

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
PAPERS LAID

DATE: 22 MAR 2023 DAY: WEDNESDAY

REPORT

TABLED BY: Hon. Owen Binyo Mwangi  
Deputy leader of Majority Party

OF A. Shubuko

**THE AUDITOR-GENERAL**

**ON**

**NAIROBI - THIKA HIGHWAY IMPROVEMENT  
PROJECT LOT 3 GOVERNMENT  
CONCESSIONAL LOAN AGREEMENT  
NO. (2009) 39 TOTAL NO. (290)**

**FOR THE YEAR ENDED  
30 JUNE, 2022**

**KENYA NATIONAL HIGHWAYS AUTHORITY**







MINISTRY OF TRANSPORT, INFRASTRUCTURE,  
HOUSING, URBAN DEVELOPMENT & PUBLIC WORKS



**Kenya National Highways Authority**

Quality Highways, Better Connections

NAIROBI – THIKA HIGHWAY IMPROVEMENT  
PROJECT LOT 3

KENYA NATIONAL HIGHWAYS AUTHORITY

CHINA EXIMBANK GCL NO. (2009) 39 TOTAL NO. (290) -  
1290003022009110585

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ANNUAL REPORT AND FINANCIAL STATEMENTS

FOR THE FINANCIAL YEAR ENDED

JUNE 30, 2022

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## **1. Project Information and Overall Performance**

### **1.1 Name and registered office**

**Name:** Nairobi–Thika Road Improvement Project (Kenyatta University – Thika) Lot 3

**Objective:** The objective of the Project is to improve the accessibility, affordability and reliability of the transport infrastructure system to promote economic growth and socio-economic development in Kenya.

**Address:** Barabara Plaza  
Jomo Kenyatta International Airport (JKIA)  
Off Mazao Road  
Nairobi, Kenya

**Contacts:** Director General  
Kenya National Highways Authority  
P.O. Box 49712-00100  
Nairobi

Telephone: +254-21-495000

E-mail: dg@kenha.co.ke

Website: www.kenha.co.ke

### **1.2 Project Information**

Project Start Date:	18 <sup>th</sup> December, 2009
Project End Date:	2014
Project Manager:	Eng. C. Obuon – Director Development Eng. J. M. Mwatu – Project Implementation Team Leader
Project Sponsor:	Export & Import Bank of China

### **1.3 Project Overview**

Line Ministry/State Department of the Project	The Ministry of Transport, Infrastructure, Housing, Urban Development & Public Works
Project Number	CHINA EXIMBANK GCL NO. (2009) 39 TOTAL NO. (290) - 1290003022009110585

**Project Information and Overall Performance (continued)**

Strategic goals of the project	<p>The project management aims to achieve the goals through the following means:-</p> <p>(i) Increase efficiency of road transport along the Nairobi – Thika Road and open areas surrounding Nairobi and Thika for development investments and trade purposes.</p> <p>(ii) Promote private sector participation in the management, financing and maintenance of roads assets.</p>
Achievement of strategic goals	(i) Construction of 23.88 Kms of road between Kenyatta University and Thika town.
Current situation that the project was formed to achieve	The project has since been completed and handed over to the Government of Kenya.

**1.4 Bankers** Co-operative Bank Limited  
KUSSCO Branch  
Nairobi

**1.5 Auditors** Auditor General  
Office of the Auditor General  
P.O. Box 30084 - 00100 GPO  
Nairobi

**1.6 Roles and Responsibilities**

<b>Names</b>	<b>Title designation</b>	<b>Key qualification</b>	<b>Responsibilities</b>
Eng. C. Obuon	Director Development	Qualified	Project oversight
Eng. J. Mwatu	Project Implementation Team Leader	Qualified	Project Implementation Team Leader
Mr. P. Wachira	Chief Finance Officer	Qualified	Project Financial Management Specialist
Ms. L. Wanyonyi	Deputy Director Supply Chain Management	Qualified	Project Procurement Specialist

## Project Information and Overall Performance (continued)

### 1.7 Funding summary

The project duration was 6 years from 2009 to 2014 with an approved budget of RMB 87,545,228 equivalent to Kshs. 8,423,271,316 as highlighted in the table below:

#### A) Source of Funds

Source of funds	Donor Commitment-		Amount received to date – (30.06.2022)		Undrawn balance to date (30.06.2022)	
	RMB	Kshs	RMB	Kshs	RMB	Kshs
	(A)	(A')	(B)	(B')	(A)- (B)	(A')- (B')
<b>(i) Loan</b>						
China EXIM Bank	87,545,228	8,423,271,316	87,545,228	8,423,271,316	-	-
<b>(ii)Counterpart funds</b>						
Government of Kenya	-	1,046,526,581	-	1,046,526,581	-	-
<b>Total</b>	<b>87,545,228</b>	<b>9,469,797,897</b>	<b>87,545,228</b>	<b>9,469,797,897</b>	<b>-</b>	<b>-</b>

#### B) Application of Funds

Application of funds	Amount received to date – (30.06.2022)		Amount paid to date – (30.06.2022)		Undrawn balance to date (30.06.2022)	
	RMB	RMB	RMB	Kshs	RMB	Kshs
	(B)	(B')	(B)	(B')	(A)- (B)	(A')- (B')
<b>(i) Loan</b>						
China EXIM Bank	87,545,228	8,423,271,316	87,545,228	8,423,271,316	-	-
<b>(ii)Counterpart funds</b>						
Government of Kenya	-	1,046,526,581	-	1,046,526,581	-	-
<b>Total</b>	<b>87,545,228</b>	<b>9,469,797,897</b>	<b>87,545,228</b>	<b>9,469,797,897</b>	<b>-</b>	<b>-</b>

### 1.8 Summary of Overall Project Performance:

This project has since been completed and handed over to the Government of Kenya.

### 1.9 Summary of Project Compliance:

There were no instances of non-compliance with applicable laws and regulations, and essential external financing agreements/covenants.



## 2. Statement of Performance against Project's Predetermined Objectives

The key development objectives of the project are to:

- (i) Improve road transport services along the Nairobi-Thika corridor and enhance urban mobility within the metropolitan area by reducing traffic congestion.
- (ii) Contribute to the development of a sustainable urban public transit system for the Nairobi Metropolitan Area
- (iii) Promote private sector participation in the management, operation, and financing of road infrastructure in Kenya

### Progress on attainment of Strategic development objectives

For purposes of implementing and cascading the above development objectives to specific sectors, all the development objectives were made specific, measurable, achievable, realistic and time-bound (SMART) and converted into development outcomes. Attendant indicators were identified for reasons of tracking progress and performance measurement: Below we provide the progress on attaining the stated objectives:

Project	Objective	Outcome	Indicator	Performance
Nairobi – Thika Highway Improvement.	Improve road transport services along the Nairobi-Thika corridor and enhance urban mobility within the metropolitan area by reducing traffic congestion.	Improved traffic level of service with reduced travel time reduced delays, and fewer accidents	Traffic flow volumes, vehicle delays, speed, number of accidents, transit/para-transit fare	Average travel time during peak hour from Nairobi to Thika reduced by 60% from 2.5 hrs to 1 hr
	Contribute to the development of a sustainable urban public transit system for the Nairobi Metropolitan Area	Policy measures, plans and investment programs to implement Nairobi Metro System prepared MOT contract concluded between the GOK and Private entity		Average annual accident rate on the Nairobi-Thika section reduced by 70% from 230 to less than 70 Average public transport fare from Nairobi to Thika reduced by 30%.
	Promote private sector participation in the management, operation, and financing of road infrastructure in Kenya			The Highway is already under Performance based maintenance contracts.

### **3. Environmental and Sustainability Reporting**

*Nairobi -Thika Highway Improvement Project Lot 3* exists to transform lives. This is our purpose; the driving force behind everything we do. It's what guides us to deliver our strategy. Below is a brief highlight of our activities that drive towards sustainability.

#### **1. Sustainability strategy and profile**

Sustainable Development Goals (SDGs) 2015-2030 provides a plan of action for the people and prosperity. Five out of the seventeen goals are pertinent to management of projects being undertaken by the Authority. These are being addressed through the following initiatives;

- a) *Good health and well-being (SDG 3)*: The Authority strives to undertake Road Safety Audits to identify accident black spots, implement intervention measures and provide road safety education to reduce accidents;
- b) *Gender Equality (SDG 5)*: The Authority encourages mainstreaming of gender equality in project and programmes by incorporating compliance to one third gender rule in procurement and recruitment;
- c) *Industry, innovation and infrastructure (SDG 9)*: The Authority develops quality , reliable, sustainable and resilient infrastructure including regional and trans-border infrastructure to support economic development and human wellbeing with a focus on affordable and equitable access for all;
- d) *Sustainable cities and communities (SDG 11)*: The Authority endeavours to extend the paved road network to hitherto underserved areas in the region to improve nationwide access to high speed and all – weather connectivity; and
- e) *Climate action (SDG 13)*: The Authority endeavours to combat negative impacts of road development through environmental mitigation, climate change measures and compliance with National Environment Management Authority (NEMA) requirements in all development projects

#### **2. Environmental performance**

The Authority is working towards ensuring environmental sustainability in projects by undertaking tree planting exercises, implementation of road beautification programs, enforce reinstatement of quarries and borrow pits after construction works, undertakes regular Environmental Impact Assessment (EIA) Audits, carries out M&E on Environment and Social Management Plan (ESMPs) as well as Environmental Social Impact Assessment (ESIA) on projects.

### **3. Employee welfare**

In all its staff appointments, the Authority takes deliberate actions to embrace Equal Employment Opportunity policies, gender mainstreaming, addresses concerns around Persons Living with Disabilities (PWDs) and takes affirmative action in line with prevailing Government Policy guidelines. The Authority prioritizes training to develop technical capacity of staff in the fields of Value Engineering, Project Financing, Project, Contract Management, Performance Based Maintenance and Safety.

### **4. Market place practices**

The Authority strives to ensure responsible competition practices through undertaking annual governance audits in projects, monitoring the implementation of policies and further promotes ethical conduct in projects. The Authority equally sensitizes staff on corruption and integrity. The Authority undertakes to be actively involved in the negotiations during budget sector hearings in order to increase budgetary allocations for projects thus honouring contracts by paying its liabilities on time.

### **5. Community Engagements**

During the implementation of the Project, the Authority is committed to remaining a responsible corporate citizen by being accountable for its actions through engaging in Public Participation. The Project's goal in terms of community engagement is to ensure that the projects foster long-term relationships with stakeholders and communities around the project. The aim is not just to build roads that foster development but to ensure collaboration with the local communities to achieve sustainable development. The project staff is also encouraged to give back to society by participating in the Authority's corporate social responsibility projects.

The Contractor has been involved in various CSR activities geared towards providing the local residents through construction of water kiosks along the project road, improvement of access roads and enhancing learning and playing environment in schools along the project road. To enhance social safeguards in projects, the Authority undertakes Resettlement Action Plan (RAP) studies and implements its recommendations, carries out Social Impact Assessments (SIA), undertakes gender mainstreaming and conduct stakeholders' forum to sensitize the public in several cross cutting issues.

#### **4. Statement of Project Management responsibilities**

The Director General, KeNHA and the Project Implementation Team Leader for Nairobi – Thika Highway Improvement Project Lot 3 are responsible for the preparation and presentation of the Project's financial statements, which give a true and fair view of the state of affairs of the Project for and as at the end of the financial year (period) ended on June 30, 2022. This responsibility includes: (i) maintaining adequate financial management arrangement and ensuring that these continue to be effective throughout the reporting period; (ii) maintaining proper accounting records, which disclose with reasonable accuracy at any time the financial position of the Project; (iii) designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statement, and ensuring that they are free from material misstatements, whether due to error or fraud; (iv) safeguarding the assets of the Project; (v) selecting and applying appropriate accounting policies; and (vi) making accounting estimates that are reasonable in the circumstances.


The Director General, KeNHA and the Project Implementation Team Leader for Nairobi – Thika Highway Improvement Project Lot 3 accept responsibility for the Project's financial statements, which have been prepared on the Cash Basis Method of Financial Reporting, using appropriate accounting policies in accordance with International Public Sector Accounting Standards.

The Director General, KeNHA and the Project Implementation Team Leader for Nairobi – Thika Highway Improvement Project Lot 3 are of the opinion that the Project's financial statements give a true and fair view of the state of Project's transactions during the financial year ended June 30, 2022, and of the Project's financial position as at that date. Director General, KeNHA and the Project Implementation Team Leader for Nairobi – Thika Highway Improvement Project Lot 3 further confirm the completeness of the accounting records maintained for the Project, which have been relied upon in the preparation of the Project financial statements as well as the adequacy of the systems of internal financial control.


The Director General, KeNHA and the Project Implementation Team Leader for Nairobi – Thika Highway Improvement Project Lot 3 confirm that the Project has complied fully with applicable Government Regulations and the terms of external financing covenants, and that Project funds received during the financial year under audit were used for the eligible purposes for which they were intended and were properly accounted for.

#### **Approval of the Project financial Statements**

The Project financial statements were approved by the Director General, KeNHA and the Project Implementation Team Leader for Nairobi – Thika Highway Improvement Project Lot 3 on 30 AUG 2022 and signed by them.

  
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**Eng. Kung'u Ndung'u**  
Director General

  
\_\_\_\_\_  
**Eng. Charles Obuon**  
Director Development

  
\_\_\_\_\_  
**CPA Chanje Kera**  
Deputy Director (F&A)  
ICPAK Member No. 8279



# REPUBLIC OF KENYA

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Monrovia Street  
P.O. Box 30084-00100  
NAIROBI

## **REPORT OF THE AUDITOR-GENERAL ON NAIROBI - THIKA HIGHWAY IMPROVEMENT PROJECT LOT 3 GOVERNMENT CONCESSIONAL LOAN AGREEMENT NO. (2009) 39 TOTAL NO. (290) FOR THE YEAR ENDED 30 JUNE, 2022 - KENYA NATIONAL HIGHWAYS AUTHORITY**

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### **PREAMBLE**

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure Government achieves value for money and that such funds are applied for intended purpose.
- C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment, and the internal controls developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012 and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.



## REPORT ON THE FINANCIAL STATEMENTS

### Opinion

I have audited the accompanying financial statements of Nairobi - Thika Highway Improvement Project Lot 3 Government Concessional Loan Agreement No. (2009) 39 Total No.(290) set out on pages 1 to 13, which comprise the statement of financial assets and liabilities as at 30 June, 2022 and the statement of receipts and payments, statement of cash flows and statement of comparison of budget and actual amounts for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Nairobi - Thika Highway Improvement Project Lot 3 as at 30 June, 2022, and its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the Public Finance Management Act, 2012 and Loan Agreement No.1290003022009110585 between Export Import Bank of China and the Government of the Republic of Kenya dated 18 December, 2009.

### Basis for Opinion

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Nairobi - Thika Highway Improvement Project Lot 3 Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audit of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### Key Audit Matters

Key audit matters are those matters that, in my professional judgement, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

### Other Matter

### Unsupported Pending Bills

Note 12.1 and Annex 3 to the financial statements reflects pending bills payable in respect of road contractors totalling to Kshs.674,721,327 which was contracted on 22 June, 2022. Management indicated that this relates to interest charged on delayed settlement of the final payment certificates due to low Government of Kenya (GoK) development budget ceilings. However, the final payment certificate on which this interest is paid has not been provided for audit verification. Further, the donor commitment and GoK counterpart funding totalling to Kshs.9,469,797,897 was fully received and paid out for this project, which was completed and handed over to the GoK in 2014.



In the circumstances, the authenticity of pending bills amounting to Kshs.674,721,327 could not be confirmed.

## REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

### Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, except for effects of the matter described in the Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources section of my report, I confirm that, nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

### Basis for Conclusion

#### Unsupported Budget

The statement of budget and actual amounts indicates the final budget of Kshs.247,500,000. However, the disclosed amount of pending bills as at 30 June, 2021 was Kshs.116,274,109 which was paid fully during the year under review. The approved project work plans in support of the budget were not provided for audit verification. The project was completed and handed over in 2014.

As a result, the justification of the budget could not be confirmed.

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

## REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

### Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

### Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal control, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

## REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

As required by Financier and Financing Agreement I report based on my audit, that:

- i. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit;
- ii. in my opinion, adequate accounting records have been kept by the Project, so far as appears from the examination of those records; and,
- iii. The Project's financial statements are in agreement with the accounting records and returns.

### **Responsibilities of Management and those Charged with Governance**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal control as Management determines is necessary to enable the preparation of financial statements which are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal control, risk management and overall governance.

In preparing the financial statements, Management is responsible for assessing the ability of the Project to continue to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of intention to terminate the Project or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the Project's financial reporting process, reviewing the effectiveness of how Management monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

### **Auditor-General's Responsibilities for the Audit**

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions



of Section 48 of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal control in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal control would not necessarily disclose all matters in the internal control that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal control may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with the policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.

- Conclude on the appropriateness of the Management's use of applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Project's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Project to cease to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Project to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.

  
CPA Nancy Gathungu, CBS  
AUDITOR-GENERAL

Nairobi

22 November, 2022


Nairobi -Thika Highway Improvement Project Lot 3  
Annual Report and Financial Statements For the financial year ended June 30, 2022


6. Statement of Receipts and Payments for the year ended 30th June 2022.

	Note	2021-2022			2020-2021			Total	Cumulative to-date
		Receipts and payments controlled by the entity	Payments made by third parties	Total	Receipts and payment controlled by the entity	Payments made by third parties	Total		
		KShs	KShs	KShs	KShs	KShs	KShs	KShs	KShs
<b>Receipts</b>									
Transfers from Government	1	116,274,109	-	116,274,109	706,907,574	-	706,907,574	1,046,526,581	
Loan from external development partners		-	-	-	-	-	-	8,423,271,316	
<b>Total Receipts</b>		<b>116,274,109</b>	<b>-</b>	<b>116,274,109</b>	<b>706,907,574</b>	<b>-</b>	<b>706,907,574</b>	<b>9,469,797,897</b>	
<b>Payments</b>									
Acquisition of non-financial assets	2	116,274,109	-	116,274,109	706,907,574	-	706,907,574	9,469,797,897	
<b>Total Payments</b>		<b>116,274,109</b>	<b>-</b>	<b>116,274,109</b>	<b>706,907,574</b>	<b>-</b>	<b>706,907,574</b>	<b>9,469,797,897</b>	
<b>Surplus/(Deficit)</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

The accounting policies and explanatory notes to these financial statements are an integral part of the financial statements.

  
Eng. Kung'u Ndung'u  
Director General

  
Eng. Charles Obuon  
Director Development

  
CPA Chanje Kera  
Deputy Director (F&A)  
ICPAK Member No. 8279

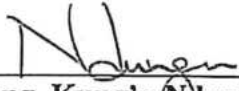






7. Statement of Financial Assets as at 30<sup>th</sup> June 2022

	Note	2021-2022 Kshs	2020-2021 Kshs
<b>Financial Assets</b>			
<b>Cash and Cash equivalents</b>			
Bank Balances		-	-
<b>Total Cash and Cash equivalents</b>		-	-
Imprest and Advances		-	-
<b>Total Financial Assets</b>		-	-
<b>Financial Liabilities</b>			
Deposits and Retention monies		-	-
<b>Net Assets</b>		-	-
<b>Represented By:</b>			
Fund balance b/fwd		-	-
Prior Year adjustments		-	-
Surplus/Deficit for the year		-	-
<b>Net Financial Position</b>		-	-

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. The financial statements were approved on 30 AUG 2022 and signed by:

  
Eng. Kung'u Ndung'u  
Director General

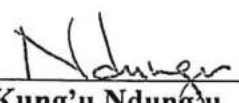
  
Eng. Charles Obuon  
Director Development

  
CPA Chanje Kera  
Deputy Director (F&A)  
ICPAK Member No. 8279

**8. Statement of Cashflow for the year ended 30th June 2022**

<b>Description</b>		<b>2021-2022</b>	<b>2020-2021</b>
		<b>Kshs</b>	<b>Kshs</b>
<b>Receipts</b>	<b>Note</b>		
Transfer from Government entities	1	116,274,109	706,907,574
Proceeds from domestic and foreign grants		-	-
Miscellaneous receipts		-	-
<b>Total Receipts</b>		<b>116,274,109</b>	<b>706,907,574</b>
<b>Payments</b>			
Compensation of employees		-	-
Purchase of goods and services		-	-
Transfers to other government entities		-	-
Other grants and transfers		-	-
Other payments		-	-
<b>Total Payments</b>			
<b>Adjustments during the year</b>		-	-
<b>Net cash flow from operating activities</b>		<b><u>116,274,109</u></b>	<b><u>706,907,574</u></b>
<b>Cashflow From Investing Activities</b>			
Acquisition of non-financial assets	2	(116,274,109)	(706,907,574)
<b>Net cash flows from Investing Activities</b>		<b>(116,274,109)</b>	<b>(706,907,574)</b>
<b>Cashflow from financing activities</b>			
Proceeds From Foreign Borrowings		-	-
<b>Net cash flow from financing activities</b>		-	-
<b>Net Increase in cash and cash equivalent</b>		-	-
<b>Cash and cash equivalent at beginning of the year</b>		-	-
<b>Cash and cash equivalent at end of the year</b>		-	-

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. These financial statements were approved on 30 June 2022 and signed by:

  
**Eng. Kung'u Ndung'u**  
**Director General**

  
**Eng. Charles Obuon**  
**Director Development**


  
**CPA Chanje Kera**  
**Deputy Director (F&A)**  
**ICPAK Member No. 8279**

**Nairobi -Thika Highway Improvement Project Lot 3  
Annual Report and Financial Statements for the financial year ended June 30, 2022**


**9. Statement of Comparison of Budget and Actual amounts for the year 30th June 2022**

Receipts/Payments Item	Original Budget a	Adjustments b	Final Budget c=a+b	Actual on Comparable Basis d	Variance e=c-d	% of Variance f=d/c %
<b>Receipts</b>						
Transfer from Government entities	330,000,000	(82,500,000)	247,500,000	116,274,109	131,225,891	47%
<b>Total Receipts</b>	<b>330,000,000</b>	<b>(82,500,000)</b>	<b>247,500,000</b>	<b>116,274,109</b>	<b>131,225,891</b>	<b>47%</b>
<b>Payments</b>						
Acquisition of non-financial assets	330,000,000	(82,500,000)	247,500,000	116,274,109	131,225,891	47%
<b>Total Payments</b>	<b>330,000,000</b>	<b>(82,500,000)</b>	<b>247,500,000</b>	<b>116,274,109</b>	<b>131,225,891</b>	<b>47%</b>
<b>Surplus or Deficit</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

The accounting policies and explanatory notes to these financial statements form an integral part of the financial statements. These financial statements were approved on 30 AUG 2022 and signed by:

  
Eng. Kung'u Ndung'u  
Director General

  
Eng. Charles Obuon  
Director Development

  
CPA Chanje Kera  
Deputy Director (F&A)  
ICPAK Member No. 8279

## **10. Significant Accounting Policies**

The principal accounting policies adopted in the preparation of these financial statements are set out below:

### **10.1 Statement of compliance and basis of preparation**

The financial statements have been prepared in accordance with Cash-basis IPSAS financial reporting under the cash basis of accounting, as prescribed by the PSASB and set out in the accounting policy note below. This cash basis of accounting has been supplemented with accounting for; a) receivables that include imprests and salary advances and b) payables that include deposits and retentions. The financial statements comply with and conform to the form of presentation prescribed by the PSASB.

The accounting policies adopted have been consistently applied to all the years presented.

### **10.2 Reporting entity**

The financial statements are for the Nairobi – Thika Highways Improvement Project under Kenya National Highways Authority. The financial statements encompass the reporting entity as required by Section 81 of the PFM Act 2012.

### **10.3 Reporting currency**

The financial statements are presented in Kenya Shillings (KShs), which is the functional and reporting currency of the Project and all values are rounded to the nearest Kenya Shilling.

### **10.4 Recognition of receipts**

The Project recognises all receipts from the various sources when the event occurs, and the related cash has actually been received.

#### **i) Transfers from the Exchequer**

Transfer from Exchequer is recognized in the books of accounts when cash is received. Cash is considered as received when payment instruction is issued to the bank and notified to the receiving entity.

#### **ii) External Assistance**

External assistance is received through grants and loans from multilateral and bilateral development partners.



### **Significant Accounting Policies (Continued)**

#### **iii) Other receipts**

These include Appropriation-in-Aid and relates to receipts such as proceeds from disposal of assets and sale of tender documents. These are recognized in the financial statements the time associated cash is received.

#### **iv) Donations and grants**

Grants and donations shall be recognized in the books of accounts when cash is received. Cash is considered as received when a payment advice is received by the recipient entity or by the beneficiary. In case of grant/donation in kind, such grants are recorded upon receipt of the grant item and upon determination of the value. The date of the transaction is the value date indicated on the payment advice.

#### **v) Proceeds from borrowing**

Borrowing includes Treasury bill, treasury bonds, corporate bonds, sovereign bonds and external loans acquired by the Project or any other debt the Project may take on will be treated on cash basis and recognized as a receipt during the year they were received.

#### **vi) Undrawn external assistance**

These are loans and grants at reporting date as specified in a binding agreement and relate to funding for the Project currently under development where conditions have been satisfied or their ongoing satisfaction is highly likely and the project is anticipated to continue to completion. An analysis of the Project's undrawn external assistance is shown in the funding summary

### **10.5 Recognition of payments**

The Project recognises all payments when the event occurs, and the related cash has actually been paid out by the Project.

#### **i) Compensation of employees**

Salaries and Wages, Allowances, Statutory Contribution for employees are recognized in the period when the compensation is paid.

#### **ii) Use of goods and services**

Goods and services are recognized as payments in the period when the goods/services are consumed and paid for. If not paid for during the period where goods/services are consumed, they shall be disclosed as pending bills.

**Significant Accounting Policies (Continued)**

**iii) Interest on borrowing**

Borrowing costs that include interest are recognized as payment in the period in which they incurred and paid for.

**iv) Repayment of borrowing (principal amount)**

The repayment of principal amount of borrowing is recognized as payment in the period in which the repayment is made. The stock of debt is disclosed as an annexure to the consolidated financial statements.

**v) Acquisition of fixed assets**

The payment on acquisition of property plant and equipment items is not capitalized. The cost of acquisition and proceeds from disposal of these items are treated as payments and receipts items respectively. Where an asset is acquired in a non-exchange transaction for nil or nominal consideration and the fair value of the asset can be reliably established, a contra transaction is recorded as receipt and as a payment.

A fixed asset register is maintained by each public entity and a summary provided for purposes of consolidation. This summary is disclosed as an annexure to the consolidated financial statements.

**10.6 In-kind donations**

In-kind contributions are donations that are made to the Project in the form of actual goods and/or services rather than in money or cash terms. These donations may include vehicles, equipment or personnel services. Where the financial value received for in-kind contributions can be reliably determined, the Project includes such value in the statement of receipts and payments both as receipts and as payments in equal and opposite amounts; otherwise, the contribution is not recorded.

**10.7 Cash and cash equivalents**

Cash and cash equivalents comprise cash on hand and cash at bank, short-term deposits on call and highly liquid investments with an original maturity of three months or less, which are readily convertible to known amounts of cash and are subject to insignificant risk of changes in value.

### **Significant Accounting Policies (Continued)**

Bank account balances include amounts held at the Central Bank of Kenya and at various commercial banks at the end of the financial year. For the purposes of these financial statements, cash and cash equivalents also include short term cash imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year.

#### **10.8 Restriction on cash**

Restricted cash represents amounts that are limited/restricted from being used to settle a liability for at least twelve months after the reporting period. This cash is limited for direct use as required by stipulation. Amounts maintained in deposit bank accounts are restricted for use in refunding third part deposits.

#### **10.9 Imprests and Advances**

For the purposes of these financial statements, imprests and advances to authorised public officers and/or institutions which were not surrendered or accounted for at the end of the financial year is treated as receivables. This is in recognition of the government practice where the imprest payments are recognized as payments when fully accounted for by the imprest or AIE holders. This is an enhancement to the cash accounting policy. Other accounts receivables are disclosed in the financial statements.

#### **10.10 Contingent Liabilities**

A contingent liability is:

- a) A possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- b) A present obligation that arises from past events but is not recognised because:
  - i) It is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
  - ii) The amount of the obligation cannot be measured with sufficient reliability.

Some of contingent liabilities may arise from: litigation in progress, guarantees, indemnities. Letters of comfort/ support, insurance, Public Private Partnerships,

### **Significant Accounting Policies (Continued)**

The Entity does not recognize a contingent liability but discloses details of any contingencies in the notes to the financial statements unless the possibility of an outflow of resources embodying economic benefits or service potential is remote. Annex 5 of this financial statement is a register of the contingent liabilities in the year.

Section 89 (2) (i) of the PFM Act requires the National Government to report on the payments made, or losses incurred, by the county government to meet contingent liabilities as a result of loans during the financial year, including payments made in respect of loan write-offs or waiver of interest on loans

#### **10.11 Contingent Assets**

The Entity does not recognize a contingent asset, but discloses details of a possible asset whose existence is contingent on the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Entity in the notes to the financial statements. Contingent assets are assessed continually to ensure that developments are appropriately reflected in the financial statements. If it has become virtually certain that an inflow of economic benefits or service potential will arise and the asset's value can be measured reliably, the asset and the related revenue are recognized in the financial statements of the period in which the change occurs.

#### **10.12 Pending bills**

Pending bills consist of unpaid liabilities at the end of the financial year arising from contracted goods or services during the year or in past years. As pending bills do not involve the payment of cash in the reporting period, they recorded as 'memorandum' or 'off-balance' items to provide a sense of the overall net cash position of the Project at the end of the year. When the pending bills are finally settled, such payments are included in the statement of receipts and payments in the year in which the payments are made.

#### **10.13 Budget**

The budget is developed on a comparable accounting basis (cash basis), the same accounts classification basis (except for accounts receivable - outstanding imprest and clearance accounts and accounts payable - deposits, which are accounted for on an accrual basis), and for the same period as the financial statements. The Project's budget was approved as required by Law and National Treasury Regulations, as well as by the participating development partners,

### **Significant Accounting Policies (Continued)**

as detailed in the Government of Kenya Budget Printed Estimates for the year. The Development Projects are budgeted for under the MDAs but receive budgeted funds as transfers and account for them separately. These transfers are recognised as inter-entity transfers and are eliminated upon consolidation. A high-level assessment of the Project's actual performance against the comparable budget for the financial year/period under review has been included in an annex to these financial statements.

#### **10.14 Third party payments**

Included in the receipts and payments, are payments made on its behalf by to third parties in form of loans and grants. These payments do not constitute cash receipts and payments and are disclosed in the payment to third parties column in the statement of receipts and payments. During the year Kshs Nil billion being loan disbursements were received in form of direct payments from third parties.

#### **10.15 Exchange rate differences**

The accounting records are maintained in the functional currency of the primary economic environment in which the Project operates, Kenya Shillings. Transactions in foreign currencies during the year/period are converted into the functional currency using the exchange rates prevailing at the dates of the transactions. Any foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year-end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in the statements of receipts and payments.

#### **10.16 Comparative figures**

Where necessary comparative figures for the previous financial year/period have been amended or reconfigured to conform to the required changes in financial statement presentation.

#### **10.17 Subsequent events**

There have been no events subsequent to the financial year/period end with a significant impact on the financial statements for the year ended June 30, 2022.

#### **10.18 Prior period adjustments**

Prior period adjustments relate to errors and other adjustments noted arising from previous year(s). There was no prior year adjustment during the year.



## 11. Notes to the Financial Statements

### 1. Transfers from Government entities

These represent counterpart funding and other receipts from government as follows:

Description	KShs	KShs	Cumulative to-date (from inception)
	2021-2022	2020-2021	
<i>Counterpart funding through the line Ministry</i>			
Counterpart funds Quarter 1	112,785,886	31,157,574	143,943,460
Counterpart funds Quarter 2	3,488,223	224,250,000	227,738,223
Counterpart funds Quarter 3	-	50,000,000	50,000,000
Counterpart funds Quarter 4	-	401,500,000	624,844,898
<b>Total (See Annex 2)</b>	<b>116,274,109</b>	<b>706,907,574</b>	<b>1,046,526,581</b>

### 2. Acquisition of Non-Financial Assets

	Payments made in Cash	Payments made by third parties	Total payments	Total payments	Cumulative to-date
	2021-2022			2020-2021	
	Kshs.	Kshs.	Kshs	Kshs	Kshs
Construction of roads	116,274,109	-	116,274,109	706,907,574	9,469,797,897
<b>Total</b>	<b>116,274,109</b>		<b>116,274,109</b>	<b>706,907,574</b>	<b>9,469,797,897</b>

### 3. Changes in Accounts Payable

Description	2021-2022	2020-2021
	Kshs	Kshs
Opening accounts payables as at 1 <sup>st</sup> July 20	116,274,109	823,181,683
Closing accounts payables as at 30 <sup>th</sup> June 20	674,721,327	116,274,109
Change in payables	<b>558,447,218</b>	<b>706,907,574</b>

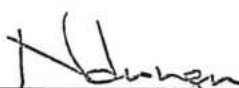
**12. Other Important Disclosures**


**1. Pending Accounts Payable (Annex 3)**

	<b>Balance B/F 2021/22</b>	<b>Additions for the Period</b>	<b>Paid for the Period</b>	<b>Balance C/F FY 2021/22</b>
	<b>Kshs</b>	<b>Kshs</b>	<b>Kshs</b>	
Construction of roads	116,274,109	674,721,327	116,274,109	674,721,327
	<b>116,274,109</b>	<b>674,721,327</b>	<b>116,274,109</b>	<b>674,721,327</b>
	=====	=====	=====	=====

**13. Prior Year Auditor-General's Recommendations**

Reference No. on the external audit Report	Issue / Observations from Auditor	Management comments	Status: (Resolved / Not Resolved)	Timeframe: (Put a date when you expect the issue to be resolved)
	<p><b>Other Matter</b>  <b>Pending Bills</b>  Note 12 to the financial statements reflect pending bills balance of Kshs 116,274,109 as at 30<sup>th</sup> June 2021. As reported in the previous year, the balances relate to disputed claims that arose six years earlier but had not been disclosed as contingent liabilities over the prior periods. Although Management has committed to liaise with the line Ministry and The National Treasury for adequate budgetary allocation and timely Exchequer releases for prompt payments in the subsequent financial year, the Project is at risk of incurring significant interest costs and penalties with the continued delay in making payments</p>	<p>Adequate budgetary provisions were made in the financial year 2021/2022 and this claim settled.</p>	Resolved	Closed

  
**Eng. Kung'u Ndung'u**  
**Director General**

  
**Eng. Charles Obuon**  
**Director Development**

## 14. Annexes

## Annex 1 - Variance explanations - Comparative Budget and Actual amounts for FY 2021-2022

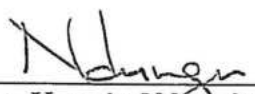
Item	Final Budget	Actual on Comparable Basis	Budget Utilization Difference	% of Utilization	Comments on Variance (below 90% and over 100%)
	a	a	c=a-b	d=b/a %	
<b>Receipts</b>					
Transfer from Government entities	247,500,000	116,274,109	(131,225,891)	47%	a
<b>Total Receipts</b>	<b>247,500,000</b>	<b>116,274,109</b>	<b>(131,225,891)</b>	<b>47%</b>	
<b>Payments</b>					
Acquisition of non-financial assets	247,500,000	116,274,109	(131,225,891)	47%	
<b>Total Payments</b>	<b>247,500,000</b>	<b>116,274,109</b>	<b>(131,225,891)</b>	<b>47%</b>	


There were budget cuts during the year.

**Annex 2: Reconciliation of inter-entity transfers**

<b>Break down of Transfers from the State Department of Infrastructure</b>			
<b>A. Government Counterpart Funding</b>			
	Bank Statement Date	Amount (KShs)	Year
Quarter 1	31.08.2021	112,785,886	FY 2021/22
Quarter 2	14.09.2021	3,488,223	FY 2021/22
		-	-
		-	-
	<b>Total</b>	<b>116,274,109</b>	
<b>B. Direct payments</b>			
	Bank Statement Date	Amount (Kshs)	
		-	
	<b>Total</b>	-	
<b>C. Others</b>		--	
	Bank Statement Date	Amount (Kshs)	
		-	
		-	
	<b>Total</b>	--	
	<b>Total (A+B+C)</b>	<b>116,274,109</b>	

The above amounts have been communicated to and reconciled with the parent Ministry/ state department

  
**Eng. Kung'u Ndung'u**  
**Director General**

  
**CPA Chanje Kera**  
**Deputy Director (F&A)**  
**ICPAK Member No. 8279**



**Annex 3 - Analysis of Pending Bills**

Supplier of Goods or Services	Original Amount	Date Contracted	Amount Paid To-Date	Outstanding Balance 2022	Outstanding Balance 2021	Comments
	a	b	c	d=a-c		IPC No.
<b>Construction of road</b>						
1. Shengli Engineering	116,274,109	15/06/2021	116,274,109	-	116,274,109	FS
2. Shengli Engineering	674,721,327	22/06/2022	-	674,721,327	-	Interest
<b>Total</b>	<b>790,995,436</b>		<b>116,274,109</b>	<b>674,721,327</b>	<b>116,274,109</b>	

**Annex 4 – Summary of Fixed Assets Register**

Asset class	Opening Cost (KShs) 2021/22	Donations in form of assets (KShs) 2021/22	Purchases/Additions in the Year (KShs)	Disposals in the Year (KShs)	Transfers in/(out) Kshs 2021/22	Closing Cost (KShs) 2021/22
	(a)	(b)	(c)	(d)	(e)	(e)= (a)+ (b)+c)-(d)+(-)e
Road Assets	9,353,523,788	-	116,274,109	-	-	9,469,797,897
<b>Total</b>	<b>9,353,523,788</b>	<b>-</b>	<b>116,274,109</b>	<b>-</b>	<b>-</b>	<b>9,469,797,897</b>

