

# National News

**Conflict of interest?** Ms Wambui's daughter was the firm's director during procurement process

## Solicitor-General, CA boss defend Mary Wambui over Sh5bn tender

Officials say Ms Wambui resigned from Nightigale Enterprises before the tender was awarded

BY JOSEPH WANGUI

The Communication Authority (CA) and Solicitor-General Shadrack Mose have defended businesswoman Mary Wambui over allegations of conflict of interest in a Sh5 billion government contract awarded to a company associated with her.

In documents filed in court in response to a petition for the removal of Ms Wambui from the position of CA chairperson, both Mr Mose and CA Managing Director David Mugonyi say the allegations are unfounded. They add that no information has been provided to the effect that Ms Wambui influenced award of the contract to Nightigale Enterprises Ltd.

The petition filed by Consumers Federation of Kenya (Cofek) alleges that the award of the contract to Nightigale was irregular because the tender documents provided that "public employees and their close relatives (spouses, children, brothers, sisters and uncles and aunts) are not eligible to participate".

According to the lobby, Nightigale Enterprises is linked to Ms Wambui's daughter and that it changed its name to Nightigale (EA) Limited and shareholding before executing the contract.



Communications Authority of Kenya Chairperson Mary Wambui during the 2024 National Public Key Infrastructure forum in Nairobi on March 19, 2024. LUCY WANJIRU | NATION

But to exonerate Ms Mungai from the alleged personal interest, Mr Mugonyi has provided timelines related to the procurement process and the resignation of Ms Mungai and her daughter from the company.

The contract for the Digital Superhighway-Lastmile and Public WiFi Connectivity, was award-

ed to Nightigale Enterprises in April 2023 by the Information & Communication Technology Authority (ICTA), which was the procuring entity. Nightigale was informed by the authority's CEO that it was the winning bidder on April 24, 2023.

Mr Mugonyi says that at the time the company won the ten-

der, Ms Mungai had no links to it since she had resigned as its director and shareholder on December 5, 2022 after being appointed by President William Ruto as the chairperson of the CA. She transferred her shares and directorship of the company to her daughter Everlyne Nyambura, who resigned in June 2023,

Neither Ms Wambui nor the CA were engaged at any juncture during the procurement process

Mr David Mugonyi



two months after the firm won the contract.

According to Solicitor-General Mose, after Ms Wambui resigned, there was no expectation she would have prior knowledge that Nightigale was participating in the tender.

Ms Nyambura resigned on June 19, 2023, while the contract was signed one week later on June 26, 2023.

Mr Mugonyi, in a replying affidavit, denied claims that Ms Mungai could have influenced award of the tender.

"Neither Ms Wambui nor the CA were engaged at any juncture during the procurement process; nor participated in any decision making with regard to the procurement or award of the tender, as to warrant a conflict of interest," he says.

According to the court papers, the three-year contract was funded by the CA through the Universal Service Fund. The CA board of directors chaired by Ms Wambui approved the budget on April 29, 2023. During the meeting, the board also approved transfer of the procurement process to ICTA.

"However, noting that the procurement was being undertaken by the ICT Authority, and based on the review of the documentation availed to this office, there would be no expectation of Ms Wambui, as the Chairperson of the CA Board, to have had any prior knowledge of the participation of Nightigale in the tender as well as the intended award of tender to Nightigale Enterprises Limited, so as to inform her declaration of conflict of interest, if any," says Mr Mose in the court filings.

Mr Mugonyi states that the CA on September 10, 2024 requested for guidance and an advisory opinion from the Office of the Attorney-General with respect to conflict of interest before paying Nightigale for the contract.

Mr Mose, in a 14-page response dated October 1, 2024, stated that there was no personal interest on the part of Ms Wambui.

Judiciary

## Kuppet constitution changes blocked

BY VITALIS KIMUTAI

The Employment and Labour Relations Court (ELRC) has suspended implementation of the amended constitution of the Kenya Union of Post Primary Education Teachers (Kuppet) just days after it was registered.

The court order follows a petition by Mr Anthony Kinyua, a teacher and union member, seeking to reverse the amendments viewed by some as intended to lock out rivals and entrench the current leadership.

Mr Kinyua argues that the changes are unconstitutional, illegal and void due to irregularities in their adoption. He contends that the amendment process lacked transparency, public participation and fairness. He wants the court to compel the Kuppet secretary-general to conduct a fresh, transparent and inclusive amendment process.

Additionally, he wants the court to declare that the Registrar of Trade Unions acted unfairly and in violation of Article 47 of the Constitution by approving the amendments despite acknowledging strong objections. Acting Registrar of Trade Unions Ann Kanake issued a certificate of registration for the amended constitution on March 13.

Following the registration, the acting Kuppet secretary-general Moses Nthurima, in a letter dated March 14, informed members that the changes would take effect from January 1, 2026.

Stay order

However, Justice Onesmus Makau of the ELRC in Nyeri has now issued a stay order halting the implementation of the amendments until the case is heard and determined. The case will be mentioned on April 4.

One of the contested amendments is the increase in the retirement age for top officials to 65 years, and significantly raising the nomination fees for candidates seeking union positions.

The amended constitution also introduces stricter eligibility criteria, requiring branch officials to resign from their positions 31 days before contesting national leadership roles. Critics argue that this change creates an unfair barrier for those seeking to rise through the ranks.

The changes stem from a chaotic Kuppet Annual Delegates Conference held at Sosa Resort in Vihiga County on December 20, 2024, during which the amendments were approved.



### INTERNATIONAL RESCUE COMMITTEE, INC. KENYA COUNTRY PROGRAM

#### BID NOTICE

The International Rescue Committee, Inc. (IRC) is a private international, nonsectarian, voluntary organization providing relief, protection and resettlement services for refugees and victims of oppression or violent conflict.

In partnership with various Donors, the IRC has a requirement for the following.

REFERENCE NO.	REQUEST FOR PROPOSAL DESCRIPTION	LOCATION- Turkana County
Ref. #:2KEN/KELOD/CONIF06-2025	LOT1 BOREHOLE REHABILITATIONS	1.Ayanae-katwan 2.Kaegete 3.Nakwakitela water project 4.Kang'alita (1) 5.Kaemanik 6.Kainyangapus 7. Kakimat water project 8.Kakong'u 9.Kanaodon 10.Koswat 11. Lochor-esekon 12. Lolupe water project 13. Lomil 14. Lomokomol water project 15. Loperot 16.Loreng-esinyen 17. Nakapiripir 18. Urum
Ref. #:2KEN/KELOD/CONIF06-2025	LOT 2 SANITATION INFRASTRUCTURE IN HEALTH FACILITIES	1.Kaapus 2. Katilr 3.Lobel 4.Lochwaa 5.Napusmoru 6.Turkwel
Ref. #:2KEN/KELOD/CONIF06-2025	LOT 3 SUPPLY AND INSTALLATION OF TANK AND ASSOCIATED ACCESSORIES IN DISPENSARIES	1.LOCHWAA 2. KATIR 3. KENYA OIL 4. KODOPA 5. LOCHOREMOIT 6. LORENGKIPI 7. SASAAK ECHOKE 8. TURKWEL

Interested and suitably qualified contractors may download complete tender information and RFP documents (specifications) from the IRC Website:

<http://www.rescue.org/about/procurement>

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

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

Bid documents shall be submitted Online through below email:

[procurement.Nairobi@rescue.org](mailto:procurement.Nairobi@rescue.org) On or before 15<sup>th</sup> April 2025 12.00am EAT

Bids submitted after this deadline shall not be accepted.

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

### PUBLIC NOTICE THE ENERGY ACT (No 1 of 2019)

BE AFRICA C&I LIMITED

#### APPLICATION FOR ELECTRIC POWER GENERATING AND RETAIL SUPPLY LICENCES

NOTICE is hereby given that BE AFRICA C&I LIMITED, a limited liability company having its registered office at Springette Office Park Block E2 Lower Kabete Road, PO Box 13803 in the Republic of Kenya, ("The Applicant"), pursuant to the provisions of Section 119 (3) of the Energy Act, 2019, will on 1st April 2025, make an application to the Energy and Petroleum Regulatory Authority for the Electric Power Generating and Retail Supply Licences.

BE AFRICA C&I LIMITED seeks to install a **2.076MWp Solar Plant** at **Coca Cola Beverages Kenya Limited's site located at, Embakasi Nairobi** (co-ordinates -1.31552, 36.91949) and a **1.907MWp Solar Plant** at **Equator Bottlers Limited's site located at, Kisumu** (co-ordinates -0.0903, 34.7330). All the generated power from the solar plants will be consumed by the facilities. The grant of the licence will not have adverse effect on any Public or Local Authorities, Companies, persons or bodies of persons within the area of the undertaking.

A copy of the application (subject to confidentiality considerations) will be available (once lodged) for inspection by the public at the registered office of the applicant.

Any public or local authority, company, person or body of persons desirous of making any representation on or objection to the applications must do so by a letter addressed to Energy & Petroleum Regulatory Authority and marked on the outside of the cover enclosing it "Electric Power Licence Objection" on or before the expiration of Thirty (30) days from the date of application as stated in the notice and a copy of such representation or objection shall be forwarded to the registered office of the applicant through the address below.

Dated the 1st April 2025

The Managing Director, BE Africa C&I Ltd

Email: [notices@be-cs.co](mailto:notices@be-cs.co)