

## CREATING EFFICIENT MARKETS FOR CONSUMERS

# THE AUTHORITY MARKS 5 YEARS

### MESSAGE FROM THE DIRECTOR -GENERAL



**MR. WANG'OMBE KARIUKI**

It gives me great pleasure to invite you to the first issue of the Authority's quarterly newsletter. This inaugural issue comes at a time when we have just marked 5 years since the law establishing the Authority was operationalized.

The Authority's journey of ensuring effective competition and consumer protection has been full of excitement but with its fair share of challenges. This has however not curtailed the Authority's team efforts. We have soldiered on and achieved the set objectives aimed at improving the welfare of the consumers in our beloved country.

Key milestones by the Authority include: building the institution, enhancing skills, finalizing key cases in our enforcement areas, advising the government in competition and consumer protection issues, building coalitions with stakeholders including sector regulators, development partners and universities, just to mention a few. This has made Kenya gain recognition regionally and internationally.

This publication and many more to come is a clear sign of our continued commitment to enhance the welfare of Kenyans. Through this medium, we will be sharing with you more success stories and decisions that we pass as an institution and how they contribute to the growth of the national and regional economies.

**I now invite you to take time to read our newsletter and we look forward to your feedback.**

## AUTOMATION PROCESSES TO BENEFIT STAKEHOLDERS

Progressive competition agencies across the world are moving from manual case management to automated Case Management System. Taking cue, the Authority has embarked on a journey to automate all its processes with an aim of increasing the speed of operations, reducing the cost of multiple interactions with stakeholders, to fast-track the decision making process and expedite stakeholder feedback.

Other benefits that will accrue from the implementation of a case management system are: enhanced confidentiality in handling client infor-

mation, monitoring the flow of information, stakeholder feedback harvesting, increasing accuracy, minimizing human error, steepening the learning curve of new employees and retention of institutional memory.

Implementation of the case management system will in particular offer our stakeholders an opportunity to do online application of mergers. The system will also allow applicants to query and receive feedback on the status of their lodgements. Both systems (Case management and the Enterprise resource planning) are expected to go live before the end of December 2016.

The Authority will conduct a sensitization to both internal and external users before then.

### INSIDE THIS ISSUE:

- **Court Rules on First Dawn Raid**
- **Establishment of Centre for Competition Law and Economic Policy**
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**THE AUTHORITY’S SECOND BOARD CONSTITUTED**

The Authority’s 2nd Board is now fully constituted after the expiry of the term of the first Board. The current Board consists of ten (10) members who were appointed for a term of 3 years. The board’s main objective is to offer guidance in the management of the business and affairs of the Authority in a way that ensures that the interests of the consumers and stakeholders are promoted and protected.

This appointment of the Board means timely turnaround of the Authority’s decisions therefore improving efficiency to the benefit of stakeholders

Their appointments have met the governance and constitutional thresholds. The Board composition has balanced both professional, gender and age representation.

The Board comprises of both young and middle-aged members between 43 and 60 years. Four are econo-

mists, three lawyers, one environmentalist, a consumer protection expert, and an accountant.

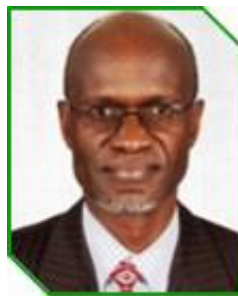
Mr. David Ongólo’s term as Chairman was renewed on 12<sup>th</sup> February, 2016 after his previous term expired on 31st December, 2014.

Other Members of the Board include: Dr. Abdirizak Aralle Nunow, Ms. Carol K. Musyoka and Ms. Leila A.Ali. Two other members, namely, Mr. Stephen Kiptiness and Ms. Eunice Maranya had their terms renewed after their previous terms expired on 26th September, 2015. The Ministries representatives are: Mr. Protus Sigei (Alternate to the Cabinet Secretary/the National Treasury), Mr. Michael Onyancha (Alternate to Principal Secretary, Ministry of Industrialization and Enterprise Development) and Ms. Elizabeth Ng’ang’a (Alternate to the Attorney-General) and Mr. Wang’ombe Kariuki—DG (ex-official member)

**THE NEW BOARD OF DIRECTORS**



Mr. Wang’ombe Kariuki  
DG (ex-official member)



Mr. David Ongólo  
(Chairman)



Ms. Elizabeth Ng’ang’a  
Alternate to the AG



Mr. Protus Sigei  
Alternate to the PS,  
National Treasury



Mr. Michael Onyancha  
Alternate to PS,  
Min. of Industrialization  
and Enterprise Development



Ms. Eunice Maranya

**INDEPENDENT MEMBERS**



Dr. Abdirizak A. Nunow



Ms. Leila A.Ali



Mr. Stephen K. Kiptiness

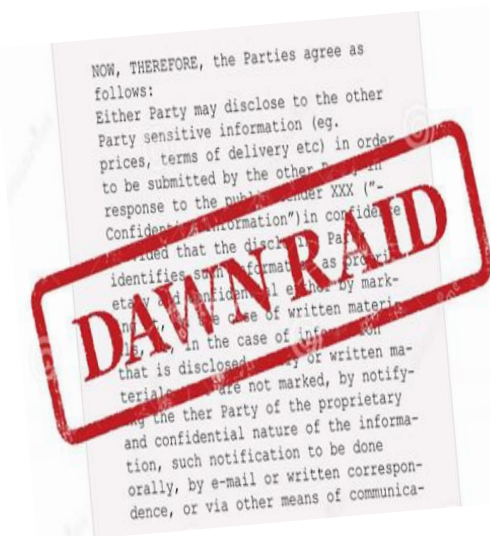


Ms. Carol K. Musyoka

## The High Court Rules On Authority's First Search & Seizure Operation

The Authority in its investigation into the fertilizer sector invoked its powers under Section 32 which allows it to carry out dawn raids and it therefore conducted out searches on two firms in the sector.

A constitutional petition was subsequently lodged by one of the parties that was raided, on the constitutionality of the Authority's search process.



The party through an interlocutory application in the petition sought an injunction to bar the Authority from proceeding with further investigations on the grounds that the search and entry were unlawful. It was alleged that the party was not notified of the search which was a breach of its rights under Article 47 of the Constitution. Moreover, it was argued that the search warrants were obtained through concealment, gross misrepresentation, abuse of office and the fact that there was no reasonable suspicion of a criminal offense.

The Authority argued that it carried out a legitimate search as provided under Section 32 and had lawfully obtained the requisite search warrants.

The Court in its ruling found that the Authority acted within its statutory mandate under Section 32 of the Competition Act which provides that the Authority may in its investigation search premises of parties.

The Court further agreed with the Authority's position and found that the search warrants were obtained lawfully.

In addition to the foregoing, the Court reasoned that

the party had not demonstrated that it would suffer prejudice should the investigations proceed. The court opined that a good portion of the Authority's mandate is investigation into prohibited practice, and went on to emphasize that investigations are a critical step in administrative and quasi-judicial proceedings. Therefore, if investigations are prevented, then the course and administration of justice would not be achieved.

The Court guided that an investigator is not legally obliged to give notice prior to a search depending on the circumstances. It was upheld that the Authority and its officers had acted within the law and in good faith.

The Court further reasoned that the Petition was brought before it prematurely as there was no reasonable grounds to allude that the Petitioner was unlikely to obtain a fair trial at the stage of investigations.

The interlocutory application was therefore dismissed upholding that the Authority should undertake its statutory mandate with minimal interference. This is a big step in creating legal precedence on the mandate of the Authority to investigate anti-competitive practices in the public interest.

It is important to note that the party withdrew its main petition and opted to settle the matter out of Court.





**PROPOSED AMENDMENTS TO THE COMPETITION ACT TO BENEFIT CONSUMERS**

The Cabinet Secretary/National Treasury has proposed amendments to the Competition Act with an aim of enhancing effectiveness of the Authority in its mandate of regulating markets and protecting consumers. Specifically, the proposed amendments have sought to amend the consumer protection provisions under the Act to enable it to conduct investigations *suo moto*, conduct hearings, to impose remedies available under sections 36, 37 and 38 of the Act.

The Competition (Amendment) Bill, 2016 further seeks to address emerging practices within the Kenyan economy such as abuse of buyer power which is affecting the retail sector in Kenya. This was informed by suppliers who have consistently complained of failure by some buyers to pay for goods supplied to them. The proposed amendment is meant to address this issue through development of guidelines. Other proposals include amendments to: Section 18, to impose an obligation on stakeholders to provide information required during market inquiries;

Section 36, to align the Act with international best practices by setting a financial threshold for the financial penalty imposed under Part III of the Act; Sections 23 and 24 to enable the Authority to impose administrative penalties in cases of abuse of dominance.

Further, Section 41 seeks to amend the Act by clarifying that acquisition of assets can amount to acquisition of control through purchase of assets; Section 42, to enable to the Authority to either impose administrative measures or refer the matter to the Office of the Director of Public Prosecutions to impose a criminal remedy; Section 47, to enable the Authority to impose administrative remedies or refer the matter to the Office of the Director of Public Prosecutions to impose a criminal remedy where a merger has been revoked.

The amendments have also provided for penalties to parties that submit wrong information when applying for merger approvals. Further, the amendments sets a threshold of 10% penalties for cartels.

By the time of releasing this publication, these proposed amendments were still before the National Assembly for consideration.

**Competition Act**



**MERGER CONTROL IN INVESTMENT FUNDS AND JOINT VENTURES**

Mergers Department focuses on transactions that are likely to raise competition concerns in order to ensure that markets work competitively which leads to consumer choice and fair prices. Towards this we have placed greater emphasis on delivering swift and effective determination and reviewing guidelines to cater for emerging issues in merger control. This is specifically to do with private equity investments (PE) and joint ventures (JV).

PE funds are unique in that they do not consolidate the accounts

of the firms they invest in and their investment is for a specific period of time.

JVs involve two or more parties pooling resources for purposes of accomplishing a specific task. For a JV to constitute a merger it must be a “full-function” that is, operating for a long duration under the functions of an autonomous economic entity. Of particular interest is; the strict timelines under which PE Funds and JVs want to have their investment up and running.

There has been significant growth in the number of transactions determined involving PE Funds as high-

lighted below; four (4) in FY 2014/2015, ten (10) in FY 2015/2016 and so far five (5) transactions in current financial year.

Going forward the Authority is looking at the following ways of fast tracking transactions involving PE funds;

Transactions with less than 20% and no direct/indirect control do not constitute a merger;

Acquisition of minority shareholding, indirect control in a non-competing firm may seek for exclusion;

Pre-merger notification meetings with the parties; and Fast-tracking benign mergers.

## THE AUTHORITY ATTAINS ISO 9001:2008

The Authority in March 2016 attained ISO 9001:2008 certification by SGS, after a marathon eight month period that involved awareness creation, documentation and audits.

While expressing his joy in the achievement, the Director-General Mr. Wang'ombe Kariuki noted that attaining this prestigious award is one thing but maintaining it is another.

This key milestone is part of the Authority's commitment to quality service delivery and continual improvement.

The Management Representative (MR), Mr. Robert Mbarani, said that that the Authority's staff are determined to keep high standards of quality and efficient service delivery to Kenyans.

He thanked the Authority's Board, senior management and staff for their unequivocal support. The Authority is now targeting to transit to ISO 9001:2015 by the end of 2016/2017 and the MR was quick to point out, "We decided to keep the Champagne in the locker until we transit to the new ISO 9001:2015 Standard."



With the ISO certification, the Authority's customers will experience increased satisfaction, reduced operating costs and improved predictability in decision making. Further, the staff members are motivated by this achievement and they will continue to go an extra mile in ensuring that the benefits are sustained.

## ESTABLISHMENT OF CENTRE FOR COMPETITION LAW AND ECONOMIC POLICY (CCLEP)

The Authority in collaboration with the university of Nairobi (UoN) has embarked on a journey to establish a Centre for Competition Law and Economic Policy (CCLEP) to support the mandate of competition agencies across the region. The centre will be based in the University of Nairobi.

The Authority's MDirector General Mr. Wang'ombe Kariuki said that the Centre will collaborate with academic research institutions, competition authorities, sector regulators, relevant government bodies and private sector practitioners.

The centre will undertake capacity building programmes, research and provide a platform for information sharing about recent development in competition law and economic policy across the world.

The centre is being established to promote advocacy, create a locally- based research unit, provide information

on institutional development and avail data/information to aid in investigation and analysis of cross- border mergers and investigation of anti-competitive conduct.

*"The Centre will collaborate with academic research institutions, competition authorities, sector regulators, relevant government bodies and private sector practitioners."*

"We envisage that with the establishment of the Centre, investigations of cross-border cartels and merger analysis will be enhanced. In addition, the centre will lead to development of a pool of experts in competition law and policy to enhance the capacity of national and regional competition institutions. Publish scholarly articles as well as research findings for use by competition authorities, sector regulators, policy makers, scholars and practitioners on competition law and policy"

Mr. Kariuki added. In terms of policies, the Centre will study existing legislations and proposals for legislation to determine their effects on competition with a view to advocate for their amendments so as to create good business environment.

**LENIENCY PROGRAM TO INCREASE CARTEL DETECTION IN KENYA**

Cartel detection has become complex as cartel members do not leave behind physical evidence of their cartel activities, this has been aggravated by increase application of information technology in conducting business. In order to increase cartel detection, the Leniency Program was initiated by the Authority through amendment of the Act introducing section 89A.

The Section provides that an undertaking that voluntarily discloses the existence of an agreement or practice that is prohibited under the Act and cooperates with the Authority in the investigation of the agreement or practice, may be granted partial or full leniency. Further Section 89A (2) requires the Authority develop guidelines, which are currently being development, to provide details of the Programme.

The salient features are: eligibility criteria for leniency; situations under which application for leniency will be accepted by the Authority; conditions/requirements to be satisfied for parties to qualify for leniency; the discounts the parties are entitled to and how the discounts are computed; procedure for grant of leniency from application to award of certificate, and revocation of Leniency granted by the Authority.

**Envisaged benefits of Leniency Program**

International best practice provides for the introduction of a leniency program because it leads to increased:

**Deterrence** ;making cartel membership less attractive as there is an increased risk that one of the cartel participants will report the existence of the cartel;

**Detection** ; enabling the discovery of cartels, as there is an increased likelihood of the cartel being reported;

**Sanctioning**; making punishment of co-conspirators more likely as it provides competition agencies with first-hand, direct “insider” information or evidence that might otherwise be difficult to obtain;

**Cessation**; causing cartels to cease operation because one or more of the participants terminates their participation, either because they have applied for leniency or because they are concerned that one or more of their-conspirators has or will apply for leniency

The program will not only benefit competition agencies, but also Stakeholders by increasing consumer welfare through price reduction, high quality of products and services as a result of enhanced competition in the market.

**ACF ENHANCES COMPETITION IN AFRICA THROUGH SECTOR STUDIES**

The African Competition Forum (ACF) is an informal network of African national and multinational competition authorities whose aim is to promote the adoption of competition principles in the implementation of national and regional economic policies of African countries.

One of the ways through which it achieves its objectives is by conducting market studies in prioritized sectors and regions. ACF in conjunction with member countries conducted a study in the sugar, cement and poultry sectors in six African countries.

In the Kenyan sugar sector, it was revealed that there are a large number of sugar producers. However this has not translated in lower consumer prices. It was also found out that the sugar factories were inefficient in production, enjoyed strong protection against imports, faced unreliable and insufficient sugarcane supply as well as structural constraints to growth in productivity. The ACF study contributed in informing the Authority to initiate investigations in the sector, and it is envisaged

that this will address the concerns raised.

In another study focusing on the cement sector in 6 countries (Botswana, Kenya, Namibia, South Africa, Tanzania and Zambia), ACF sought to map out the major producers across the region, main changes over time and the market structures.

The key findings were that: the markets are concentrated and many of the same firms operate across the six countries; most firms in the region were vertically integrated; there were constraints to competition pertaining to barriers to entry; there had been a cartel in the Southern African Customs Union (SACU) countries; and Kenya had the second highest prices despite the many firms, slightly below Zambia who had a near monopoly situation.

Premised on the findings, investigations were conducted in the cement industry in Kenya which sought to unearth existence of any anti-competitive conduct in the industry. The Authority held hearing conferences with all the cement players, which have been concluded, and the matter is awaiting determination.





**CABINET SECRETARY PROPOSES LAW ON ABUSE OF BUYER POWER**

Kenya is the only country in Africa which is in the process of legislating assessment of competition issues from the aspects of abuse of buyer power. This is an emerging competition issue in the Kenyan retail sector because of the failure of buyers to honor their contractual obligations with their suppliers. There are currently no legal provisions to address this issue.

To address this gap in the law, the Competition (Amendment) Bill, 2016 proposes to introduce new provisions in Section 24 of the Act, specifically with buyer power. The proposed amendments seek to prohibit any conduct that amounts to abuse of buyer power in a market in Kenya, or a substantial part of Kenya. Further it defines “buyer power” as the influence exerted by an undertaking or group of undertakings in the position of a purchaser of a product or service over

a supplier. According to the proposed amendments, the Authority in consultation with the Cabinet Secretary and other relevant government agencies and stakeholders, shall develop rules for giving effect to the provisions of buyer power. The Competition (Amendment) Bill 2016 is expected to be tabled in the National Assembly for the 3<sup>rd</sup> reading.

**CAPACITY BUILDING INITIATIVES BY THE AUTHORITY**

Every year, the Authority conducts a training on competition law and economics which culminates into an Annual Symposium. The training was conducted in September, 2016 and the participants included legal practitioners and case handlers in competition authorities, economic regulators, government agencies, private practitioners and company in-house lawyers.

These courses were facilitated by officers from Competition Commission of South Africa, Centre for Competition Regulation and Economic Development (University of Johannesburg), and a professor from the University of Witwatersrand Johannesburg and, scholars from the University of Nairobi, School of Law.

The Authority also held its Third Annual Competition Policy and Law Symposium on September 15, 2016 at the Kenyatta International Convention Centre (K.I.C.C.). This Annual Symposium is aimed at deepening competition regulation and awareness among Kenyan stakeholders through inter-



Davis Muganda, receives a certificate from the DG Mr. Wang’ombe Kariuki after the training

actions and discussions on enforcement of competition law and policy. Specifically, it focused on the emerging issues in the merger regime and cartel investigations.

The event was facilitated through discussions and interactions among stakeholders. The key note speaker was Prof. William E. Kovacic who is a professor of Global Competition Law and Policy and Non-Executive Director with the United Kingdom’s Competition and Markets Authority.

## ENGAGEMENTS TO PROMOTE REGIONAL INTEGRATION



Workshop Participants during EAC & COMESA workshop

Strides in the enforcement of competition law on the African continent have continued to intensify in the recent past with many countries either establishing national agencies or collaborating with regional competition authorities. In jurisdictions where it's lacking, steps to implement competition legislation are taking root while where it exists; active enforcement of the existing legislation is deepening.

While these are laudable steps, many a time, challenges pertaining to the operationalization of regional versus national laws arise. This situation is worsened by the fact that there is limited capacities to reinforce research agenda to help in providing solutions. It is from the foregoing that the Authority has chosen to be proactive.

One such step is by organizing and facilitating capacity-building workshops. For instance in June 2016, the Authority facilitated a workshop with the objective of enhancing regional integration by developing a cooperation mechanism be-

tween national authorities and regional competition regulators in the East African Community (EAC) and Common Markets for Eastern and Southern Africa (COMESA) was held in Naivasha, Kenya.

**“The workshop discussed emerging issues on cross border competition enforcement with regard to mergers, cartels and other jurisdictional issues that arise between EAC, COMESA ”**

Besides, the workshop addressed emerging issues on cross border/ regional competition enforcement in regard to mergers, cartels and other jurisdictional issues that arise between EAC, COMESA and national competition regulators. Further, the workshop aimed at creating a nexus between research / universities and competition agencies in order to incorporate research as a key variable in the enforcement process.

Through constructive engagements the Authority and COMESA have been able to reduce tensions relating to merger thresholds, double notification and merger filing fee by amending the COMESA competition rules. Further, the Authority will engage the EAC Competition Authority to enter into engagement mechanisms to chart a harmonious way of operation.



## Competition Experts Share Knowledge with the Authority's Stakeholders



Prof. William E. Kovacic

In its sustained efforts to continually develop staff capabilities, the Authority identifies experts in competition law and policy who are in turn invited to make presentations on specific topics to its staff. These structured social gatherings are used for purposes of; transferring knowledge and experience, building trust, establishing networks and social learning.

It is in this regard that on July 25 & 26, 2016, Prof. Thomas W. Ross, UPS Foundation Professor of Regulation and Competition Policy at the Sauder School of Business, University of British Columbia made a presentation titled *"An Introduction to Game Theory for Competition Policy"* to the Authority's staff. This occasion was also attended by the Authority's Chairman, Mr. David Ong'olo and Director-General, Mr. Wang'ombe Kariuki.

The presentation highlighted issues on predatory pricing, behavioural economics and antitrust challenges which are relevant and applicable to informing the Authority's interventions.

In another forum during the Third Annual Symposium on September 15, 2016, the Authority's staff benefited from a presentation titled *"Merger Analysis and Cartel Investigations: Converge? Diverge? Lessons for New Agencies"* by Prof. William E. Kovacic of the George Washington University and King's College, London.

In his presentation, Prof. William E. Kovacic, shared his experiences and lessons learnt from various jurisdictions on merger and cartel enforcement.

The knowledge and experience gained from these two experts will contribute to enabling the Authority's staff to become more effective and efficient in the course of executing its mandate.



Participants during the Authority's Third Annual Symposium on September 15, 2016,

## THE AUTHORITY TO REWARD EXEMPLARY JOURNALISM ON COMPETITION LAW AND POLICY

The Authority has been organizing business journalists training workshops aimed at building capacity of Editors and business reporters.

In the last business journalists' workshop held in May, 2016 a total of 19 journalists drawn from 14 media stations attended the training workshop. The workshop was also facilitated by guests from COMESA Competition Commission, Competition and Consumer Protection Commission (CCPC) of Zambia and the World Bank Group. During the event, the participants also benefitted from experiences of the Authority's decisions during the 2015-2016 Financial Year.

Key topics of discussion during the workshop included; Emerging issues in Merger Control Regime in Kenya; Cartels and Abuse of Dominance in Kenya, Con-

sumer Protection Mandate, achievements and challenges, the Special Compliance Process, the Interface between Regional and National Competition Agencies and the Interplay between Competition Agency and other Sector Regulators with specific reference to the Zambian Experience.

The Authority will from this Financial Year 2016-2017 improve its interactions with the journalists by recognizing journalists whose reporting on competition policy and law, and consumer protection issues is exemplary.

The Authority will be awarding journalists during the first Competition Law and Policy Journalists Award event that will be held mid 2017.



## LOCAL, REGIONAL AND INTERNATIONAL LEVEL COLLABORATIVE EFFORTS

The Authority has taken collaborative efforts a notch higher by signing Memorandum of Understandings (MOUs) with regional and international competition agencies.

Regionally the Authority has signed an MOU with COMESA whose key areas are; notification of intended investigations and merger having a COMESA dimension, information exchange, capacity building and joint investigation. The Authority and COMESA have moved a step further and developed a joint framework with detailed activities to implement the MOU.

The MOUs are aimed at strengthening cooperation to enhance handling of cross-border mergers and restrictive trade practices to improve the regional investment climate. It will further reduce the tension between the Authority and the COMESA Competition Commission as it has provided for a consultation mechanism regarding areas of concurrent jurisdiction. In order to address issues of concurrent jurisdiction the Authority has also signed MOUs with local sector regulators such as; Central Bank of Kenya (CBK), Communications Authority of Kenya (CA), Weights and Measures and, the Kenya Bureau of Standards (KEBS). Internationally, the Authority recently signed an MOU with the Japan Fair Trade Commission (JFTC) in Tokyo, and this will mutually benefit both Authorities. Through this arrangement, there are capacity building initiatives which will be conducted to enhance knowledge in competition policy and law.

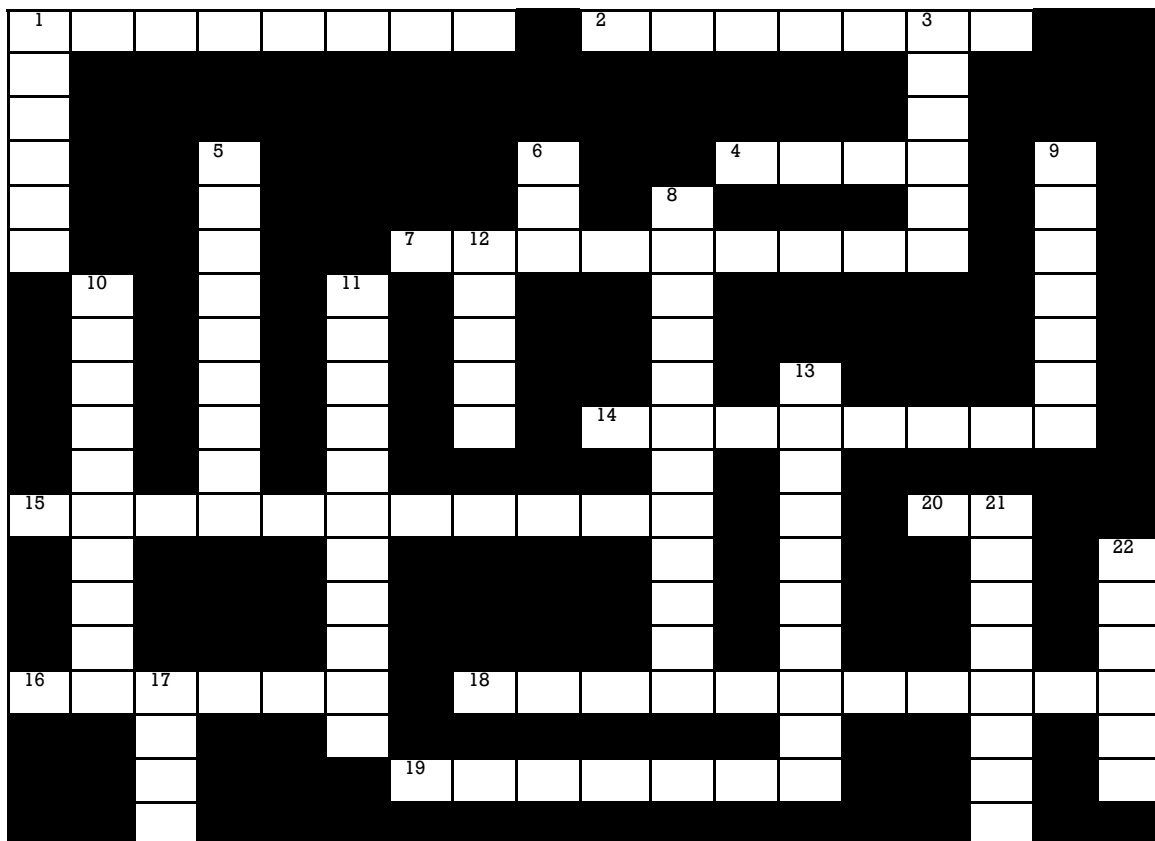
Cross word puzzle

Across

1. A person taking over an undertaking in a merger.
2. Coordinate practices between parties in a cooperative manner to depict presence of mutual agreement.
4. Amount of payed to the Authority by a firm for engaging in concerted practices that are prejudicial to competition in a market.
7. A large undertaking operating in an environment with other few large entities.
14. A single entity existing in a market
15. Sale of assets and investment by order of the Authority to reduce market concentration.
16. To put to an end a process that had already been given a go-ahead by the Authority.
18. A business activity carried out with an intention of a reward to the owner.
19. Acquisition of 50% +1 of the shares or assets of an undertaking or acquisition of majority voting rights and other veto powers.
20. Abbreviation for the act of two or more companies coming together to form an independent entity for a period of or less than five years before dissolution.

Down

1. Action taken by a party to a case in the event of dissatisfaction upon a ruling.
3. Enforcement of a right of judicial relief to a person over a legal claim where there is a right.
5. Production of/supply of more than 50% of the total goods and services in a market in Kenya.
6. Abbreviation denoting the measure of concentration in a market with many players of different sizes taking into account the squared values of their market shares.
8. When two or more undertakings who take part in different and unrelated activities come together. This is a ----- merger.
9. Payments made to the Authority for contravention of the Competition Act no. 12 of 2010 (the Act).
11. Ability to act independently of the other players in the market through price and quantity control which is termed anticompetitive by the Act.
12. within the law.
17. Control constitutes power to ----- appointment of directors in a firm.
21. A ----- merger involves an upstream market player and a downstream market player.
22. A situation where an undertaking acquirers control over another or a section of another undertaking.





## SENSITISATION INCREASES TENDER AWARDS TO PERSONS WITH DISABILITIES



*“there has been an increase in award of tenders to Persons with Disabilities by 42% between 3rd and 4th quarters of 2015-2016”*

Participants follow the proceedings during the sensitization of Women, Youth and Persons with disabilities at KICC, Nairobi

The Public Procurement and Asset Disposal Act, 2015 provides that State Organs and public entities are required to reserve a minimum of 30 per cent of their budgetary allocation for enterprises owned by Youth, Women and Persons with Disabilities.

The Authority notes that the participation of Persons with Disability in the 30 per cent procurement has been a challenge. To enlighten the stakeholders on the relevant provisions of this Act, the Authority carried out a sensitisation on the changes in the procurement law with specific reference to the rights of Youth, Women and Persons with Disabilities in May, 2016. This was geared towards encourag-

ing these groups to participate in the Authority’s tendering process.

After the sensitisation, there has been an increase in award of tenders to Persons with Disabilities by 42% between the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2015-2016 Financial year.

The Authority therefore plans to enhance the sensitization to the Youth, Women and Persons with Disabilities in the Counties, to be in line with the New Act and finally ensure a continual implementation of the Public Procurement Asset and Disposal Act 2015.

### COMPLAINTS HANDLING

The Authority now acknowledges customer complaints as soon as they are lodged. Visit our website on: [www.cak.go.ke](http://www.cak.go.ke) to read our Citizenry Service Delivery Charter, Complaints Handling Policy and the complaints handling procedures.

You can also contact us in regard our services through, Email; [complain@cak.go.ke](mailto:complain@cak.go.ke), Telephone – 0202779123 or 020 2628233, or even drop your complaint in our complaints handling box shown on the right and located at the reception of our offices .



## TEAM BUILDING FOR BONDING AND INTEGRATION

According to Cornerstone Magazine, "... recent studies [reveal that], office friendships increase employee engagement, satisfaction and productivity. LinkedIn found that 46 percent of professionals across industries believe having friends at work is important to their overall happiness. Similarly, a 2012 Gallup report revealed that 50 percent of employees with a best friend at work reported a strong connection to their company— compared to just 10 percent of employees without a best friend at the office".

With this consideration, the Authority organized the 2016 Team Building exercise for among other reasons: Integrating a new team of

6 employees who had just reported; "breaking silos" between and among departments and different cadres of staff as well as bonding. The facilitators took the staff through the following topics: Team Building Concept; Personal Finance Management; Professional Development; and Strategic Planning. The staff benefited from these topics as they touched on their day-to-day activities and personal development.

Members learnt a lot from the various activities which were a simulation of the day-to-day tasks performed in the office. Staff appreciated the team dynamics and the essence of being your brother/sister's keeper. It was

also highlighted that the 'team is strong at its weakest link'; each member is endowed differently and 'knowing and not doing is not knowing'.

It was a great day of fun and appreciating each team member's strengths, weaknesses and the importance of working as team. Staff undertook to implement what they had learned. At the moment, staff members are re-energized in terms of body and mind to execute the mandate of the Authority.



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