

## 1. Executive Summary

WAJIBIKA project sought to promote prudent use of public resources, compliance with the legal frameworks on public expenditure and increased transparency in the administration of the COVID 19 response funds in Nairobi County. It adopted a bottom up form of accountability where youth and youth serving organisations based in Nairobi County were equipped with knowledge on open contracting monitoring and facilitated to undertake assessments in Nairobi County.

The project resulted in at least 26 County Officials (Executive and Assembly), 27 Youth Serving Organisations and 17 youth who acquired knowledge on Open Contracting. 11 Youth Serving Organisations were directly involved in assessing the level of Open Contracting in Nairobi County; and 17 youth from 17 sub counties of Nairobi County directly involved in conducting a citizen perception survey to establish status of access to procurement information by the citizenry and measures put in place by the county to facilitate ease access to information.

The project further contributed to Nairobi City County becoming the Open Government Partnership (OGP): The Open Government Partnership is a multilateral initiative that brings together government reformers and civil society leaders to create action plans that make governments more accountable, inclusive and responsive to the citizens they serve. It focuses on commitments that promote transparency, fight corruption, empower citizens, and harness new technologies to improve governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations.

In a bid to promote transparency and accountability, the project contributed to the ongoing discussions between Nairobi Metropolitan Services, Development Gateway, and other like-minded civil society organisations, to Develop the Nairobi County Open Contracting Portal. If well executed, Nairobi County will be the third county in Kenya after Makueni and Elgeyo Marakwet to implement Open Contracting.

As a result of the WAJIBIKA project, YAA is now a member of the Open Government Partnership and has been involved in the development of the OGP National Action Plan IV that is currently pending validation. The NAP IV commitment will implement a national end to end e-Government system adopting the Open Contracting Data Standard (OCDS), to cover all stages of public procurement in Kenya. The system will be interoperable with all other government E-Systems.

Lastly, an Open Contracting Monitoring Toolkit was Developed. The purpose of the toolkit is to support Youth Serving Organizations (YSOs) to understand and be able to conduct and advocate for open contracting monitoring by bringing to the forefront the nation's youth to be able to hold their leaders to account for public goods and resources and ultimately the level and standards of public service delivery.

Some of the lessons recorded during the project implementation include: Lack of Capacity to Implement Open Contracting: Inadequate Procurement Information Disclosure: Lack of Capacity & Understanding of Open Contracting Among CSOs and other Infomediaries: and Lack of Public Awareness & Demand for Open Contracting. This showed that much more work needs to be done on the implementation and engagement perspective. Youth Agenda therefore recommends:

Strengthened Inter-Agency Collaboration and Partnership: Development & Implementation of an ICT Policy that guide overall function of Nairobi County: Financing Open Contracting: Capacity Building for Public Officials: Development of Nairobi County Open Contracting Web-Based System: Increase political goodwill for open contracting implementation: and Capacity Building for the public on Open Contracting.

## **2. Situational background**

Despite the strong legal framework on corruption, there has been increasing media reports of corruption, misappropriation of funds and scandals in the recent past documented at the national level. Some of these include; National Youth Service, Ministry of Health and the Treasury. Reports from the office of the Auditor general also recorded massive irregularities in funds being expended at the Counties, putting Kenya among the most corrupt counties in the world. Globally, Kenya was ranked position 154 in 2010 by Corruption Perception Index. Nine years down, the Corruption Perceptions Index 2019 ranked Kenya 137 least corrupt nation out of 180 countries with a score of 28 where zero (highly corrupt) to 100 (very clean).

The primary cause of corruption in Kenya is related to a societal state of being whereby, the basic institutions that underpin and support the rule of law and good governance have been deliberately undermined or neglected to the point where they can no longer uphold the rule of law or act in the best interests of the nation; and Lack of goodwill from elected leaders were corrupt dealings involving Members of Parliament [MPs] have taken root inside the House' with money frequently changing hands to influence the outcome of some House business. There have been minimal or dwindling efforts by the citizens in holding the government accountable; and the expanding size of the public sector bureaucracy which has also provided additional opportunities for unlawful gain and enrichment at the expense of taxpayers.

On the 18th of March 2020, Kenya recorded its first case of Covid-19. As at 15th of April 2020, the positive cases had risen to 225 with 10 deaths recorded. In a bid to control the situation, President Uhuru Kenyatta directed the Treasury to establish the Covid-19 Emergency Response Fund (Kenya COVID-19 Fund). The principal object of the fund was to mobilize resources for emergency response towards containing the spread, effects and impact of the COVID-19 pandemic. The seed capital of the fund was drawn from the Exchequer, including the voluntary salary-cuts undertaken by the senior ranks of the Executive, Judiciary, Legislature, County Governments and supplemented by donations by Kenyan individuals and corporate entities, grants from our development partners, multinational institutions, and such other gifts, subscriptions and contributions as the Fund would receive from time to time. The government also set up the Kenya Covid-19 Fund Board with its members already in place. Various counties through supplementary budgets set aside budgets to fight Covid-19 at county level. For instance, the Nairobi Metropolitan Service was allocated Ksh 1.025 billion by the County Assembly to help curb the spread of coronavirus.

While lauding government efforts to curb Covid-19 pandemic, the questions of integrity, transparency, accountability and citizen involvement remain paramount. Past health crises in developing countries such as Ebola and the Swine Flu, showed that accountability and transparency requirements needed to be modified during emergency situations. Public Finance

Management (PFM) systems needed to be responsive and flexible, while ensuring value for money and minimizing fraud and corruption. In response to Covid situation in Kenya, the National Treasury put in place the Emergency Response Fund Regulations to guide fund administration. Youth Agenda noted a gap in the relay of information to the public on the plans, allocation, procurements and other expenses by the government. Youth Agenda also noted that there was less demand for integrity, transparency, accountability and citizen involvement at county level.

As a result, the Youth Agenda a six-month project dubbed WAJIBIKA sought to promote transparency, accountability and public participation in the administration of Covid-19 Funds in Nairobi County with a keen focus on procurement. The project adopted a bottom up approach where the capacity of Youth Serving Organisations operating in Nairobi County was built on Social Accountability Approaches with a focus on Public Procurement Monitoring and Independent Budget Analysis. The project also sought to support community led social accountability actions to track and monitor the administration and expenditure of the Emergency Response Fund in the county. This came a month after Youth Agenda in collaboration with Transparency International Kenya, Katiba Institute and The Institute for Social Accountability ran two Tweet chats on the role of Members of National Assembly in combating Covid-19 #MPsRoleinCOVID19, and Monitoring COVID 19 Aid #TrackingCOVID19Aid.

### **3. Progress towards development results**

#### **3.1. Contribution to longer term results**

WAJIBIKA project contributed to SPAIS Result 3: Enhanced Citizen Engagement and Participation of Civil Society, Faith-Based Organizations, media, and private sector to inform the public, monitor service delivery and promote public accountability. The specific objective of the project was to promote prudent use of public resources, compliance with the Legal Frameworks on public expenditure and increased transparency in the administration of the Covid 19 response funds in Nairobi County. To achieve this, the project was guided by three specific outcomes namely:

1. Improved access to information on Covid- 19 response and County procurement
2. Improved accountability in administration of the Covid- 19 response funds
3. Adherence to the Legal Frameworks on public expenditure as per PFM Act 2012

The project sought to improve the ease of access of information on the administration of Covid-19 response funds and procurement information in Nairobi County in a move to promote transparency and accountability. To achieve this, YAA built a capacity of 60 representatives from County Government, Youth Serving Organisations and Youth from Sub Counties on Open Contracting and engaged 28 to undertake two studies to establish the level of open contracting in Nairobi County and utilization of Covid-19 funds. One of the objectives of the studies was to establish status of access to information by the citizenry and measures put in place by the county to facilitate ease access to information and provide recommendations to the county. The studies found that the existing Procurement Laws require proactive disclosure of procurement information related to planning, tender, award, contract, and implementation. Further Article 35 of the Constitution and the Access to Information Act,2016 provide for disclosure upon request. In this regard, the study found Nairobi county failing on both fronts. Their public-facing information

lacked in completeness as required by the law and the Access to Information Requests were unanswered. The study further recommended the development of Nairobi County Open Contracting Web-Based System to demystify collection, storage, publishing and analyzing of procurement data, the county should implement a web-based system that can support open contracting. By the closure of the project, Nairobi Metropolitan Service, Development Getaway, YAA and other like-minded were in discussion to develop an open contracting portal. Nairobi County also joined the Open Government Partnership.

The project also sought to provide an understanding on the legal requirements for the contracting process and how legislation may encourage or prevent contracting reform and the adoption of open contracting principles. The central issue that this section sought to unpack was: Is the legal framework in Nairobi County conducive to open contracting? The review specifically sought to understand i) Whether the laws and regulations acknowledge the right of the public to access information related to procurement, and ii) Whether the laws are clearly accessible and outline how the public can access this information, iii) Whether the laws require publication of documents of the full procurement process and iv) The rights of citizens to participate in the procurement process. It was established that despite the strong legal provisions, implementation was of the same was problem, for instance in Nairobi County bidders were never invited for bid opening, this was done behind closed doors, bidders, other than the awarded ones, never received communication on the outcome of their bids. In Nairobi County the head of the procurement function is required to prepare monthly progress reports of all procurement contracts of the procuring entity and submit them to the accounting officer. -The County Assembly and the National treasury also require this procurement data. However, respondents reveal that though this is the legal and due process, there are no reviews done with any of the information collected, except for what is shared to the Public Accounts Committee. For ward-based development procurement, the study discovered that Ward representatives do not review the County Fiscal Strategy Paper nor the updates of ongoing projects, hence lapses in oversight during procurement implementation. YAA recommended Increase political goodwill for open contracting implementation: Follow up to policy recommendations ,there is need to ensure that policy directives are implemented, this can only be done if stern action led by political leadership, is taken for non-compliance.

### **3.2. Progress towards project outputs**

The project commenced with a project inception meeting held on Friday 7th August 2020 bringing together 15 Youth Agenda staff. 7 of the 15 staff were female while 8 were male. The meeting objective was to: Inform Youth Agenda Staff about the project objective, activities, the expected results and implementation period; Inform assigning of roles and responsibilities among Youth Agenda staff; Inform project branding and visibility during the implementation period; Inform project monitoring, evaluation and reporting; and Inform County Entry Strategy to secure buy in support. One emerging issue was noted: Majority of the Youth Agenda Staff were not familiar with term open contracting, and legal frameworks on Public Finance Management and Public Procurement and Disposal, raising the need for internal capacity development.

This was followed by a series of county entry meetings with County Executive Committee Member in Charge of Health Services, Mr. Hitan Majevdia and County Director for Youth Mr. Wainaina. The sole objective of the entry meetings was to introduce the project and secure county

buy in and support towards the implementation of the project. Upon successfully securing county buy in and support, a series of activities were undertaken with the support of a consultant engaged by Youth Agenda.

First, 60 people were equipped with knowledge on Open Contracting: The training was held on 23rd September 2020 at Concord Hotel and Suites. It was graced by the County Executive Committee Member for Health-Hon. Hitan Majevdia, Mr. Wambua Kituku-Project Officer UNDP Kenya, Mr. Wainaina Muiruri-Director Youth Affairs, Hon. Anne-Vice Chair of Health Committee at the Nairobi County Assembly and Mr. Kelvin Keya- Youth Agenda Chief Executive Officer. The participants were drawn from the County Department for Health, County Department responsible for youth affairs, County Procurement Department, County Assembly, AMKENI WaKenya team, Youth Serving Organisations based in Nairobi County and Youth residents of Nairobi County. In his remarks, Hon. Majevdia pointed out that personal interest and lack of accountability is one of the reasons for increased cases of Corruption, not only in the National Government but also in the Counties, however, most oversight institutions tend to focus on National Government and forget the huge junk of money going to counties. He appreciated the timeliness of the WAJIBIKA project as it would help improve transparency and accountability in Nairobi County. He urged his fellow County Officers and Members of County Assembly to learn and implement the outcomes of the training in their respective sectors. He also encouraged UNDP Kenya and Youth Agenda to scale out such programmes to other counties.

Mr. Wambua Kituku informed the participants on UNDP-Kenya's work and particularly its role in promoting accountability, transparency and good governance through the SPAIS project. Besides supporting the Youth Agenda, UNDP Kenya is also supporting other organisations like Transparency International Kenya, HAKI Africa and Emerging Leaders Foundation. "We are aware that National and County Governments have set aside funds to mitigate Covid-19 Pandemic and through WAJIBIKA, we seek to ensure that those funds are used for the right purpose." Mr. Wainaina expressed his appreciation for being invited for the Open Contracting Training because he believed it would help him and consequently his office to achieve the 30% ratio of Youth to access tenders in Nairobi County. He also informed the participants of the activities in his docket such as improving Vocational Training Centers, improving sports facilities, and the One Stop Youth Information Center at Wakulima market in the CBD.

According to Mbuki Mburu, Civic Educator at PAWA 254, despite the several advantages of allowing the public access to State-held information, the situation on the ground does not paint a positive picture. Through her fieldwork, she noted several instances where the youth were hardly involved in decisions making that were likely to directly affect them. "When it comes to sharing information on tendering, the process is always tokenistic and that is why Youth have lost hope in securing a government tender." She further reiterated that all county governments have websites and social media pages, however, they're not utilized in the interest of young people. "If today you visit Nairobi County Website, you will only see a few tenders advertised. There is little or no information on who was awarded the tender and its implementation status. There are also no reports."

According to Polycarp Otieno, Deputy Programme Officer at Transparency International, Kenya is known for having beautiful legislations but its implementation is poor. Very few state

departments and County Governments are utilizing the IFMIS portal, a tool that is straight forward. This shows that there is very little effort by our Counties to make the procurement process as transparent as possible. Most Counties including Nairobi County have been reluctant to publish and publicise their annual procurement plans. It is very difficult to tell what the county is up to and the existing opportunities for young people.

The training resulted in 15 participants volunteering to take part in follow activities. The participants also appreciated the timeliness of the training and specifically thanking Youth Agenda and UNDP Kenya. *“I want to take this opportunity to appreciate this wonderful initiative by the Youth Agenda that seeks to equip other youth serving organisations with skills on open contracting, for them to be able to speak to their constituents from an informed perspective. We all know that corruption in this country happens at the procurement stage and it's high time we, the Civil Society, go an extra mile to monitor the implementation stage of the budget process where procurement occurs”*. Mr. Kevin Osido, the Executive Director of County Governance Watch.

The second activity sought to assess the level of Open Contracting in the County during Covid 19 period: 11 volunteers from the open contracting training were engaged to undertake the assessment. The exercise covered broad tenets of open contracting while keeping a close focus on the health function of the county and the response to COVID-19. The areas covered in analysis included:

1. Institutional Arrangement- analysing the arrangement and functioning of the county government's procurement structures in order to better understand the decision-making processes that lead to procurement outcomes and the opportunities available to conduct open contracting activities. Ultimately, this analysis aims to understand the institutional factors that may hinder or enable open contracting reform efforts.
2. Legal Framework for Procurement- The objective of the legal framework analysis was to understand the legal requirements for the contracting process and how legislation may encourage or prevent contracting reform and the adoption of open contracting principles. The central issue that this section sought to unpack was: Is the legal framework conducive to open contracting?
3. Policy Context Analysis- The policy context analysis aimed at understanding the trajectory of government policies vis-a-vis open contracting. The analysis considered the context of open and transparent government, as well as the policy framework surrounding the procurement process.
4. Technical Assessment- The technical assessment focused on two key issues: 1) the technical systems that are used to manage the procurement process, and 2) the characteristics of the data that the government collects through this process.
5. User Engagement -The user engagement analysis sought to highlight government efforts to engage citizens in the procurement process. By understanding the opportunities for user engagement that governments are creating, we can gain a better sense of their dedication to fostering genuine participation.
6. Stakeholder Identification- This section aimed to identify key stakeholders with respect to public contracting. While all citizens are stakeholders in public procurement, this section sought to describe organized stakeholders and better understand how they use - or desire to use - contracting information.

7. Broader Public Financial Management Environment- How governments procure goods and services were interlinked with the broader public financial management environment. How governments track the budgeting process and evaluate government expenses is integral to their use and understanding of procurement data, as well as the availability of high-quality spending data to the public. While a deep analysis of public finance management is beyond the scope of this study, having a basic understanding of the nature of the public financial management system can help provide valuable context to the county study, and have dramatic impacts on the types of interventions needed to meet open contracting standards

The activity also resulted in the development of an Open Contracting Monitoring Toolkit. The purpose of the toolkit is to support Youth Serving Organizations (YSOs) to understand and be able to conduct and advocate for open contracting monitoring by bringing to the forefront the nation's youth to be able to hold their leaders to account for public goods and resources and ultimately the level and standards of public service delivery.

The third activity was a Covid- 19 Response Fund Independent Analysis: The analysis sought to establish how much the Nairobi City County Governments set aside from the Exchequer to the fund? And how much was received as grants, loans and Donations? How much was spent from the Emergency Response Fund Kitty? Value for Money? Could the county account for each cent spent? If the services reached the right beneficiaries? Transparency level? Citizen involvement in the process and lastly Citizen Perception on the services received in response to Covid- 19. The analysis focused only on the health function, specifically on the COVID-19 response within a timeframe of March- August 2020. Data collection was supported primarily by desk review and key informant interviews. The desk review sought to evaluate documents within the Planning, Tender, Award, Contract & Implementation phases of the procurement process.

17 sub county level data collectors engaged to assess the impact and citizen perception about the county response to Covid- 19, and citizen access to tender opportunities. The 17 data collectors were identified through a competitive process. A call for application was released on 1st October 2020 and shared widely through Youth Agenda Social Media Platforms and uploaded on organization websites. The link was also shared on WhatsApp groups to ensure wider reach. The application deadline was 14th October 2020. The advert attracted 177 applications (87 Males, 90 Females) that were reviewed based on the following criteria of selection; Age (The applicant should have been between the age of 18-34); Education Level (Should have had at minimum, A diploma in Sociology, Community Development, Social Work, Political Science or related field); County (The applicant should have been a resident of Nairobi County). The first review resulted in 26 applicants shortlisted for the second phase of review. The second review of the applications was reviewed by a recruitment panel consisting of Programme manager, Finance and operations officer, and the Monitoring and Evaluation Manager. The review was based on the following selection criteria. Data collection (The applicant should have had at least one-year experience in data collection, The data collector should have had experience in collecting quantitative and qualitative data, The data collection should have been based at a community level, The applicant should have been experienced in electronic data collection on platforms such as ODK, Kobo collect, Survey CTO or any other, The applicant should have been proficient in Microsoft office preferably word or Excel); Experience working with civil society organization;

and Experience in engaging ward administrators or any other government officials. The reviews resulted to 17 candidates selected.

On 23rd October 2020, the selected 17 data collectors were sensitized on Open Contracting. The meeting brought together 21 participants of whom 17 were data collectors. In terms of gender, out of the 21 participants, 8 were male and 12 were female. The afternoon session focused on reviewing and familiarization with data collection questionnaires and utilization of online data collection tools. This sought to ensure that the data collectors had skills needed for data collection exercise. With the guidance of YAA M&E Manager, the data collectors were able to install the Kobo Collect tool on their phones and downloaded the data collection questionnaire. The session also provided opportunity for familiarization and signing of the engagement contract. The data collection exercise commenced on 26th October 2020 to 30th October 2020. Upon which the Monitoring and Evaluation Manager verified the reports submitted by each data collector.

The fourth activity was an assessment of compliance with PFM and Procurement legal frameworks. This was executed by a policy expert by Youth Agenda legal. Some of the legislations reviewed were the Emergency Response Regulation, Public Finance Management Act, Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003), the Public Officer Ethics Act, 2003 (No. 4 of 2003); the Public Procurement and Disposal Act, 2005 (PPDA); etc. The next activity was the validation of the reports from activity 2, 3, and 4. YAA organized a county level half day validation meeting bringing together 46 participants to review and give input to enrich the final report. After which the consultant incorporated the feedback and presented a final report to Youth Agenda for design and launch. Simplified versions of the reports are expected to be disseminated widely through social media platforms and inform targeted advocacy with specific departments within the County and other oversight institutions affected or targeted.

### **3.3. Human Interest Story**

The project contributed to Nairobi City County becoming a member to the Open Government Partnership (OGP): The Open Government Partnership is a multilateral initiative that brings together government reformers and civil society leaders to create action plans that make governments more accountable, inclusive and responsive to the citizens they serve. It focuses on commitments that promote transparency, fight corruption, empower citizens, and harness new technologies to improve governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations. As a result, the county has been involved in the development of the National Action Plan IV. The NAP IV commitment will implement a national end to end e-Government system adopting the Open Contracting Data Standard (OCDS), to cover all stages of public procurement in Kenya. The system will be interoperable with all other government E-Systems. In a bid to promote transparency and accountability, there are ongoing discussions between Development Nairobi County, Development Gateway, Youth Agenda and other like-minded civil society organisations with regards to the development of the Nairobi County Open Contracting Portal. If well executed, Nairobi County will be the third county in Kenya after Makueni and Elgeyo Marakwet to implement Open Contracting.

### **4.1. Gender results**

In the design of WAJIBIKA Project, Youth Agenda ensured that it is gender responsive. The monitoring and evaluation systems in place highlight the importance of using a gender lens in the process of formulating, implementing, monitoring and evaluating projects in analyzing the roles and needs of women and men. In the implementation, Youth Agenda ensured that women and men equally access, equally participate in and equally benefit from the resources, services, capacity building and other activities offered by the project. It also ensured that all participants equally participate in monitoring and evaluation of activities and decision-making processes and that data is collected on women and men. The Monitoring and Evaluation Officer collected and analyzed sex-disaggregated data and qualitative information to understand roles and needs of women and men participants, consider any adverse impacts or risks that may affect the equal access to, equal participation in and/or equal benefits from project activities among young women and men. Overall, out of a total 72 direct beneficiary, 37 equivalents to 51% were male and 35 equivalents to 49% were female.

#### **4.2. Partnerships** (maximum 2 paragraphs)

During the project implementation period, YAA joined a 12-member CSO consortium convened by Transparency International, championing for Transparency and Accountability. Through the consortium, Petitioned the government to institute transparency and accountability measures in covid19 procurement. The petition called for full adherence to procurement procedures as dictated by the Public Procurement and Asset Disposal Act 2015, the Executive Order No. 2 of 2018 and publication of all information to enhance oversight at National and County level; Procurement data should be published in the required state portal [www.tenders.go.ke](http://www.tenders.go.ke) by 30th September 2020, as per the Presidential Directive and on an independent COVID-19 Kenya Portal that conforms to the international open contracting data standards; and That in consultations with the Office of the President, the Executive Order No. 2 of 2018 is modified to include requirements for procuring entities to publish emergency and urgent need procurement data within a specified timeline to promote transparency and accountability in the event of an emergency. <https://www.youthagenda.org/Resources/Petitions/Petition-on-transparency%26accountability-in-public-procurement.pdf>.

Joint Press Statement released calling for publication of tender awards by KEMSA followed a presidential directive in August 2020 even after concerted efforts by non-state actors demanding for the same action since April 2020 and a similar presidential directive through Executive Order No. 2 of 2018 being ignored by majority of the public procuring entities for close to two years now with continued contraventions by many public entities to date; The Ministry of Health to make public detailed allocation, disbursement and expenditure information on use of all the COVID-19 Funds by all Government entities for further scrutiny by the public; The National and County Governments to fully deliver on the Resolutions of the Covid-19 Virtual Conference held in August 2020 requiring that, 'Both levels of government embrace open government and publicize tenders and awarded contracts on County and National Government websites'. <https://www.youthagenda.org/Resources/Statements/Press-statement-on-corruption-in-the-health-sector.pdf>

YAA is currently a member of the Open Government Partnership, Open Contracting theme. The Open Government Partnership is a multilateral initiative that brings together government reformers and civil society leaders to create action plans that make governments more accountable, inclusive and responsive to the citizens they serve. It focuses on commitments that promote transparency, fight corruption, empower citizens, and harness new technologies to improve governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations. Development of OGP NAP IV (2020-2022) is currently ongoing. YAA will be focusing Open Contracting with a Special Focus on Access to Government Procurement Opportunities.

### **4.3. Environmental Considerations**

Being a political impact project, it did not have a direct impact on the environment. However, due to Covid 19 situation in the country, the Youth Agenda ensured full adherence/compliance with the Health Protocol released by the Ministry of Health (MOH).

### **4.4. Sustainability**

Through the WAJIBIKA project, 27 Youth Serving Organizations operating in Nairobi County were sensitized on Open Contracting Monitoring. Out of the 27 organizations, 11 were involved in the assessment of the level of open contracting in Nairobi County. This sought to equip them with practical knowledge and skills needed in open contracting monitoring. For sustainability purposes, YAA developed an Open Contracting Monitoring Toolkit. The purpose of the toolkit is to support Youth Serving Organizations (YSOs) to understand and be able to conduct and advocate for open contracting monitoring by bringing to the forefront the nation's youth to be able to hold their leaders to account for public goods and resources and ultimately the level and standards of public service delivery.

On Dec 3, 2020, Youth Agenda held a meeting with Development Gateway, Nairobi Metropolitan Services and Transparency International to deliberate development of Nairobi Metropolitan Service Open Contracting Portal. However, due to limited time, further engagement was scheduled for 2021. YAA finds this as an opportunity for the WAJIBIKA project in the next phase and an opportunity for UNDP to contribute to the third county in the country to implement Open Contracting.

### **4.5. South to South and Triangular Cooperation**

The project made a huge contribution to the Open Government Partnership (OGP), a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Kenya joined OGP in 2011, since Kenya has implemented two action plans.

### **4.6. Strengthening national capacity**

WAJIBIKA project played a major contribution to the Open Contracting Data Standard (OCDS) that seeks to improve transparency and reduce opportunities for corruption by enhancing openness and accessibility of the Public Procurement Information. The project further contributed to the realization of Executive Order No 2 of 2018 and its alignment to international standards such as

the Open Contracting Data Standards. Through WAJIBIKA, YAA was Identified as one of the national organisations championing for Open Contracting and has then been involved in the development of the OGP National Action Plan IV that is currently pending validation. The NAP IV commitment will implement a national end to end e-Government system adopting the Open Contracting Data Standard (OCDS), to cover all stages of public procurement in Kenya. The system will be interoperable with all other government E-Systems. This commitment will ensure more efficient delivery of public goods and services, and increased opportunities to do business with the government for all citizens. This includes increased opportunities for Women, Youth and Persons with Disability under the Access to Government Procurement Opportunities (AGPO) initiative. To achieve this, the NAP IV seeks to ensure reduced fraud and corruption, increased transparency, accountability, value for money, competitiveness, and authenticity of all public procurement processes. This includes all emergency procurement during the Covid-19 pandemic. The system will also boost performance on public contracts, deliver more efficient planning, monitoring, evaluation, audit and reporting of public procurement.

## 5. Monitoring and Evaluation

The Wajibika project was implemented under the Strengthening public accountability and integrity systems (SPAIS) and focused to contribute to Result area three of the project.

Project Impact	Enhanced Citizen Engagement and Participation of Civil Society, Faith-Based Organizations, media, and private sector to inform the public, monitor service delivery and promote public accountability.
Project objective	Promote prudent use of public resources, compliance with the Legal Frameworks on public expenditure and increased transparency in the administration of the Covid 19 response funds in Nairobi County.
Project Outcomes	<ol style="list-style-type: none"> <li>1. Improved access to information on Covid 19 response and County procurement</li> <li>2. Improved accountability in administration of the Covid 19 response funds</li> <li>3. Adherence to the Legal Frameworks on public expenditure as per PFM Act 2012</li> </ol>

Project Indicators	<ol style="list-style-type: none"> <li>1. Number of youth MCAs and youths trained and acquire knowledge on open contracting</li> <li>2. Number of open monitoring tools developed to facilitate in analysis of Nairobi county assessment.</li> <li>3. Number of youths involved in the development of the status report on open contracting</li> <li>4. Number of status reports developed on the level of open contracting in Nairobi county on Covid-19 fund.</li> <li>5. Number of copies of the status reports disseminated to public, partners and government agencies.</li> <li>6. Number of youth with skills and involved in the Covid 19 Response Fund Independent analysis.</li> <li>7. Number of independent analysis reports developed on the Covid 19 response fund.</li> <li>8. Number of county government officers and representatives of CSOs attending the validation workshop.</li> <li>9. Number of copies of the independent analysis reports disseminated to public, partners and government agencies.</li> </ol>
--------------------	---

During the project inception meeting, the project team developed an M&E plan to guide through the monitoring and tracking of project performance. The donor through the SPAIS project management provided an inception training by taking the team through the different monitoring and reporting tools.

#### Analysis of indicators results

Indicator	Target	Actual result	Comments
Number of youth MCAs and youths trained and acquire knowledge on open contracting	40 (10 MCAs and 30 youth)	43 (16 Govt officials and 27 youth) Among the 16 govt officials, 8 were youth MCAs  <b>Percentage achievement: 107%</b>	At the initial training, there was only one MCA in attendance. This was caused by a late scheduled meeting for the MCAs at the county assembly thus hindering their attendance.  In coordination with the MCA, a follow up training was conducted that was attended by seven youth MCAs.  To measure acquisition of knowledge, the training facilitator

			used verbal evaluation at the beginning and at the end of the training.
Number of open monitoring tools developed to facilitate in analysis of Nairobi county assessment.	1	1 Open Contracting Monitoring Tool Developed  <b>Percentage achievement: 100%</b>	In coordination with other key stakeholders, an open monitoring tool was developed by the project.
Number of youths involved in the development of the status report on open contracting	15	11 youth involved  <b>Percentage achievement: 73%</b>	11 youth volunteers from the youth serving organizations were involved in the research and data collection to develop the status report on open contracting.  The 11 were further trained on the research process and assigned different roles in data collection including undertaking desk reviews to get secondary data.
Number of status reports developed on the level of open contracting in Nairobi county on Covid-19 fund.	1	1 report developed  <b>Percentage achievement: 100%</b>	One status report on the level of open contracting in Nairobi county on Covid-19 fund.  The report findings were subjected to validation by different stakeholders including the youth MCAs, county government officials and the youth
Number of copies of the status reports disseminated to public, partners and government agencies.	200	200  <b>Percentage achievement: 100%</b>	Report shared via email, social media platforms and uploaded on YAA website

Number of youth with skills and involved in the Covid 19 Response Fund Independent analysis.	17	17 youth involved  <b>Percentage achievement: 100%</b>	The project recruited 17 youth from the different 17 sub counties in Nairobi and trained them on how to undertake Covid-19 response fund independent analysis.  The youth were involved in undertaking data collection among citizens in all the sub-counties.
Number of independent analysis reports developed on the Covid 19 response fund.	1	1 report developed  <b>Percentage achievement: 100%</b>	One report developed that include the Citizen perception on the utilization of Covid-19 response fund by the Nairobi county government
Number of county government officers and representatives of CSOs attending the validation workshop.	50	46  <b>Percentage achievement: 93%</b>	The validation workshop brought together 46 participants including 10 County government officials, 17 CSOs representative and 19 youth.  The participants gave their feedback and input on the findings that were finally incorporated into the report.
Number of copies of the independent analysis reports disseminated to public, partners and government agencies.	200	200  <b>Percentage achievement: 100%</b>	Report shared via email, social media platforms and uploaded on YAA website

#### End of project evaluation:

The project engaged a consultant to undertake the end of project evaluation to determine the relevancy, efficiency, effectiveness, sustainability and impact of the project. The end of project evaluation will provide a third-party analysis of how the project was implemented while informing on the best practices and lessons learnt that can be incorporated into future projects.

## 6. Risk management (max 1 page)

Some of the risks identified at project design stage were:

1. **Politicisation of the Project:** The project was implemented during the electioneering period posing a risk of politicizing the project by political leaders involved in the project. To mitigate this, Youth Agenda held county entry meetings with relevant departments to introduce the project and secure project buy in and support. The Youth Agenda also ensured that the project was owned and driven by citizens.
2. **Delay in project commencement due to Covid- 19:** It was not clear on whether the government would tighten or loosen the mitigation measures against Covid- 19. In a situation where the government banned social gathering, it would be a challenge to the implementation of project activity since the majority of the activities required physical engagement. To mitigate this, YAA adopted and adhered to the Ministry of Health Covid 19 mitigation measures.

## 7. Challenges (max 1 page)

1. **Access to Information:** Inadequate availability of documents (procurement plan, awards, contracts, and implementation phases) for secondary review during COVID-19 Response procurement analysis was a challenge. The Access to information request made to the county was never responded to. There are instances, where key respondents from the County government were not present due to county commitments. This was mitigated by selecting alternative but related respondents to gain information on the theme of the interview.
2. **Absence of Key Stakeholders due to Covid 19:** Despite adhering to the Ministry of Health Covid 19 Mitigation measures, some of the target key institutions/individuals were not comfortable attending physical meetings.
3. **Expansion of Project Scope to include the National Government:** The project was initially designed to promote prudent use of Covid 19 response funds in Nairobi County, However, with the transfer of the Health Function from Nairobi County Government to Nairobi Metropolitan Services, the project scope expanded to include the National Government Ministries, Departments and Agencies such Ministry of Health, National Treasury, NMS and Senate Ad-hoc Committee on Covid 19 Mitigation.

## 8. Lessons Learned (max 1 page)

1. **Lack of Capacity to Implement Open Contracting:** The project established that there is limited capacity and understanding of open contracting by procurement stakeholders in government. These capacity gaps range from a lack of understanding of what open contracting is, to a lack of capacity to use existing IFMIS structures or an ability to consider and design locally adaptable digital structures to facilitate open contracting.
2. **Inadequate Procurement Information Disclosure:** Despite the requirements with regards to procurement information disclosure and publishing, we find that it is still very difficult to gain access to this public information. The available channels at present to access such information on Nairobi County, include the Public Procurement Information Portal and the

county government website. Further information can be sought from the county government through a written request for information. While the county is listed on the PPIP, we found the information available on that platform inadequate as it only covered tender notices, further, the platform periodically goes offline for periods lasting up to one week. Access to Information Requests to the county government also remain unanswered.

3. **Lack of Capacity & Understanding of Open Contracting Among CSOs and other Infomediaries:** While CSOs and the media are the first line of information to the public, we found that there was limited understanding on the concepts of open contracting and how this information can be linked back to accountability programming. With the exception of a few CSOs already working on open contracting, this concept remains new to most. Even though the media are the first to break stories on grand corruption or procurement irregularities, we found that there was very little understanding of procurement frameworks and requirements for transparency.
4. **Lack of Public Awareness & Demand for Open Contracting:** The public are unaware of their constitutionally guaranteed rights to access information from the county. They have even less awareness on the regulations that govern public procurement beyond the fact that some procurement is reserved for special interest groups. It is imperative that citizens gain awareness of their rights to not only access procurement information but also use it to call for accountability in public expenditure

## **9. Conclusions and Ways Forward (max 2 pages)**

Despite the County Government ranking high in Open Contracting legislative and policy point of view, the project reveals that much more work needs to be done on the implementation and engagement perspective. There is need for:

1. **Strengthened Inter-Agency Collaboration and Partnership:** Open contracting and public procurement is not matter that is only handled by the PPRA, instead it should be an intense collaboration between user departments, the National Treasury and the Regulatory Authority. More effort should be placed on creating synergy in ways of working, understanding of the IFMIS system and compliance to regulations in a bid to create more open and transparent procurement systems.
2. **Development & Implementation of an ICT Policy that guide overall function of Nairobi County:** With most of the departmental process primarily still carried out manually in the procurement office, it is difficult for the department to collect, store and publish data as is required. Further, this means that this information remains un-analyzed even for internal benefit. Though there has been a push to improve the ICT infrastructure in the county, emphasis should be put on the user (liveware) efficient understanding of the ICT systems being put in place by the county government and adaptation of software that supports the functions of the county government.
3. **Financing Open Contracting:** While the laws and policy frameworks are clear on how and what is expected from Procuring Entities with regards to open contracting, there is still limited resources allocated to ensure that implementation is as straight-forward. The National Treasury should invest in training responsible officers for procurement in understanding and utilizing IFMIS' full functionalities. Further, the County Government

of Nairobi should invest in localizing web-based procurement systems that fully function adapting to the specific needs in Nairobi County.

4. **Capacity Building for Public Officials:** A strong understanding on open contracting as well as technical how-to is required for public officials who manage or lead procurement implementation in the county. Initial and continuous follow-up workshops or sessions are required for procurement managers & officers, oversight role-holders such as the county assembly, PPRA & EACC
5. **Development of Nairobi County Open Contracting Web-Based System:** To demystify collection, storage, publishing and analyzing of procurement data, the county should implement a web-based system that can support open contracting considering the Nairobi context.
6. **Increase political goodwill for open contracting implementation:** Follow up to policy recommendations is required to ensure that policy directives are implemented, this can only be done if stern action led by political leadership is taken for non-compliance. This can also be demonstrated by initiating culture changes from top bottom towards acceptance & practice of open contracting.
7. **Capacity Building for the public on Open Contracting:** For the success of open contracting, there must be supply- of services and information from the government, as well as demand- from the public for increased accountability & transparency. It is important that the public understand their right to access this information as well as their mandate to use this information to strengthen accountability as well as their participation in the public procurement system. To enable this to happen effectively we must first strengthen the capacity of civil society actors, youth serving organizations, the media and other actors that act as infomediaries to the public. Beyond that, the government should also take a proactive approach to enhancing the capacity of the public to engage in public procurement processes actively and meaningfully.

## 10. Financial Summary

<b>Total Budget</b>	<b>Amount Spent as at 15<sup>th</sup> Jan 2021</b>	<b>Balance</b>	<b>Justification</b>
3,190,500.00	2,857,695	332,805	The project was designed to be implemented in 6 months commencing July 2020. However, the project Funds were received at the end of July forcing the project implementation to commence in August 2020. By December 31 <sup>st</sup> 2020, the pending activity was the Official Launch of the Open Contracting Assessment Report. The activity is scheduled for the 3rd Week of January 2021.