tolerance approach to unsafe and unhealthy practices at work by all players in the industry and promote safety culture.

Industry Context:

Besides having various standards on quality, occupational safety and health, the construction industry has had considerable challenges on safety and health in the construction sites as well as other infrastructure outputs during use. Avoidable cases of buildings collapsing, accidents, occupational fatalities, diseases and injuries have been reported. The design of infrastructure has also been attributed to loss of lives in various sectors like roads, water and energy. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Ensure that construction planning, designs, processes and final outputs adhere to safety and health standards;
- 2) Enforce relevant legislation in regard to personnel, occupier, materials, equipment /machines and overall site organization and operation;
- 3) Safeguard safety and health rights of workers and users of construction works;
- 4) Enforce the code of conduct and relevant existing laws and regulations to ensure construction sites are safe;
- 5) Create, maintain and publish a reporting mechanism and database for all cases of construction fatalities/injuries in liaison with Directorate of Occupational Safety and Health Services;
- 6) Recognize and reward contractors with zero fatalities and injuries on construction sites. Contractors will be required to immediately report to the relevant authorities on any accidents incurred;
- 7) Enforce mandatory health and safety training for all players in the industry;
- 8) Ensure safety and health auditing of all construction sites and compliance with audit findings;
- 9) Ensure that all building projects acquire occupancy certificates upon completion;
- 10) Promote public participation in reporting of construction site accidents to the relevant authorities.

15.0 DISASTER AND RISK MANAGEMENT

Policy Statement:

The Government(s) will ensure that appropriate construction risk and disaster management strategies are mainstreamed in the construction industry.

Industry Context:

Research has shown that the construction industry not only experiences building failures but also a number of work-place injuries associated with falling objects, materials, equipment and poor demolition procedures. In cases of collapsed buildings, more injuries and fatalities have also been reported to occur during rescue operations.

The collapse of structures has been associated with natural activities like tectonic plate movement in the Rift Valley, landslides/mudslides, negative impacts of climate change, terrorism, illegal construction of structures, corruption, poor maintenance of structures and excavation that runs adjacent to an existing footing of a structure.

Structural failures experienced in Kenya range from: sewer bursts, washed away roads, collapsing buildings, collapsing walls, dams and bridges. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Ensure enforcement & effective implementation of all legislation, policies and regulations on disaster and risk management;
- 2) Ensure the enforcement of the existing Building Code of the construction industry and regular review of the same;
- 3) Provide adequate and sufficient resources for disaster prevention and management in the construction industry;
- 4) Systematically monitor and evaluate the trends, status and impacts of climate change;
- 5) Map disaster prone areas and establish a database to enhance disaster preparedness and management;
- 6) Promote research and development of disaster resilient materials, buildings and technologies;
- 7) Promote systematic co-ordination of disaster management and sustainable development;
- 8) Create awareness and promote disaster and risk management training and programmes to all key stakeholders in the industry;

- 9) Formulate guidelines on safe structure demolition procedures and processes;
- 10) Create and maintain a database of “As Built” records of all infrastructural projects for ease in retrieval during emergencies. All structure records and plans should be digitized to aid in disaster management in the event that terror or structural failure occurs.

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16.0 CROSS CUTTING AND EMERGING ISSUES

Policy Statement:

The Government(s) will promote the interests of the disadvantaged, marginalized and vulnerable groups, including Women, Youth, Persons With Disabilities, Children and marginalized communities as well as mainstream National Agenda on HIV/AIDS, Alcohol and Drug Abuse and the fight against corruption in the industry.

Industry Context:

Women: The participation of women in the industry is very low, especially in contracts and jobs within construction sites. This is largely due to lack of access to credit attributed to lack of assets as financial security, low uptake of technical training by women and discrimination at work.

Youth: Limited experience, inadequate finance and access to credit facilities among the youth has hindered them from full participation, despite being the majority with a lot of untapped energy and potential, which is required for the development of the industry.

Persons With Disabilities (PWDs): The Persons With Disabilities are least considered as players in the industry, yet they have different abilities which can be tapped into for them to realize full potential. For instance, some construction works are not enabling for PWDs due to mainstreaming issues in regards to accessibility and usability of buildings and other construction works.

Children: Children are a critical population to a country and are vulnerable to a number of vices and risks including child labour, child abuse, accidents and exposure to environmental hazards. This calls for their protection and facilitation for ease of accessibility and usability of construction outputs.

Marginalized Communities: There is low level of involvement of the marginalized communities in planning and execution of construction projects which continues to deny them livelihood opportunities.

Drug and Substance Abuse and HIV/AIDS: Although drug and substance abuse and HIV/AIDS related issues are on a declining trend, the numbers are still high and are attributed to engagement in risky behaviour and limited access to information. This is despite various government efforts aimed at addressing these cross cutting issues.

In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Build capacity for Women, Youth and Person with Disability to enhance their participation in the construction industry;
- 2) Review the Building Code to address construction standards in order to mainstream the agenda for Persons With Disabilities and children;
- 3) Ensure both the public and private sectors involve the marginalized and non-marginalized communities in the planning and implementation of construction works in their respective regions;
- 4) Ensure that the disadvantaged, marginalized and vulnerable groups in society are not discriminated against in their participation in construction works;
- 5) Discourage the use of child labour in construction sites;
- 6) Ensure that contractors conduct sensitization among the construction workers on HIV/AIDS and Alcohol and Drugs Abuse before commencement of any project. This sensitization must be done by a qualified and competent person(s);
- 7) Ensure that the sensitization of workers on HIV/AIDS, and Alcohol and Drug abuse will be part of the project audit;
- 8) Enforce zero tolerance to corruption in construction projects by ensuring transparency in the construction value chain and in strict adherence to Public Procurement Regulatory Act;
- 9) Build capacity on National Values and Principles of Governance among the public and private sector players in the construction industry;
- 10) Promote welfare issues for the workforce in the industry including safety, security, wages, insurance and other conditions of working.

17.0 RESOURCE MOBILIZATION AND FINANCING

Policy Statement:

The Government(s) will provide adequate resources for implementation of this Construction Industry Policy and facilitate for effective and efficient resource mobilization and financing.

Industry Context:

The Kenyan construction industry is dynamic and robust. This policy has identified thematic areas including policy directions that will require commitment of resources to develop the industry.

The successful implementation of policies is hampered by inadequate resource mobilization and funding framework. This policy recognizes that there exists a deficit in terms of financing to the various policy directions that have been documented. In order to mobilize sufficient resources for the implementation of this policy, collaborative effort between the public and private sectors as well as development partners will require to be applied. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Provide resources to implement the Construction Industry Policy (CIP) through the implementing agencies;
- 2) Facilitate and support Ministries Departments and Agencies to generate resources from alternative sources including development partners and encourage self-financing, Appropriation-In-Aid through levies and licenses to finance implementation of CIP;
- 3) Provide a portion from the national research fund to the industry;
- 4) Establish a credit guarantee scheme for contractors and other concerned players;
- 5) Establish a bank that will assist players in the industry to access affordable credit for their projects;
- 6) Encourage all players in the construction industry to train the labour force in the industry;
- 7) Encourage alternative sources of financing that are affordable and sustainable to industry players, including SACCOs and green financing;
- 8) Ensure that proposed construction projects have adequate budgetary funding provision before their commencement.

18.0 INSTITUTIONAL AND IMPLEMENTATION FRAMEWORK

Policy Statement:

The Government(s) will establish a clear, effective and well-co-ordinated institutional and implementation framework taking into account issues of communication, resource mobilisation, human capital, and monitoring and evaluation for effective implementation of this policy.

Industry Context:

Currently, the industry does not have a comprehensive implementation framework. There exists fragmentation in the various subsectors within the industry which makes coordination difficult. The industry has not realized optimum productivity because of the challenges it is facing which include: lack of a co-ordination platform leading to delays in project delivery, industry conflicts, inadequate information sharing and compromised quality of service delivery thus impeding the ease of doing business.

Over time, Government has created institutions to enhance co-ordination on financing matters and encouragement of automation of processes. Linkages have been created and greatly improved between and within the private sector and the public sector. However, the optimum level of the processes and targets is yet to be achieved. In order to mitigate these, the following policy actions will be implemented:

Policy Directions:

The Government(s) will:

- 1) Establish policy implementation structures including but not limited to: The Policy Steering Council (PSC), Policy Implementation Committee (PIC) and Sector Policy Implementation Groups (SIGs). The Government will establish a secretariat at the National Construction Authority for the purpose of co-ordinating the delivery of the construction industry policy and institutional relations and synergies;
- 2) Build and develop adequate human capital for effecting implementation of this policy;
- 3) Put in place an impact based Monitoring and Evaluation process for the implementation of this policy;
- 4) Establish a policy review process on need basis, by recognizing the policy dynamism in the industry;
- 5) Mainstream M&E functions in MDAs through M&E units which will among other things develop/review Monitoring and Evaluation framework, setting clear targets and performance indicators geared towards impact assessment;

- 6) Enforce technical audit, value engineering and value for money in the construction industry;
- 7) Establish an effective communication strategy for this policy. This will involve public and stakeholder awareness of this policy as well as enhancing public relations;
- 8) Hold biennial status conference to report on the implementation of the CIP as well as widely disseminate its achievements.

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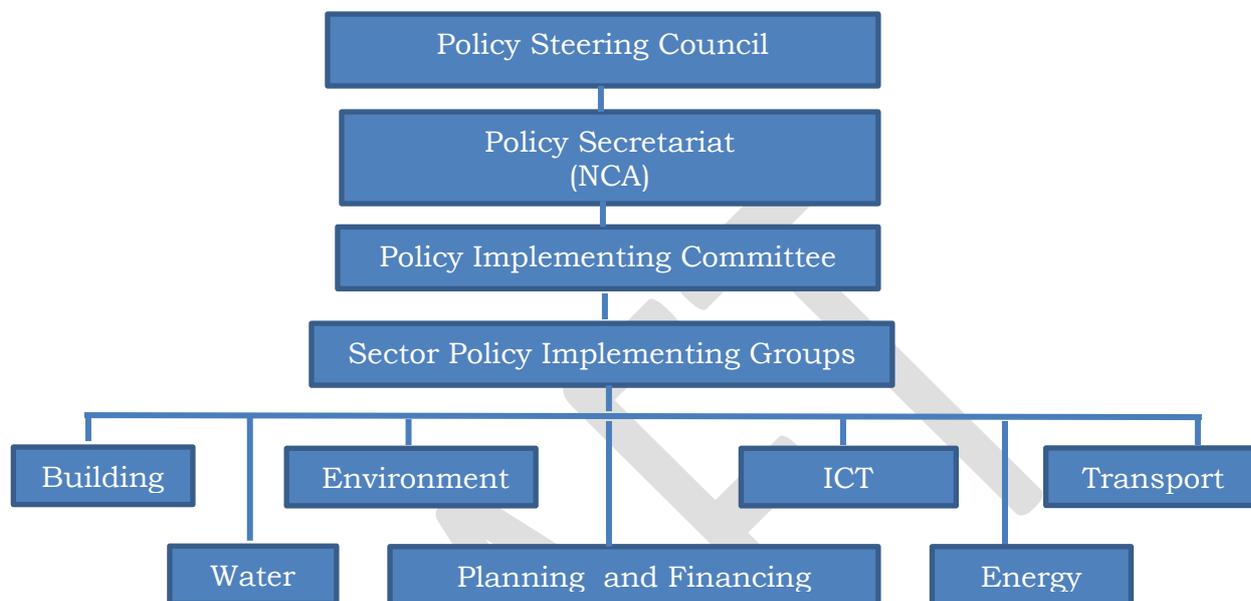
19.0 CONCLUSION

The Construction industry will continue to play a critical purpose in sustainable economic growth and development of the country. The industry is recognized as a facilitator and contributor towards achievement of the Kenya Vision 2030. However the challenges identified will require to be addressed for the industry to make a meaningful impact in development. This construction policy has come at an opportune time to provide guidelines on how business will be conducted in the industry for improved performance and value addition to stakeholders. The identified policy directions under each thematic area should be fully implemented for this policy to have its multiplier effects to Kenya's economy.

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APPENDICES

APPENDIX I: CONSTRUCTION INDUSTRY POLICY COORDINATION INSTITUTIONAL STRUCTURE



Notes:

1. Policy Steering Council: This committee will comprise of cabinet secretaries, the Chairs of the committees in the Council of Governors, National assembly, Senate and Members of the County Assembly Forum (MCAF) related to the construction sectors as well as representatives of the privates sector.
2. Policy Secretariat: This is the secretariat that will coordinate the activities and actions required for the full implementation of the policy. The secretariat shall be located at the National construction Authority.
3. Policy Implementing Committee: This will comprise of representatives of the CEOs of MDA and representatives of the privates sector.
4. Sector Policy Implementing Groups
Sector implementing groups (SIG) will be in charge of implementation of the policy at sector level and will draw its membership form MDA and relevant private sector players in the respective sectors. The sectors will include Buildings, Transport, Water, Environment, Energy and Planning.
 - 4.1. Building SIG: This sector includes but not limited to housing, public works, land and physical planning, urban and regional planning
 - 4.2. Transport SIG: This sector includes but not limited to roads, air, rail and water transport

- 4.3. Water SIG: This sectors include but not limited to irrigation, water harvesting, water service delivery, water resource management, drainage, sewerage
- 4.4. Environment SIG: This sector includes but not limited to environment, occupational safety and health, disaster management, maritime environmental integrity
- 4.5. Energy SIG: This sector includes but not limited to electrical, oil and gas, oil pipeline
- 4.6. Planning SIG: This sector includes but not limited to finance and planning, education, health, markets and any other sector.
- 4.7. ICT SIG: This sector includes sectors dealing with innovations, information, communication and technologies

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APPENDIX II: IMPLEMENTATION MATRIX

Ref	Policy Statements	Strategies	Indicators	Key Actors	Time frame
1.	Create an enabling environment for the local construction industry players in order to boost growth of the industry, while encouraging international and regional players;	1. Establish a fund for capacity building	<ul style="list-style-type: none"> • Legal framework • Amount of money set aside 	<ul style="list-style-type: none"> • Treasury • AG 	2 years
		2. Establish a construction bank and credit guarantee scheme	<ul style="list-style-type: none"> • Programmes • Beneficiaries 	<ul style="list-style-type: none"> • NCA • Ministries • Private sector • PPP Unit • Associations 	
		3. Promote formation and activities of SACCOs and associations			
		4. Promote PPPs and other innovative funding mechanisms			
		5. Develop a scheme to promote local industry players	<ul style="list-style-type: none"> • Developed scheme 	<ul style="list-style-type: none"> • NCA 	1 year
			<ul style="list-style-type: none"> • No. of industry players registered and upgraded 	<ul style="list-style-type: none"> • NCA • Contractor Associations • Professional Bodies & Associations • KEPSA 	Continuous
			<ul style="list-style-type: none"> • No. of local players implementing mega projects 	<ul style="list-style-type: none"> • MDAs • NCA • PPRA • Development Partners • Associations • County Governments 	Continuous

		<ul style="list-style-type: none"> • No. of affordable machines available 	<ul style="list-style-type: none"> • Government(s) • Contractors • Leasing companies 	Continuous
		<ul style="list-style-type: none"> • Contribution to GDP • Employment • Exported construction goods and services 	<ul style="list-style-type: none"> • KNBS • NCA • KIPPRA • KRA 	Continuous
		<ul style="list-style-type: none"> • Increased utilization of local content/resources 	<ul style="list-style-type: none"> • PPRA • Professional bodies • Manufacturers & Suppliers • MDAs • Contractors 	Continuous
	6. Promotion and Regulation of Associations and professional bodies	<ul style="list-style-type: none"> • Categories of Associations • Membership to Associations and professional bodies • Revised regulations and codes of conduct 	<ul style="list-style-type: none"> • Professional bodies • Registrar of Societies • Associations 	Continuous
	7. Promote start-ups, enterprises and innovations	<ul style="list-style-type: none"> • Review and Enforce legal framework • No. of start-ups and enterprises supported • Growth in volume of business 	<ul style="list-style-type: none"> • PPRA • Relevant Ministry • KNBS • KIPPRA • MSEA 	Continuous

		8. Enforce policy on “Buy Kenya, Build Kenya” 9. Enforce provisions on procurement encouraging local content	<ul style="list-style-type: none"> No. of local players contracted in GoK projects Value of business contracted to local players Skills and technologies transferred 	<ul style="list-style-type: none"> PPRA MDAS County Governments Professional Bodies 	Continuous
2.	Facilitate training of adequate, qualified and competent industry players in technical and soft skills to attain excellence in the local and regional markets;	1. Conduct needs assessment	<ul style="list-style-type: none"> Assessment tools for data capture No. of stakeholder engagement forums 	<ul style="list-style-type: none"> NCA TVETA NITA Professional bodies and associations Contractors association 	Continuous
		2. Enforce mandatory training 3. Capacity building on costing, pricing and funding of projects	<ul style="list-style-type: none"> No. of renewed licenses pegged on CPD points Reviewed content No. of quality trainings being offered 	<ul style="list-style-type: none"> NCA TVETA NITA Professional bodies and associations Contractors associations Private sector National Treasury Kenya School of Government 	Continuous
		4. Develop and enforce technology and skills transfer program	<ul style="list-style-type: none"> No. of programmes developed for new technologies/trades No of partnerships Developed apprenticeship program No. of apprentices in new 	<ul style="list-style-type: none"> NCA TVETA NITA PPRA 	Continuous

			<ul style="list-style-type: none"> skills No. of reviewed curriculum to accommodate new technologies 		
		5. Accreditation of relevant cadres in the industry	<ul style="list-style-type: none"> No. of new accredited cadres No. of new registered professionals 	<ul style="list-style-type: none"> NCA TVETA NITA 	Continuous
		6. Regular update of the industry players database	<ul style="list-style-type: none"> No. of reviews 	<ul style="list-style-type: none"> NCA 	Continuous
		7. Develop a promotion scheme	<ul style="list-style-type: none"> Development of a scheme Motivation levels 	<ul style="list-style-type: none"> NCA 	1 year
		8. Develop a curriculum for occupational standards 9. Improve the capacity of existing technical training institutions 10. Develop infrastructure and purchase relevant equipment and materials	<ul style="list-style-type: none"> Reviewed and updated curriculum No. of new equipped training institutions No. Upgraded and well equipped training institutions 	<ul style="list-style-type: none"> NCA Ministry of Education NITA 	Continuous
		11. Train and register graduates 12. Hire graduates	<ul style="list-style-type: none"> No. of trained professionals trained No of registered professionals No of engaged professionals 	<ul style="list-style-type: none"> Ministry of Education Research and training institutions 	Continuous
		13. Training of Instructors, Lecturers and Teachers	<ul style="list-style-type: none"> No of trained instructors No. of instructors trained 	<ul style="list-style-type: none"> Research and training institutions 	Continuous

			in new and emerging trades	<ul style="list-style-type: none"> • NITA • Ministry of Education 	
		14. Develop and implement deterrence mechanism against illegal practice	<ul style="list-style-type: none"> • Development of a mechanism • No. of illegal practices 	<ul style="list-style-type: none"> • Professional bodies • NCA 	Continuous
3.	Will ensure improved quality management in the construction industry	1. Develop/review standards towards nationalization and harmonization of products and processes in construction works	<ul style="list-style-type: none"> • No. of standards revised • No. of new standards developed • No. of harmonized standards 	<ul style="list-style-type: none"> • KEBS • NCA • KAM • Professional bodies • Research institutions • Private sector 	2 Years
		2. Review of laws to provide for registration of suppliers and manufacturers	<ul style="list-style-type: none"> • Reviewed laws • Register of suppliers and manufacturers 	<ul style="list-style-type: none"> • AG • NCA • Parliament • Private sector 	2 Years
		3. Establish material testing labs across the country	<ul style="list-style-type: none"> • No. of materials labs established/equipped • No. accredited materials labs 	<ul style="list-style-type: none"> • KEBS • KENAS • Private 	2 Years
		4. Carry out regular inspections and technical audits	<ul style="list-style-type: none"> • No. of technical audit carried out • No. of inspection done 	<ul style="list-style-type: none"> • MDAs • KEBS • TVETA 	Continuous
		5. Develop mechanization strategy	<ul style="list-style-type: none"> • Mechanization strategy 	<ul style="list-style-type: none"> • MDAs • NCA 	1 year
		6. Develop construction manuals for all sectors	<ul style="list-style-type: none"> • No. of manuals developed • No. of codes of practice developed 	<ul style="list-style-type: none"> • Research institution • KEBS • NCA 	1 year
		7. Set standards on finishing of construction projects	<ul style="list-style-type: none"> • Development Standards 	<ul style="list-style-type: none"> • County Governments • NCA 	1 year

		8. Develop regulations on maintenance	<ul style="list-style-type: none"> • Regulation development • Developed an inspection checklist • No. of inspection carried out 	<ul style="list-style-type: none"> • Relevant ministries • NCA • AG • Parliament • Professional bodies 	1 year
4.	Promote research, innovation and development in the industry to enhance quality and improve competitiveness.	1. Develop innovation, incubation and acceleration centres	<ul style="list-style-type: none"> • No. of centres Revived • Penetration rate of materials and technology 	<ul style="list-style-type: none"> • MDAs • TVETA • Universities • NCA • KEBS 	1 year
		2. Review of National Construction Research Agenda	<ul style="list-style-type: none"> • Revised version of NaCRA • 2 stakeholders conference (National and International) on research in the construction industry • Biannual exhibitions at least 2 year • Develop research collaboration, promotion and development strategy 	<ul style="list-style-type: none"> • NCA • MDAs • Universities • County Governments 	1 year
		3. Establish the National Construction Institute	<ul style="list-style-type: none"> • Legal framework/Mandate of NCI • Infrastructure developed • Human resource acquired • Establish a database for researches 	<ul style="list-style-type: none"> • NCA • MDA • AG 	1 year
5.	Create a harmonized regulatory and	1. Review existing legal framework for harmonization, effective	<ul style="list-style-type: none"> • An effective legal framework developed 	<ul style="list-style-type: none"> • NCA • AG • Kenya Law Reform 	1 year

institutional framework for the industry to enhance coordination among institutions as well as enforcement of and compliance to set standards;	enforcement and development of the industry		<ul style="list-style-type: none"> Construction Industry Players 	
	2. Review and improve standard forms of contract, approval requirements and processes,	<ul style="list-style-type: none"> Reviewed standard tender and contract documents 	<ul style="list-style-type: none"> MoTIHUDPW Joint Building and Construction Council (JBCC) 	1 year
	3. Legislate on payment assurance mechanisms	<ul style="list-style-type: none"> Legislation to effect timely payment to contractors upon approved certification as per contract 	<ul style="list-style-type: none"> AG Treasury NCA JBCC 	1 year
	4. Establish construction industry tribunal and alternative dispute resolution mechanisms	<ul style="list-style-type: none"> All standard form contracts to incorporate dispute resolution mechanisms through a statute 	<ul style="list-style-type: none"> AG NCA JBCC Kenya Law Reform Commission Professional associations Contractor associations 	1 year
	5. Promotion of national values and principles of governance	<ul style="list-style-type: none"> Integrity index 	<ul style="list-style-type: none"> EACC CAJ (Ombudsman) 	Continuous
	6. Establish PSC, PIC, SIG	<ul style="list-style-type: none"> CIP Coordination structure 	<ul style="list-style-type: none"> Relevant ministries County Governments 	1 year
	7. Establish a division in the high court dealing with construction technology to be	<ul style="list-style-type: none"> Establishment of the division by Chief Justice and led by qualified persons in 	<ul style="list-style-type: none"> Judicial Service Commission AG 	1 year

		manned by commissioner of assize	technology and construction	<ul style="list-style-type: none"> • NCA • JBCC • Kenya Law Reform Commission • Professional associations • Contractor associations 	
6.	Improve efficiency in data and information collection, processing, storage and dissemination within the industry;	1. Establish an integrated information system	<ul style="list-style-type: none"> • Integrated Management Information System 	<ul style="list-style-type: none"> • NCA • Professional bodies and Associations • National Government(s) • County Government(s) • Ministry of ICT 	1 year
		2. Establish integrated ICT platform for registration, processing, approvals, design, execution, “As Built” documentation and maintenance.	<ul style="list-style-type: none"> • Integrated ICT Platform 	<ul style="list-style-type: none"> • NCA • Professional bodies and Associations • National Government(s) • County Government(s) • Ministry of ICT 	1 year
7.	Ensure a well-coordinated and efficient land management and physical planning to enhance the growth of the industry;	1. Digitize land registration, administration and development processes	<ul style="list-style-type: none"> • Digitized land Information Management System 	<ul style="list-style-type: none"> • Ministry of Lands & Physical Planning • National Lands Commission 	1 year
		2. Public awareness campaigns <ul style="list-style-type: none"> • land management and physical planning • environmental and heritage laws, 	<ul style="list-style-type: none"> • Number of mainstream media/campaigns used (notices, circulars ,government notices, barazas, social media) • Informed public 	<ul style="list-style-type: none"> • Ministry of Lands & Physical Planning • Ministry of ICT • National Lands Commission 	Continuous

		policies and practices		<ul style="list-style-type: none"> • County Government(s) • Mainstream Media 	
		3. Development of comprehensive master plans for all urban, Peri-urban and regional areas	<ul style="list-style-type: none"> • Developed master plan for urban, peri-urban and regional areas 	<ul style="list-style-type: none"> • National Government(s) • County Government(s) 	Continuous
		4. Development of comprehensive natural resource mapping	<ul style="list-style-type: none"> • Developed comprehensive natural resource mapping 	<ul style="list-style-type: none"> • National Government(s) • County Government(s) 	Continuous
		5. Establish heritage conservation and compensation strategy	<ul style="list-style-type: none"> • Map of heritage and conservation sites • Established compensation strategy 	<ul style="list-style-type: none"> • National Museum • Ministry of Lands & Physical Planning • Ministry of Sports, Culture and the Arts. • NCA 	1 Year
		6. Develop capacities of institutions involved in land and physical planning	<ul style="list-style-type: none"> • Number of qualified land & Physical Planning professionals engaged by county government 	<ul style="list-style-type: none"> • County Government(s) • Training Institutions 	Continuous
		7. Develop accessible integrated data and information system	<ul style="list-style-type: none"> • No. of indicators captured • Data captured • No. of researches, innovations and businesses supported by this data. • Ease of doing business 	<ul style="list-style-type: none"> • NCA 	Continuous
8.	Promote environmental sustainable	1. Training of industry players on environmental	<ul style="list-style-type: none"> • No. of trained industry players • Resource allocation for 	<ul style="list-style-type: none"> • NEMA • NCA • NITA 	Continuous

	development and conservation of heritage in the industry.	stewardship	training	<ul style="list-style-type: none"> • Tertiary institutions • KGBS 	
		2. Develop guidelines on sustainable construction practices and enforce compliance	<ul style="list-style-type: none"> • Developed curriculum • Developed sustainable construction guidelines • Regulations Developed 	<ul style="list-style-type: none"> • NEMA • NCA • NITA • Tertiary institutions • KGBS • Governments 	18 months
		3. Establish research fund for environmental issues	<ul style="list-style-type: none"> • Established fund and budget • Forum showcasing environmental friendly innovations for the industry 	<ul style="list-style-type: none"> • Line Ministry • MDAs • Development partners • Government(s) • KIPPRA • NACOSTI 	12 months
		4. Enforcement of Environmental Impact Assessment and Sustainability Audits	<ul style="list-style-type: none"> • EIA Review comments from construction regulator • EA/EIA reports 	<ul style="list-style-type: none"> • NEMA • NCA • Government(s) 	Continuous
		5. Develop reward and recognition scheme for environmental stewardship	<ul style="list-style-type: none"> • Developed reward scheme • No. of projects on reclaimed land • No. of green buildings constructed/certified • No. of players ISO14000 certified • No. of players awarded or recognized 	<ul style="list-style-type: none"> • NEMA • NCA • KGBS • Governments • Development partners 	Continuous
9.	Facilitate a zero tolerance approach to unsafe and	1. Develop/Review sector specific safety and health standards 2. Awareness creation	<ul style="list-style-type: none"> • Developed Safety and Health standards • Frequency of nationwide 	<ul style="list-style-type: none"> • DOSH • Private sector • Government(s) 	Continuous

	unhealthy practices at work by all players in the industry and promote safety culture.	<ol style="list-style-type: none"> 3. Develop a reporting framework and a database on accidents and incidences 4. Mandatory training of all players on safety and health 5. Mandatory requirement on certificate of occupancy 	<p>awareness campaigns/forums</p> <ul style="list-style-type: none"> • Developed reporting framework and database • No of people trained • No. of occupancy certificates issued vis a vis no. of completed projects • DOSHS registration and audit reports of workplaces in the construction industry. 	<ul style="list-style-type: none"> • NCA • NACOSH 	
10.	Ensure that appropriate construction risk and disaster management strategies are mainstreamed in the construction industry	<ul style="list-style-type: none"> • Establishment and risk management strategies by institutions 	Established risk management strategies	<ul style="list-style-type: none"> • NCA • NDMA • Private sector • Government(s) 	Continuous
		<ul style="list-style-type: none"> • Awareness creation on DRMS 	<ul style="list-style-type: none"> • Frequency of nationwide awareness campaigns/forums 	<ul style="list-style-type: none"> • NDMA • Government(s) • Ag • NCA 	Continuous
		<ul style="list-style-type: none"> • Harmonization of commanding structure in response to disaster and risks 	<ul style="list-style-type: none"> • Establish a legal framework to harmonize 	<ul style="list-style-type: none"> • Government(s) • Ag • NCA • Private Sector 	18 months
		<ul style="list-style-type: none"> • Capacity development on DRMS including human, equipment, machinery and other needs 	<ul style="list-style-type: none"> • No. of people trained 	<ul style="list-style-type: none"> • Government(s) • Development partners 	Continuous
		<ul style="list-style-type: none"> • Legal anchoring and 	<ul style="list-style-type: none"> • Review the legal framework 	<ul style="list-style-type: none"> • NCA 	2 years

		enforcement of the building code	and the building code to anchor them	<ul style="list-style-type: none"> • NDMA • Government(s) 	
		<ul style="list-style-type: none"> • Resource mobilization 	<ul style="list-style-type: none"> • Resources allocated • Funding disbursed 	<ul style="list-style-type: none"> • Government(s) • NDMA 	12 months
		<ul style="list-style-type: none"> • Develop a database for disasters and risks in the construction industry 	<ul style="list-style-type: none"> • Developed and accessible database 	<ul style="list-style-type: none"> • NCA • NDMA • NBI 	Continuous
		<ul style="list-style-type: none"> • Develop demolition guidelines 	<ul style="list-style-type: none"> • Develop demolition guidelines 	<ul style="list-style-type: none"> • NCA • NDMA • NBI • Government(s) 	Continuous
		<ul style="list-style-type: none"> • Conduct research on disaster management including resilient materials 	<ul style="list-style-type: none"> • Training and awareness • No. of case studies published 	<ul style="list-style-type: none"> • NCA • NDMA • Government(s) • Tertiary institutions • KIPPRA 	Continuous
		<ul style="list-style-type: none"> • Conduct monitoring and evaluation 	<ul style="list-style-type: none"> • No of inspections carried out • M&E reports 	<ul style="list-style-type: none"> • NCA • NDMA • NBI • Government(s) 	Continuous
11.	Promote the interests of the disadvantaged, marginalized and vulnerable	1. Build capacity among the disadvantaged groups	<ul style="list-style-type: none"> • Increase in number of disadvantage persons engaged in the industry • No. of tailor made capacity building programs rollout 	<ul style="list-style-type: none"> • Government(s) • NCA • PPRA • NITA • TVETA 	Continuous

groups, including Women, Youth, Persons with Disabilities, Children and marginalized communities as well as mainstream National Agenda on HIV/AIDS, Alcohol and Drug Abuse and the fight against corruption in the industry.	2. Awareness creation amongst stakeholders on affirmative actions, responsible behaviour and respective human rights for the disadvantaged and vulnerable groups	<ul style="list-style-type: none"> No. of sensitization forums Construction access levels by the marginalized Perception indices 	<ul style="list-style-type: none"> NACADA EACC MDA's 	Continuous
	3. Audit on sensitization of workers on responsible behaviour	<ul style="list-style-type: none"> Perception indices 	<ul style="list-style-type: none"> NACADA EACC MDA's 	Continuous
	4. Awareness creation on national values and principles	<ul style="list-style-type: none"> Sensitization forums on national values and principles 	<ul style="list-style-type: none"> NACADA EACC MDA's 	Continuous
	5. Enforcement of welfare related protection for workers	<ul style="list-style-type: none"> No. of unionized workers Registered workplace under safety and health laws 	<ul style="list-style-type: none"> Relevant ministry NCA Contractors 	6 months
	6. Audit on implementation of universal accessibility and usability of construction works by disadvantaged groups	<ul style="list-style-type: none"> No. of audits Accessibility index 	<ul style="list-style-type: none"> County governments Relevant ministries NCA 	1 Year
	7. Insurance cover for all players in construction site	<ul style="list-style-type: none"> No. of insured construction sites 	<ul style="list-style-type: none"> NCA MDA's 	1 Year

12.	Provide adequate resources for implementation of this Construction Industry Policy and facilitate for effective and efficient resource mobilization and financing.	1. Develop resource mobilization strategy and establish relevant funds as required in the various themes	<ul style="list-style-type: none"> • A Developed resource mobilization strategy 	<ul style="list-style-type: none"> • NCA • Treasury • Line Ministry • Government(s) • Development Partners 	2 Months
		2. Re-activate Construction Levy	<ul style="list-style-type: none"> • An established Construction Levy and structure • Publication of levy collection and usage 	<ul style="list-style-type: none"> • NCA • KRA • Treasury • Line Ministry 	Continuous
13.	Establish a clear, effective and well-coordinated institutional and implementation framework taking into account issues of communication, resource mobilization, human capital, and monitoring and evaluation for effective implementation of this policy.	1. Establish PSC, PIC and SIGs	<ul style="list-style-type: none"> • Establish the Kenya Construction Industry Council • No. of meetings held by the PSC, PIC, SIG • Reports on actions taken by PSC, PIC and SIG 	<ul style="list-style-type: none"> • Office of the president • County governments • MDAs 	1 Year
		2. Build and develop adequate human capacity 3. Mainstream M&E functions by establishing monitoring and evaluation units 4. Conduct technical audits, value engineering and value for money assessment 5. Develop communication strategy	<ul style="list-style-type: none"> • Development of a M&E Structure • No. of Audits • Policy review structure 	<ul style="list-style-type: none"> • Line Ministries 	Continuous

		<ol style="list-style-type: none">6. Develop a policy review process7. Conduct a biennial status conference8. Implement Institutional structure			
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APPENDIX III: EXISTING LEGAL/REGULATORY FRAMEWORKS

	RELEVANT ACT/ REGULATION	SUMMARY OF CONTENT
1.	The Constitution of Kenya	Under Article 42 it guarantees the right to a clean and healthy environment; which include the right to (a) have the environment protected for the benefit of the present and future generations through legislative and other measures 43 1(b) the right to accessible and affordable housing and to reasonable standards of sanitation, 46 1(a) consumers right to goods and services of reasonable quality (b) to the information necessary for them to gainful benefits from goods and services (c) to the protection of their health and economic interests (d) to compensation for loss or injury arising from defects in goods or services.
2.	Kenya Vision 2030 Blue Print	Aims to strengthen the framework for infrastructure development, acceleration of project completion, raise efficiency, quality and encourage timely implementation of projects. It also aims to develop and maintain an integrated safe and efficient transport network, benchmark infrastructure facilities and services and provision with globally acceptable performance standards targeting to enhance customer satisfaction. It also seeks to enhance private sector participation in the provision of infrastructure facilities and services strategically complemented by government interventions.
3.	Anti-corruption and Economic Crimes Act, 2003 (2016)	Provides for <u>investigation</u> , prevention and punishment of corruption, economic crimes and for related offences and for matters incidental thereto and connected therewith
4.	Anti-counterfeit Act, 2008 (2017)	An Act of Parliament to prohibit trade in counterfeit goods, to establish the Anti-Counterfeit Agency, and for connected purposes.

5.	Arbitration Act, (No. 4), 1995	The Act is an improvement of the Arbitration Act of 1968. It defines an arbitration agreement as an 'agreement by parties to submit to arbitration all or certain disputes which have arisen or may arise between them in respect of a defined legal relationship whether contractual or not.' It applies to domestic arbitration & international arbitration.
6.	Architects & Quantity Surveyors Act, Cap 525 (1934)	Act that provides for the registration of Architects and Quantity Surveyors in Kenya. The Act enables the establishment of the Board of Registration of Architects and Quantity Surveyors (BORAQS). The Act provides the minimum qualifications that can enable an individual to be registered as either an Architect or a Quantity Surveyor. Additionally, the Board holds the power to formulate or review the curriculum for education to be used in Architecture and Quantity surveying.
7.	Building Code, 1968	-Adoptive building by-laws which any municipal or county council may adopt -Has several sections each targeting a particular construction issue e.g. citation, siting and space about buildings and materials -Has been slow to adapt to the changing needs, to be replaced with Eurocodes/Planning and Building Regulations 2009 -which allows use of local materials that pass the safety test (repealed)*
8.	Climate Change Act, 2016	An Act of Parliament to provide for a regulatory framework for enhanced response to climate change; to provide for mechanisms and measures to achieve low carbon climate development, and for connected purposes.
9.	Commission on Administrative Justice Act, 2011	An Act of Parliament to restructure the Kenya National Human Rights and Equality Commission and to establish the Commission on Administrative Justice pursuant to Article 59(4) of the Constitution; to provide for the membership, powers and functions of the Commission on Administrative Justice, and for connected purposes.

10.	Community land Act, 2016	AN ACT of Parliament to give effect to Article 63 (5) of the Constitution; to provide for the recognition, protection and registration of community land rights; management and administration of community land; to provide for the role of county governments in relation to unregistered community land and for connected purposes
11.	County Governments Act, 2012	An Act of Parliament to give effect to Chapter Eleven of the Constitution; to provide for county governments' powers, functions and responsibilities to deliver services and for connected purposes.
12.	Consumer Protection Act, 2012	An Act of Parliament to provide for the protection of the consumer, prevent unfair trade practices in consumer transactions and to provide for matters connected with and incidental thereto.
13.	Copyright Act, 2001 (2014)	An Act of Parliament to make provision for copyright literacy, musical and artistic works, auto-visual works, sound recordings, broadcasts and for connected purposes.
14.	Employment Act, (No. 11) 2007	An Act of Parliament that declares and defines the fundamental rights of employees, provides the basic conditions of employment of employees and also regulate the employment of children in Kenya. This Act only applies to individuals employed by an employer under a contract of service and is binding to the Government. The act emphasizes issues regarding the prohibition against forced labour, discrimination in employment, and sexual harassment. Additionally, the Act also provides the provisions of contract of services.
15.	Engineers Act No. 43 of 2011 [Engineers Registration Act Cap 530]	This is an Act of Parliament that provides for the registration of Engineers in Kenya. Under this Act, the Engineers Board of Kenya is established to regulate the activities and conduct of registered engineers in the country. The appointed Registrar of the board has the responsibility of keeping and maintaining a register of all entitled people that have been accepted by the Board for registration. The Act provides the minimum qualifications for any individual wishing to be registered after making an application to the board and paying the prescribed fees.

16.	Energy Act, (No. 12) 2006	An Act of Parliament to amend and consolidate the law relating to energy, to provide for the establishment, powers and functions of the Energy Regulatory Commission and the Rural Electrification Authority, and for connected purposes <i>The Energy (Solar Water Heating) Regulations, 2012:</i> Requires all premises within the jurisdiction of local authorities with hot water requirements of a capacity exceeding one hundred litres per day to install and use solar heating systems by May 2017.
17.	Engineering Technology Act, 2016	An Act of Parliament to make provision for the regulation, practice and standards of engineering technologists and technicians, and for connected purposes
18.	Environmental Management and Coordination Act (EMCA) 1999 – amended 2015	-Provide framework law on environmental management and conservation through EIA's, EA's and restoration orders. EMCA establishes among others: NEMA, Public Complaints Committee, National Environment Tribunal, National Environment Action Plan Committees, and County Environment Committees. <i>Environmental Management and Co-ordination (Waste Management) regulations, 2006:</i> These Regulations define rules for the management of waste in general and for the management of solid waste, industrial waste, hazardous waste, pesticides and toxic substances, biomedical waste and radioactive substances in particular. <i>Environmental Impact Assessment and Audit (EIA\EA) regulations, 2003:</i> EIA ensures that decisions on proposed projects and activities are environmentally sustainable. EA on the other hand is a systematic documentation, periodic and objective evaluation of activities and processes of an ongoing project. to determine the extent to which the activities and programs conform to the approved environmental management plan.
19.	Fisheries Management and Development Act, 2016	AN ACT of Parliament to provide for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing and to establish the Kenya Fisheries Services; and for connected purposes.

20.	Forest Conservation and Management Act, 2016	AN ACT of Parliament to give effect to Article 69 of the Constitution with regard to forest resources; to provide for the development and sustainable management, including conservation and rational utilization of all forest resources for the socio-economic development of the country and for connected purposes.
21.	Geneva Conventions Act (CAP 198)	An Act of Parliament to enable effect to be given to certain International Conventions done at Geneva on the 12th August, 1949, and for purposes incidental thereto.
22.	Government Contracts Act, 1957* (Government Contracts Bill 2017)*Being repealed	Act of Parliament that provides for the making of contracts on behalf of the government. It states that all contracts that are made inside or outside Kenya on behalf of the Government shall be made under the name of the Government and signed by the accounting officer or any other authorized public officer as specified in such authorization. The Act is one of the few that are yet to be revised to conform to the provisions of the new Constitution of Kenya. However, the Office of the Attorney General and the Department of Justice have prepared the <i>Draft Government Contracts Bill, 2017</i> that is currently undergoing stakeholder reviews and public participation.
23.	Industrial Property Act, 2001	An Act of Parliament to provide for the promotion of inventive and innovative activities, to facilitate the acquisition of technology through the grant and regulation of patents, utility models, technovations and industrial designs, to provide for the establishment, powers and functions of the Kenya Industrial Property Institute and for the purposes incidental thereto and connected therewith.
24.	Irrigation Act (CAP 347)	An Act of Parliament to provide for the development, control and improvement of irrigation schemes, and for purposes incidental thereto and connected therewith.
25.	Insurance Act (CAP 487)	An Act of Parliament to amend and consolidate the Law relating to insurance and to regulate the business of insurance and for connected purposes.

26.	Intergovernmental Relations Act, 2012	An Act of Parliament to establish a framework for consultation and co-operation between the national government and county governments and amongst county governments; to establish mechanisms for the resolution of intergovernmental disputes.
27.	Kenya Airports Authority Act (No.3 of 1991)	An Act of Parliament to establish the Kenya Airports Authority, to provide for the powers and functions of the Authority and for connected purposes.
28.	Kenya Maritime Authority Act, 2006	An Act of Parliament to provide for the establishment of the Kenya Maritime Authority as a body with responsibility to monitor, regulate and coordinate activities in the maritime industry, and for all other matters connected therewith and incidental thereto.
29.	Kenya Railways Corporation Act (CAP 397)	An Act of Parliament to provide for the establishment of a Corporation to be known as Kenya Railways, for the transfer to the Corporation of the undertakings of the East African Railways Corporation within Kenya, for the functions of the Corporation and for purposes connected therewith.
30.	Kenya Roads Act	An Act of Parliament to provide for the establishment of the Kenya National Highways Authority, the Kenya Urban Roads Authority and the Kenya Rural Roads Authority, to provide for the powers and functions of the authorities and for connected purposes.
31.	Kenya Water Institute Act, 2001	An Act of Parliament to establish the Kenya Water Institute, to provide for its incorporation, powers and functions, and for connected purposes.
32.	Labour Relations Act, 2007	An Act of Parliament to consolidate the law relating to trade unions and trade disputes, to provide for the registration, regulation, management and democratization of trade unions and employers organizations or federations, to promote sound labour relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and promotion of orderly and expeditious dispute settlement, conducive to social justice and economic development and for connected purposes.

33.	Lands Act, 2012	<p>This Act makes provision for wayleaves in favour of the Government on private lands for purposes of carrying out of public works and for the protection of such works on any lands. The term "private land" does not include any land sold or leased under any Act dealing with Government lands. The Government shall notify in advance the owner of land, of its intention to carry any sewer, drain or pipeline into, through, over or under any private land without the consent of the owner, but may not in doing so interfere with any existing building.</p> <p>The land act has revised, consolidated and rationalized previous land laws so as to provide for the sustainable administration and management of land and land-based resources and other connected purposes (Repeals The Way-Leaves Act, (cap 292) and The Land Acquisition Act, (cap 295).</p>
34.	Land Registration Act, 2012	<p>An Act of Parliament to revise, consolidate and rationalize the registration of titles to land, to give effect to the principles and objects of devolved government in land registration, and for connected purposes</p>
35.	Landlord and Tenant (Shops, Hotels and Catering Establishments) Act (CAP 301 of 1965)	<p>An Act of Parliament to make provision with respect to certain premises for the protection of tenants of such premises from eviction or from exploitation</p>
36.	Mining Act, 2016	<p>AN ACT of Parliament to give effect to Articles 60, 62 (1)(f), 66 (2), 69 and 71 of the Constitution in so far as they apply to minerals; provide for prospecting, mining, processing, refining, treatment, transport and any dealings in minerals and for related purposes.</p>
37.	Nairobi Centre for International Arbitration Act, 2013	<p>An Act of Parliament to provide for the establishment of regional center for international commercial arbitration and the Arbitral Court and to provide for mechanisms for alternative dispute resolution and for connected purposes.</p>

38.	National Construction Authority Act No. 41 of 2011	<p>The Act provides for the establishment, powers and functions of the NCA and connected purposes. It also sets out application requirements and procedures for registration of persons and firms as construction contractors and punitive measures for contravening by individuals them.</p> <p>Additionally, the Act gives the Board power to inquire into the conduct of a contractor on its own initiatives and sets out suspension conditions for contractors. Furthermore, the Act stipulates the establishment of Appeals Board and its function to make rules for or concerning the filing, hearing and disposal of appeals etc.</p> <p><i>National Construction Authority Regulations 2014</i>: It sets out rules and regulations that regulate the operations of the construction industry in Kenya, including registration of contractors, accreditation of workers and enforcement of the code of conduct.</p>
39.	National Government Coordination Act, 2013	<p>An Act of Parliament to establish an administrative and institutional framework for co-ordination of national government functions at the national and county levels of governance; to give effect to Articles 131(1)(b) and 132 (3)(b) of the Constitution and for connected purposes.</p>
40.	National Museums and Heritage Act (No. 6 of 2006)	<p>An Act of Parliament consolidating the law relating to national museums and heritage; to provide for establishment, control, management and development of national museums and the identification, protection, conservation and transmission of the cultural and natural heritage of Kenya.</p>
41.	Occupational Safety and Health Act, 2007	<p>-Provides for the safety, health and welfare of workers and all persons lawfully present at workplaces.</p> <p>-Obligates for an occupier to provide and maintain plant and systems and procedures of work that are safe and without risk to workers' health.</p>
42.	Persons With Disabilities Act, (No. 14) 2003	<p>-Focus and emphasis on physical accessibility and employment of persons with disabilities.</p> <p>-Entrusts the National Council for Persons with Disabilities (NCPWD) with the mandate to give adjustment orders and issue penalties.</p>

43.	Petroleum (Exploration and Production) Act (CAP 308)	An Act of Parliament to regulate the negotiation and conclusion by the Government of petroleum agreements relating to the exploration for, development, production and transportation of, petroleum and for connected purposes.
44.	Plant Protection Act (CAP 324)	An Act of Parliament to make better provision for the prevention of the introduction and spread of disease destructive to plants.
45.	Physical Planning Act CAP 286 (1996)	-This Act provides rules for physical planning in Kenya, establishes Physical Planning Liaison Committees, provides for the appointment of the Director of Physical Planning, requires regional and local authorities to adopt Physical Development Plans in accordance with this Act and provides for control of development and subdivision of land.
46.	Public Health Act CAP 242 1921	This Act concerns the protection of public health in Kenya and lays down rules relative to, among other things, food hygiene and protection of foodstuffs, the keeping of animals, protection of public water supplies, the prevention and destruction of mosquitos and the abatement of nuisances including nuisances arising from sewerage. The Act establishes the Central Board of Health and a district health management board in each district.
47.	Public Private Partnerships Act, (No. 15) 2013	An Act of Parliament to provide for the participation of the private sector in the financing, construction, development, operation, or maintenance of infrastructure or development projects of the Government through concession or other contractual arrangements; the establishment of institutions to regulate, monitor and supervise the implementation of project agreements on infrastructure or development projects and for connected purposes.
48.	Public Procurement and Asset Disposal Act, (No. 33) 2015	An Act of Parliament that provides procedures that enable efficient public procurement and assets disposal by public entities. The National treasury is responsible for Policy formulation while the Public Procurement Regulatory Authority is charged with the task of oversight and discharging all other functions under this Act. The Act applies to all state organs and public entities and covers areas such as procurement planning,

		procurement processing, inventory and asset management, disposal of assets and contract management. The role of the Authority is to monitor, assess and review the systems in place to ensure their adherence to national values.
49.	Rent Restriction Act (CAP 296)	An Act of Parliament to make provision for restricting the increase of rent, the right to possession and the exaction of premiums, and for affixing standard rent, in relation to dwelling houses.
50.	Science, Technology and Innovation Act, 2013	An Act of Parliament to facilitate the promotion, co-ordination and regulation of the progress of Science, technology and innovation of the country; to assign priority to the development of science, technology and innovation; to entrench science, technology and innovation into the national production system and for connected purposes. Establishes the National Commission for Science, Technology and Innovation.
51.	Sectional Properties Act (1987)	An Act of Parliament to provide for the division of buildings into units to be owned by individual proprietors and common property to be owned by proprietors of the units as tenants in common and to provide for the use and management of the units and common property and for connected purposes.
52.	Survey Act (CAP 299)	An Act of Parliament to make provision in relation to surveys and geographical names and the licencing of land surveyors.
53.	Standards Act, CAP 496, 1974	An Act of Parliament to promote the standardization of the specification of commodities, and to provide for the standardization of commodities and codes of practice; to establish a Kenya Bureau of Standards, to define its functions and provide for its management and control; and for matters incidental to, and connected with, the foregoing.
54.	Technical and Vocational Education and Training Act, 2013	An Act of Parliament to provide for the establishment of a technical and vocational education and training system; to provide for the governance and management of institutions offering technical and vocational education and training; to provide for coordinated assessment, examination and certification; to institute a mechanism for promoting access and equity in training; to assure standards, quality and relevance; and for connected purposes.

55.	Urban Areas and Cities Act (No. 13), 2011	Gives effect to Article 184 of the Constitution; provides for the classification, governance and management of urban areas and cities.
56.	Water Act, 2002	-Provide for the management, conservation, use and control of water resources and for the acquisition and regulation of rights to use water; to provide for the regulations and management of water supply and sewerage services; to repeal the Water Act (Cap. 372) and certain provisions of the Local Government Act; and for related purposes. -establishes the Water Resources Management Authority and defines its duties, regulates the ownership and control of water and makes provision for the conservation of surface and groundwater and the supply of services in relation with water and sewerage <i>Water Quality Regulations, 2006</i> : These Regulations provide rules relative to the use and discharge of water for domestic, agricultural and industrial purposes, make provision for the protection of water resources from pollution and define water quality standards.
57.	Work Injury Benefits Act, 2007	Provides for compensation to employees for work related injuries and diseases contracted in the course of their employment and for connected purposes.
58.	Valuers Act (CAP 532)	An Act of Parliament to provide for the registration of valuers and for connected purposes.

APPENDIX IV: PROPOSED CIP DRAFTING PROGRAM (REVISED)

DATE	ACTIVITY	LOCATION	OUTPUTS	CHAMPIONS
12 th March, 2018	-Release of Zero Draft CIP by the Secretariat (to be distributed to all members of the Committee upon appointment)	NCA HQ	-Zero Draft Policy	-The Secretariat (R&BD)
17 th April, 2018	-Official appointment of members to the CIP Task-Force by the ED (Written Comm.)	NCA HQ	-Letters to Task-Force members	-The ED (NCA)
8 th May, 2018	-Official Commissioning of the Task-Force -Issuance of mandate/TOR -Adoption of the Secretariat -Presentation of secretariat documents to the Task-Force -Basic discussions on content (Problem Areas) -Presentation by a member from KIPPRA (Discussion on Processes & Procedures) -Approval of CIP delivery Schedule	Sarova Pan-Afric Hotel, Nairobi	-A Commissioned Task-Force -CIP Chair/Vice-Chair/Secretary -CIP Delivery Schedule	-The ED (NCA) -Corporate Communications/Strategy/Legal -The Task-Force Chair/Vice-Chair/ Secretary -The Secretariat (R&BD)
13 th –19 th May, 2018	4/6-DAY RETREAT*: -Presentation of a report by the Secretariat -Nomination of CIP Thematic Champions -Round-table discussions by Thematic Champions (Seminar) -Presentation of reports by CIP Thematic Champions (Plenary)	(Arc Hotel, Egerton University -Njoro)	-CIP Thematic Champions -Zero Draft CIP Policy	-CIP Chair/Vice-Chair/ Secretary -The Secretariat(R&BD) -Thematic Champions
28 th May, 2018	MEETING WITH REPRESENTATIVES FROM COUNCIL OF GOVERNORS (County Attorneys/Ministers)	Delta -Westlands	-County Concerns/views	-CIP Chair/Vice-Chair/ Secretary/Secretariat
17 th – 19 th June, 2018	STAKEHOLDER ENGAGEMENT* -Stakeholder Engagement Forums (Propose 12 Forums – Mombasa, Kisumu, Nyeri, Eldoret, Nakuru, Garissa, Machakos, Nairobi, Marsabit, Kakamega, Kisii, Embu) -Mobilization of stakeholders and Civil Society facilitated through the NCA Regional Offices -Mobilization through media: Print and Electronic *(Appointed members of the Task-Force to lead teams)	(Various venues)	-Public Awareness -Public Concerns/views	-The Secretariat (R&BD) -Corporate Communications/Strategy -Legal Dept -County Commissioners -NCA Regional Representatives/Managers
21 st June, 2018	PUBLIC PARTICIPATION FORUM 1 -days presentation of written/oral submissions	(KICC)	-Public Concerns/views	-The Secretariat (R&BD) -Task-force
22 nd – 25 th June 2018	3-DAY WRITING SECRETARIAT WORKSHOP: -Compilation / review by Secretariat	(Morendat)	-Zero Draft Policy	-The Secretariat (R&BD) -Task-force
26 th June 2018	-Presentation of draft CIP to the TF members/NCA Board for comments	(Boma Inn)	-Comments/views	-NCA Board Chair -ED -Task-force -The Secretariat (R&BD)
27 th June 2018	-VALIDATION WORKSHOP (Half-day –Nairobi)	(To propose a venue - Bomas)	-Hand-over report	-Public -Task-force -The Secretariat (R&BD)
28 th June 2018	HANDING OVER: -Handover of Draft CIP	(To propose a venue - Crowne)	-DRAFT CIP	-ED -The Secretariat (R&BD) -Task-force

KEY: ED: Executive Director **KIPPRA:** Kenya Institute of Public Policy and Research **R&BD:** Research & Business Development Department

APPENDIX V: NOMINATED MEMBERS OF THE TASK-FORCE

A. STAKEHOLDERS (MINISTRIES/AGENCIES)

S/ NO	ORGANIZATION	NOMINEE	CONTACTS
1.	Institution of Engineers of Kenya (IEK)	Eng. Jane Mutulili 1 st Chairperson IEK (CHAIRPERSON)	jane.mutulili@gmail.com
2.	Kenya Institute of Public Policy Analysis(KIPPRA)	Mr. Victor Mose Policy Analyst, KIPPRA (VICE-CHAIRPERSON)	vmose@kippra.or.ke
3.	State Department of Infrastructure	Eng. Gilbert Arasa	
4.	State Department of Public Works	QS. Solomon Mukiri	
5.	State Department of Housing	Arch. Susan K. Araka	0720296321
6.	Architectural Association of Kenya (AAK)	Dr. Edwin Oyaro	0722771387 eoyaro@yahoo.com
7.	Institute of Quantity Surveyors of Kenya (IQSK)	QS. Andrew N. Mandere	0722750004 anmandere@costekalma.co.ke
8.	Board of Registration of Architects and Quantity Surveyors (BORAQS)	QS. Dr. Isabella Njeri Wachira-Towey	0722736370 isanjeri@yahoo.com
9.	Kenya Roads Board (KRB)	Eng. Tom Omai	
10.	Kenya Roads Board (KRB)	Ms. Sylvia Terer	
11.	Kenya Bureaus of Standards (KEBS)	Jane W. Maina	mainaj@kebs.org
12.	Kenya Property Developers Association (KPPDA)	Mr. Kenneth Luusa	0722952951 kluusa@amsl-africa.com
13.	Kenya Private Sector Alliance (KEPSA)	Mr. V Gikonyo Gitonga	0722516144 Gikonyo.gitonga@axisre.co.ke
14.	Law society of Kenya (LSK)	Mr. Mungu, Gilbert Josiah	0722741213

			gimungu@munguadvocates.com
15.	Kenya Bankers Association (KBA)	Mr. Jared Osoro	josoro@kba.co.ke
16.	Technical and Vocational Education and Training Authority (TVETA)	Mr. Peter Thobora	0712239518
17.	Kenya Association of Manufacturers (KAM)	Mr. Job Wanjohi	Job.wanjohi@kam.co.ke
18.	Kenya Vision 2030	Mr. Idi Masoud	0716575796 Juma.masoud23@gmail.com
19.	Energy Regulatory Commission (ERC)	Eng. Gerald G. Ngatia	0722200947/0734414333 Gerald.ngatia@erc.go.ke
20.	Kenya Revenue Authority (KRA)	Mr. Leonard Cheserem	
21.	Kenya Railways Corporation (KRC)	Eng. Benedict Kimau	
22.	Kenya Airport Authority (KAA)	Qs. Fredrick Mulaku	
23.	Kenya Association of Building & Civil Engineering Contractors (KABCEC)	Mr. Bhupen Hirani	
24.	Institution of Construction and Project Management of Kenya (ICPMK)	Qs. Jackson Wachira Waihenya	0722525879 Jw4058@gmail.com
25.	Kenya Federation of Master Builders (KFMB)	Eng. Alex Kungu Mukui	
26.	Kenya National Bureau of Statistics (KNBS)	Isaac Kariuki Ndegwa	indegwa@knbs.or.ke
27.	Engineers Board of Kenya (EBK)	Ms. Catherine Kinya Mungania	0721517700 ckinya@ebk.or.ke
28.	Kenya Urban Roads Authority (KURA)	Eng. Endelinah Kaimuri	0706250438 ekaimuri@kura.go.ke
29.	Kenya Ports Authority (KPA)	Ms. Nuru Bwanakombo	0727672946
30.	Council of Governors (CoG)	Mr. Nicodemus Mbwika	nicodemus.mbwika@cog.go.ke
31.	Council of Governors (CoG)	Ms. Mukami Kibaara	mukami.kibaara@cog.go.ke
32.	Kenya Wildlife Service (KWS)	Eng. Benson Mukoya Wamaya	0721620420 wamaya@kws.go.ke

33.	Kenya Rural Roads Authority (KeRRA)	Eng. Hillary O. Akwiri	0711593390 hillary.akwiri@kerra.go.ke hillary.akwiri@yahoo.com
34.	Road and Civil Engineering Contractors Association (RACECA)	Mr. Peter Musango	
35.	KBRC/CRPD Committee	Christine Nyambasi M Songole	0722426151 Cawinja2002@gmail.com

B. NCA REPRESENTATIVES

S/No	NAME	DISIGNATION
1.	Hon Moses Muhia	NCA, Board Member
2.	Eng. Arjan Shankla	NCA, Board Member
3.	Arch. Jackson Kafuna	NCA, Board Member
4.	Eng. Stephen K. Kogi	NCA, Board Member
5.	Eng. Wallace Atim	NCA, Board Member
6.	MS. Ann M. Kiusya	NCA, Board Member
7.	Eng. Maurice Akech (SECRETARY)	General Manager, RT& CB
8.	QS. David Mathu	Manager, Research & Business Development
9.	Mr. Paul Gesora	Manager, Corporate Strategy
10.	Mr. Samson Lukoba	Corporation Secretary
11.	Arch. David Lagat	Assistant Manager, Research and Business Development