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# REPORT ON THE REVIEW OF THE COUNTY PERFORMANCE CONTRACTING GUIDELINES

SAWELA LODGE IN NAIVASHA, NAKURU COUNTY

JUNE 4 – 8, 2018



# REPORT ON THE REVIEW OF THE COUNTY PERFORMANCE CONTRACTING GUIDELINES



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## Executive Summary

1

This report presents the proceedings of a workshop to review the Performance Contracting Guidelines for County Governments. The workshop was held on June 4-5, 2018, followed by a task force meeting on June 6-8, 2018, to finalize on the guidelines. The events were hosted at Sawela Lodge in Naivasha, Nakuru County.

The objectives were to discuss progress on implementation of the Performance Management Framework (PMF), review the Performance Contracting Guidelines for County Governments, and recommend a way forward for the Second Generation Performance Management Cycle. The workshop was a follow-up to a sensitization forum on county performance management that had been held on April 2-6, 2018, also at Sawela Lodge.

The PMF is aimed at enhancing a common approach to public service delivery as opposed to fragmented systems. It is envisioned that the implementation of the framework will promote accountability in service delivery by ensuring that tasks are performed efficiently, effectively and economically.

The Council of Governors (CoG) has been working in close collaboration with the Performance Management and Coordination Office (PMCO) in the Office of the President and various stakeholders to ensure implementation of the PMF for county governments. The collaboration ensures coordination in all matters on performance management.

The workshop noted that before the introduction of Performance Contracting, the systems of performance management in place did not fully achieve the desired results in that they failed to address the issues of excessive regulations, procedures, controls, poor management/outright mismanagement, unsustainable staff establishments and political interference. It was observed that both national and county governments recognized the need to continue deepening public sector reforms to ensure accountability and transparency in the management of public resources and turn around the performance of the public service to ultimately achieve accelerated economic development and improved standards of living.

The workshop identified the following as some of the key achievements of Performance Contracting (PC):

- Implementation of the PC concept has contributed to growth in the country's GDP because of improved service delivery and efficiency in public service.
- PC has enabled policymakers, planners and managers to discern and relate planning, budgeting, and resource allocation to results.
- PC has opened an opportunity for public participation in the planning and implementation of programs and projects.

The workshop achieved its objectives by providing in-depth review and recommendations of all the standards provided in Performance Contracting guidelines for county governments. The review involved recasting the standards to make them smarter and measurable. While doing so, the workshop established some repetitions and overlaps that could be consolidated as overarching provisions or principles. It was further noted that some of them could be embedded in relevant national and county legislation and guidelines.

The resolutions of the workshop were adopted by the taskforce on Performance Contracting Guidelines for County Governments. They were as follows:

- Make PC attractive through incentives in county governments.
- Develop a common information management system to integrate PMS in the national and county governments.
- Strengthen the institutional framework for PC coordination at the CoG and in county governments.
- Develop Model Policy (regulations) on Performance Management for County Governments.
- Build capacity of the various public officers in county governments (chief officers, directors and senior technical officers) through training on PMS and sensitize top-level management.
- Harmonize the performance criteria.
- Realign the PC cycle with the realities of budget-making and execution.

The workshop noted that since the development of the performance contract was a mandatory and continuous process at both levels of government, it was necessary to establish structures, steps and mechanisms that were inclusive and easy for both levels of government to adopt. The following was subsequently adopted as the standard outline for any Performance Contracting process:

- a) Preamble
- b) Part I: Vision, Mission and Strategic Objectives
- c) Part II: Commitments/Obligations of County Executive Committee Member (CECM)
- d) Part III: Commitments/Obligations of County Government
- e) Part IV: Frequency of Monitoring and Information Flow
- f) Part V: Duration of Contract (one year)
- g) Signatories.

At the end of the workshop, the meeting reviewed all Performance Contracting priority areas and concerns. It was agreed that a second peer review meeting would be held internally between the PMCO and the CoG. The draft Performance Contracting guidelines for counties will be shared with county governments for input and then forwarded to CoG for adoption and approval.

The meeting was attended by 50 participants: 36 male and 14 female.

## 2

## Proceedings

### 2.1 Opening Remarks by Dr Steve Ndele, Secretary to the Performance Management and Coordination Office in the Office of the President

Dr Ndele started by observing that Performance Contracting was an effective tool for promoting accountability, which in turn improved public service delivery.

He underscored that Performance Contracting, among other accountability frameworks, ensured that county governments played a catalytic role in promoting socio-economic development of the country. He noted that the principal objective of implementing performance contracts as a performance management tool and accountability framework was therefore to ensure the highest possible efficiency in the management and utilization of public resources. He added that implementation of Performance Contracting in county governments should complement other public service reform initiatives that sought to raise the quality of standards in service delivery to the public and fast-track implementation of county governments' policies and priorities as per governors' manifestos and county blueprints.

Dr Ndele implored the participants to take into consideration the President's Big Four Agenda when reviewing the PC guidelines for county governments. He reiterated the commitment of his office to strengthen Performance Contracting as a key performance management tool. He said the office was ready to support the implementation of performance management in county governments.

In conclusion, he thanked the Council of Governors, development partners (UNDP and AHADI) and the National Government for organizing the consultative workshop.

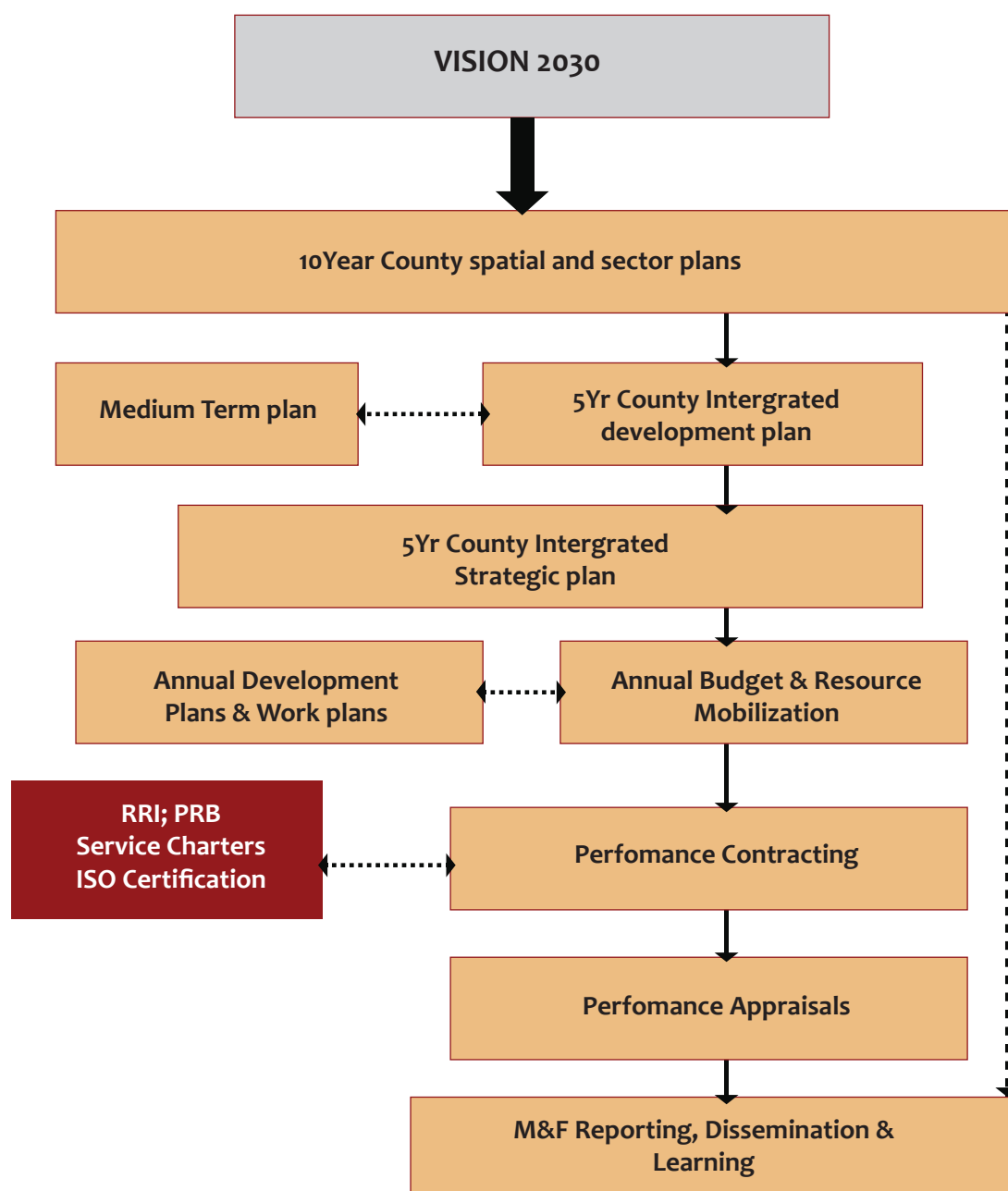
### 2.2 Brief on County Performance Management Framework, by Mr Samuel Mutisya, CoG

Mr Mutisya started his presentation with a brief background on the use of the Performance Management Framework in Kenya. He observed that at the National Government level, performance management was not prescribed in law but a policy document adopted by the Cabinet in 2004. At the county government level, however, performance management is legally prescribed through various sections of the County Government Act, 2012 (CGA) and the Public Finance Management Act, 2012 (PFM).

Mr Mutisya observed that it was within this context that the County Performance Management Framework (CPMF) was developed and aligned to the National Performance Management Framework (NPMF). The components of the CPMF presented in figure 1 below, borrow from the NPMF and are sequentially presented as such to promote harmony, facilitate the exchange of information, coordinate the execution of public services and enhance the capacity of the county governments as required under Article 189 of the Constitution.

The underlying objective of a CPMF, Mutisya explained, is to promote accountability in service delivery by ensuring that tasks are performed efficiently, effectively and economically. Also, a performance framework provides a mechanism for citizens to engage and evaluate the performance of their county government.

He outlined the CPMF as composed of seven components or steps, which include Vision 2030, ten-year county spatial/sector plans (SPs), five-year County Integrated Development Plans (CIDPs), five-year departmental strategic plans, annual development plans (ADPs), Performance Contracting, Performance Appraisal System and Monitoring and Evaluation, and Reporting.





## **2.3 Rationale for Review of Performance Contracting Guidelines and integrating the “Big Four” initiatives in Performance Contracting, by John Magua, Performance Management and Coordination Office, Cabinet Office**

Magua noted that a Performance Management System (PMS) provides a framework that links national development planning and budgeting processes to ensure maximum benefit out of national resource use, enhance the capacity of public service to perform more efficiently and effectively, and direct the efforts of public service towards the achievement of the national development agenda (Kenya Vision 2030) and other priorities.

Magua said that the PMS a country adopts, whether at national or county government level, must have the overarching objective to improve service delivery. He advised that public institutions should anchor their performance contracts on their various development plans.

He further stated that the strategic objectives in the plans should be aligned to government policy priorities, such as the Kenya Vision 2030, Medium Term Plan III, Big Four Agenda and other national priorities.

Magua observed that the purpose of Performance Contracting guidelines was to guide ministries, counties, departments and agencies (MCDAs) in the formulation and implementation of their performance contracts and promote clarity, standardization and objectivity in the process.

While highlighting the importance of integrating the “Big Four” initiatives in county Performance Contracting, Magua guided as follows:

- MCDAs should realign their Strategic Plans (SPs), County Integrated Development Plans (CIDPs), Annual Work Plans (AWPs) and Annual Development Plans (ADPs) with the Medium Term Plan (MTP) III and budgets, and prioritize the “Big Four” initiatives in their programs and projects.
- Projects that will facilitate the realization of the “Big Four” initiatives should be given the highest priority in funding.
- Resource allocations under the “Big Four” initiatives should be ring-fenced over the medium term.
- Full and seamless implementation of the “Big Four” initiatives requires a concerted effort by all MCDAs.

Magua proposed that the Preamble of PCs be reviewed should include the “Big Four” initiatives as one of the key priorities aimed at making Kenya globally competitive. Under the Core Mandate/Operations, MCDAs, he said, should identify and include for implementation, performance indicators and targets derived from the “Big Four” initiatives.

## 2.4 Presentations on existing County Performance Contracting Guidelines, by Peter Kamau

Kamau began by defining government Performance Contracting (PC) as “a freely negotiated performance agreement between government – acting as the owner of a government agency – and the government agency (itself)”. In more general terms, Performance Contracting could be defined as, “an agreement between two parties that specifies their mutual performance obligations, intentions and responsibilities”.

He stated that the overall objective of introducing Performance Contracting in government was to “entrench a culture of performance and accountability for results in all public agencies”. He explained that PC guidelines ensured standardization, clarity and objectivity in implementation of a performance contract and evaluation of performance in public agencies.

In explaining the purpose of developing Performance Contracting guidelines, Kamau gave two reasons, being: To support MCDAs in the development and implementation of performance contracts; and to ensure clarity and standardization of the performance contracts.

Once developed, Performance Contracting guidelines should enhance the sense of ownership of the performance contracting process. They must be precise and simple to effectively guide MCDAs in drafting their performance contracts and should be geared towards supporting them to deliver on their core mandates.

Kamau outlined the structure of the Performance Contract as follows:

- a) Preamble
- b) Part I: Vision, Mission and Strategic Objectives
- c) Part II: Commitments/Obligations of County Executive Committee Member (CECM)
- d) Part III: Commitments/Obligations of County Government
- e) Part IV: Frequency of Monitoring & Information Flow
- f) Part V: Duration of Contract (one year)
- g) Signatories

## 2.5 ICT Based Performance Management Systems, by Francis Mwaura, Head of Standards, ICT Authority

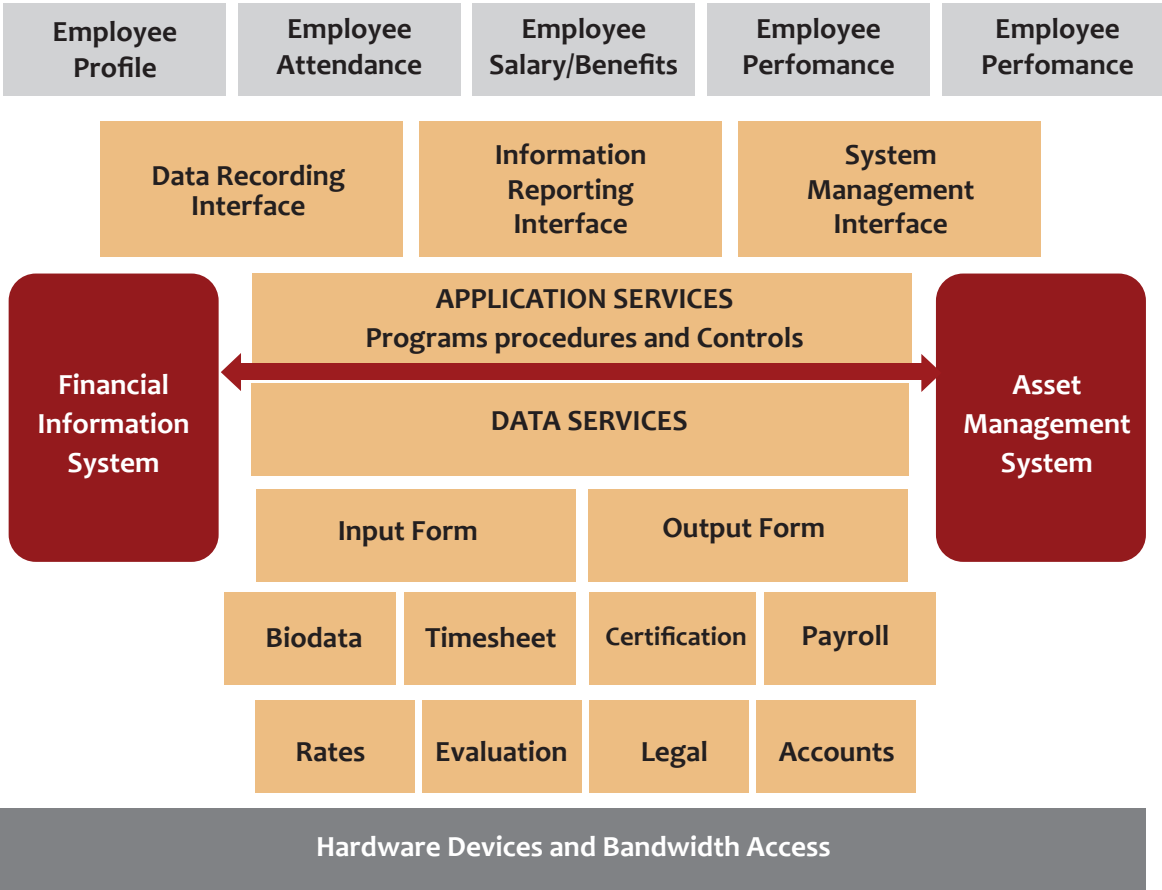
Mwaura gave the conceptual definitions of Performance Management System as the systematic process by which an organisation involves its employees, as individuals and members of a group, in improving organizational effectiveness in the accomplishment of agency mission and goals. Alternatively, performance management includes the whole cycle of agreeing on goals and objectives, providing feedback, offering coaching, advice and motivating staff to perform at a high level (John Storey, 2005).

He stated that the purpose of PMS is to communicate organizational goals and objectives, reinforce individual accountability for meeting those goals, and track and evaluate individual

and organizational performance results. PMS reflects a partnership in which managers share responsibility for developing their employees to enable them to make contributions to the organization. It is a clearly defined process for managing people to achieve success for both self and the organization. Mr Mwaura identified the following as some of the critical areas organizations must tackle when institutionalizing the PC:

- Objectification of performance measurements.
- The alignment of the organizational goals with strategic objectives.
- Goal cascading: The policy objectives and measures taken at the strategic levels have to be cascaded to the lower rungs.
- Setting individual and team targets with clarity.
- Designing performance benchmarks for different levels of employees.
- Providing the necessary human and technical support to employees

**A Model ICT Based PMS**  
**Human Resources Information Systems**



## 2.6 Group Presentations/Plenary Discussions and Reflections

The participants were divided into three groups to identify issues for incorporation into the PC Guidelines for County Governments. The following are their presentations:

### A) PERFORMANCE MANAGEMENT AND COORDINATION IN COUNTY GOVERNMENTS

- i. Consider making the adoption and effective implementation of PC in county governments attractive through an incentive-based initiative.
- ii. Develop a common information management system for integrating PMS into national and county governments. (Long-term implementation of three to four quarters from July 2018).
- iii. Strengthen the institutional framework for PC coordination at CoG and in the county governments. (Medium-term implementation, with concept guiding notes being immediate).
- iv. Develop a model policy (regulations) on performance management for county governments. (Medium-term implementation).
- v. Build capacity of county government officers (chief officers, directors and senior technical staff) through training on PMS, and sensitize top-level management. (Medium-term implementation).
- vi. Harmonize the performance criteria. (Immediate).
- vii. Realign the PC cycle with budget execution (disbursement of funds). (Immediate).

### B) ISSUES SPECIFIC TO THE PC MATRIX, PERFORMANCE CRITERIA, PERFORMANCE INDICATORS AND ASSIGNMENT OF WEIGHTS

#### Financial Stewardship (or should it be “Financial Stewardship and Discipline?”)

- i. **Revenue Collection:** Does it just apply to the county government department in charge of finance, which is essentially a collecting agency, while implementation of revenue enhancement strategies is the responsibility of the institution under which the revenue source falls? Should this be under “F&S” or “Core Mandate”?
- ii. **Is A-in-A** applicable since all monies collected are remitted to the County Revenue Fund? Should direct payments to specific departments for donor funds be treated as **A-in-A**?
- iii. **Utilization of Allocated Funds (or should it be Absorption of Allocated Funds?):** Performance measurement at this level should also consider a development index at the budget execution level (percentage weighting for absorption/utilization and the development index as computed using the allocated funds).
- iv. **Pending Bills:** Is it applicable to all county departments or is it only relevant to the county department in charge of finance? What is the significance of the level of responsibility by other departments that contribute to pending bills (through acts of commission and omission)?

### Service Delivery and Non-Financial

1. **Ease of Doing Business:** This performance indicator (PI) should be in this category and not under “Core Mandate”.
2. **Compliance with the Constitution and other Statutory Obligations:** Is this PI necessary, since actions by any public agency should comply with all relevant laws and regulations? Are agencies mandated to oversee the various statutory obligations legally empowered to enforce compliance with requisite penalties for non-compliance?
3. **Service Delivery Innovations Development and Application:** Consider proposals that sub-indicators should include ICT innovations (business process engineering (BPR))
4. **ISO Certification:** Consider the proposal that county governments should be given time to create both requisite capacity and systems before introducing this PI.

### Non-Financial

Is there a more appropriate name for this category, or is it already redundant if we follow the structure of the PC Guidelines for the National Government?

### Core Mandate

Core Mandate is the appropriate name for this category, not “Operations”, which to most people refers to processes.

### “The Big Four” Initiatives

There is a need for clarity on the operationalization of “The Big Four” Initiatives. The recommendation that this is left out in the PC Guidelines for county governments is an indication that the concept behind it and its relevance is still not clearly understood.

### Presidential Directives

Should it be “Governor’s Directives” or “Executive Orders”, or should it be left out? The question of how to take up directives/orders issued in the course of the contract period (after contracts are signed) is a tricky one.

### Dynamic/Qualitative

Use a title that is well understood and resonates with the concepts being addressed in the performance criteria category.

### Additional performance indicators for considerations

- Climate Change
- Monitoring and Evaluation
- Disaster Risk and Reduction
- Personal Attributes/ competency or skills

## Final County Government PC Matrix

The task force reviewed the implementation matrix and unanimously agreed as below:

CRITERIA CATEGORY		UNIT OF MEASURE	WEIGHT	CURRENT STATUS FY 2015/2016	TARGET FY 2016/2017
	Absorption of Allocated Funds	%	4		100
	Pending Bills	%	2		≤ 1
	A-in-A	Ksh	1		
	Development Index	%	2		
	Asset Management	%	1		100
	<b>Weight Sub-Total</b>		<b>10</b>		
	Implementation of Citizens' Service Delivery Charter	%	2		100
	Customer Satisfaction	report	2		1
	Application of Service Delivery Innovations	%	2		100
	Resolution of Public Complaints	%	2		100
	Automation	report	2		1
	<b>Weight Sub-Total</b>		<b>10</b>		
<b>A C</b>	<b>INSTITUTIONAL TRANSFORMATION</b>				
	Development of County Planning Framework	%	3		100
	Youth Internships/ Industrial Attachments/Apprenticeships	No	1		
	Access to Government Procurement Opportunities (AGPO)	Ksh.	2		
	Promotion of Local Content	Ksh.	1.5		
	Competence Development	%	2		
	Knowledge Management	%	2		
	Work Environment	%	1		
	Safety and Security Measures	%	1		
	Cascading of Performance Contracts	%	1.5		100

	CRITERIA CATEGORY	UNIT OF MEASURE	WEIGHT	CURRENT STATUS FY 2015/2016	TARGET FY 2016/2017
	<b>Weight Sub-Total</b>		<b>15</b>		
<b>D</b>	<b>CORE MANDATE</b>				
	County Department's priority programs /projects ("Big Four" Initiatives, Vision 2030 Flagship Projects, Programs/ Projects aligned to SDGs and SPS)		50		
	Revenue Collection*	Ksh.	4		
	Compliance With Statutory Obligations**	%	2		100
	Ease of Doing Business***	%	2		100
	Project Completion Rate	%	2		100
	<b>Weight Sub-Total</b>		<b>60</b>		
<b>E</b>	<b>CROSS-CUTTING ISSUES</b>				
	Prevention of Alcohol and Drug Abuse	%	0.5		100
	Prevention of HIV Infections	%	1		100
	Environmental Sustainability	%	1		100
	Corruption Prevention	%	1		100
	National Cohesion and Values	%	1		100
	Disability and Gender Mainstreaming	%	0.5		100
	<b>Weight Sub-Total</b>		<b>5</b>		
	<b>OVERALL TOTAL WEIGHT</b>		<b>100</b>		

## Conclusion and Way-Forward

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At the end of the workshop, Mr Mutisya thanked the participants and taskforce members for all their contributions to the process. The meeting was able to review all Performance Contracting priority areas and concerns. It was agreed that a second peer review meeting is held internally between the PMCO and the CoG.

The draft Performance Contracting guidelines for counties will be shared with county governments for input and thereafter forwarded to the CoG for adoption and approval.

Mr Edwin Mbaya of SUNY-AHADI thanked the participants and assured of his organization's continued support to the process.

The meeting ended with a word of prayer



# 4

## Appendix 1:

### Programme for Review of County Performance Contracting Guidelines, June 4-6, 2018 At Sawela Lodge, Naivasha

TIME	ACTIVITY	FACILITATOR	SESSION CHAIR
DAY ONE – JUNE, 4, 2018			
8:00 – 8:30 a.m.	Registration and Preliminaries	Secretariat	Makueni County
8:30 – 8:45 a.m.	Introductions	All Participants	
8:45 – 9:15 a.m.	Opening Remarks: <ul style="list-style-type: none"><li>• AHADI</li><li>• UNDP</li><li>• CoG</li><li>• Secretary, PMCO</li></ul>	CoG	
9:15 – 9:45 a.m.	<ul style="list-style-type: none"><li>• Brief on County Performance Management</li><li>• Presentations on existing County PC Guidelines and Rationale for Review of County PC Guidelines</li></ul>	Samuel Mutisya, CoG  Peter Kamau, PMCO	
9:30 – 10:30 a.m.	<ul style="list-style-type: none"><li>• Integrating Key Deliverables on “The Big Four Agenda” in Performance Contracting<ul style="list-style-type: none"><li>➢ Universal Health care</li><li>➢ Food Security</li><li>➢ Affordable Housing</li><li>➢ Manufacturing</li></ul></li></ul>	John Magua, PMCO  Peter Kariuki, PMCO	
10:30 – 10:45 a.m.	Lessons learnt and Experiences: <ul style="list-style-type: none"><li>• AHADI</li><li>• UNDP</li></ul>	DPs	
10:45-11:15 a.m.	Health Break		
11:15 a.m. – 12:00 p.m.	Presentation by Specialized Agencies: MED <ul style="list-style-type: none"><li>• The linkage between M&amp;E and PC</li><li>• CIMES</li></ul>	Duke Nyabuti Gekara, MED	Bungoma County
12:00 p.m. – 1:00 p.m.	Presentation by Specialized Agencies: ICTA – Role and value of ICT in Performance Management	Francis Mwaura, ICTA	

1:00 – 2:00 p.m.	Lunch Break		
2:00 – 5:00 p.m.	<ul style="list-style-type: none"><li>Guidance on Group Discussions</li><li>Group Discussions on:</li><li>Proposals for improving the proposed guidelines</li></ul>	Vincent Sutei Peter Kariuki John Magua Peter Kamau	Kisumu County
5:00 p.m.	Health Break and End of Day One		
DAY TWO – JUNE, 5, 2018			
8:00 – 8:30 a.m.	Registration and Preliminaries	Secretariat	
8:30 – 10:30 a.m.	Group Discussions on: <ul style="list-style-type: none"><li>Proposals for improving the proposed guidelines</li></ul>	All Participants	CoG/PMCO/MED/ICTA
10:30 – 11:00 a.m.	Health Break		
11:00 a.m. – 1:00 p.m.	Group Presentations and Plenary	All Participants	CoG/PMCO/MED/ICTA
1:00 – 2:00 p.m.	Lunch Break		
2:00 – 4. :30 p.m.	Consensus on Review of PC Guidelines and Way Forward	All Participants	CoG/PMCO/MED/ICTA
4:30 – 5:00 p.m.	Closing Remarks	CoG	
5:00 p.m.	Health Break and End of Day Two		
DAY THREE – JUNE, 6, 2018			
8:00 – 8:30 a.m.	Registration and Preliminaries	Secretariat	
8:30 – 10:30 a.m.	Compilation of the proposals for improving the proposed guidelines	Members of taskforce	CoG/PMCO/MED/ICTA
10:30 – 11:00 a.m.	Health Break		
11:00 a.m. – 1:00 p.m.	Compilation of the proposals for improving the proposed guidelines	Members of taskforce	CoG/PMCO/MED/ICTA
1:00 – 2:00 p.m.	Lunch Break		
2:00 – 5:00 p.m.	Compilation of the proposals for improving the proposed guidelines	Members of taskforce	CoG/PMCO/MED/ICTA

5:00 p.m.	<i>Health Break and End of Day Three</i>		
	<b>DAY FOUR – JUNE, 7, 2018</b>		
8:00 – 8:30 a.m.	Registration and Preliminaries	Secretariat	
8:30 – 10:30 a.m.	Review of the proposed guidelines: Financial Stewardship Criteria	Members of taskforce	CoG/PMCO/MED/ICTA
10:30 – 11:00 a.m.	Health Break		
11:00 a.m. – 1:00 p.m.	Review of the proposed guidelines: Service Delivery Criteria	Members of taskforce	CoG/PMCO/MED/ICTA
1:00-2:00 p.m.	Lunch Break		
2:00 – 5:00 p.m.	Review of the proposed guidelines: Non-Financial Criteria	Members of taskforce	CoG/PMCO/MED/ICTA
5:00 p.m.	<i>Health Break and End of Day Four</i>		
	<b>DAY FIVE – JUNE, 8, 2018</b>		
8:00 – 8:30 a.m.	Registration and Preliminaries	Secretariat	
8:30 -10:30 a.m.	Review of the proposed guidelines: Core Mandate	Members of taskforce	CoG/PMCO/MED/ICTA
10:30 -11:00 a.m.	Health Break		
11:00 a.m. – 1:00 p.m.	Review of the proposed guidelines: Cross-cutting	Members of taskforce	CoG/PMCO/MED/ICTA
1:00 – 2:00 p.m.	Lunch Break		
2:00 – 5:00 p.m.	Consolidation of the reviewed guidelines.	Members of taskforce	CoG/PMCO/MED/ICTA
5:00 p.m.	<i>Health Break and End of Day Five</i>		

## Task Force on The Review of the County Performance Contracting Guidelines

	NAME	INSTITUTION/ COUNTY
1	Baniel Ksee	Makueni County Government
2	Benard Moseti	AHADI
3	Caroline Odandi	Council of Governors
4	Carolyn Mage	Council of Governors
5	Clementia Omoto	Busia County Government
6	David Lugaria	Bungoma County Government
7	Duke Gekara	Monitoring and Evaluation Department
8	Edwin Mbaya	AHADI
9	Emmanuel Lubembe	AHADI
10	Festus Macharia	Nairobi County Government
11	Flavian Bwire	Council of Governors
12	Francis Mwaura	ICT Authority
13	George Kimaiyo	Elgeyo Marakwet
14	John Magua	Performance Management and Coordination Office
15	Ken Oluoch	Council of Governors
16	Locheria Chris	Turkana County Government
17	Pete Kamau	Performance Management and Coordination Office
18	Peter Kariuki	Performance Management and Coordination Office
19	Peter Salai	Taita Taveta County Government
20	Robert Papa	Busia County Government
21	Samuel Mutisya	Council of Governors
22	Samuel Wamukoya	Kakamega County
23	Sheila Gati	Migori County Government
24	Vincent Sutei	Performance Management and Coordination Office



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