

**REPUBLIC OF KENYA**



**THE JUDICIARY**

**PROJECT NAME: JUDICIAL PERFORMANCE IMPROVEMENT  
PROJECT (JPIP)**

**DOCUMENT NAME: FIRST QUARTER JPIP IMPLEMENTATION  
PROGRESS REPORT**

**31<sup>ST</sup> OCTOBER, 2013**

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## **Abbreviations and Acronyms**

AG	-	Attorney General
ASPRS	-	Annual Staff Performance Review System
BSU	-	Building Services Unit
CUC	-	Court User Committee
DCRJ	-	Deputy Chief Registrar
EOI	-	Expression of Interest
GAC	-	Governance and Anti-Corruption
HR	-	Human Resource
ICT	-	Information and Communication Technology
IDA	-	International Development Association
IFA	-	Integrated Fiduciary Agent
IPMAS	-	Integrated Performance Management and Accountability System
JPIP	-	Judicial Performance Improvement Project
JSC	-	Judicial Service Commission
JTI	-	Judiciary Training Institute
JTF	-	Judicial Transformation Framework
Kshs	-	Kenya Shillings
NCAJ	-	National Council on the Administration of Justice
NCLR	-	National council on Law Reporting
OCJ	-	Office of the Chief Justice
OJO	-	Office of the Judiciary Ombudsperson
PAD	-	Project Appraisal Document
PMU	-	Project Management Unit
PTC	-	Project Technical Committee
RFP	-	Request For Proposal
SCM	-	Supply Chain Management

TC	-	Technical Committee
TNA	-	Training Needs Assessment
TOR	-	Terms of Reference
WB	-	World Bank

#### **BASIC DATA/INFORMATION**

1. Project name: Judicial Performance Improvement Project (JPIP).
2. Project ID: 5181.
3. Responsible Agency: The Judiciary of the Republic of Kenya.
4. Responsible staff: The Chief Registrar of the Judiciary.
5. Project Director: Mr. Kakai Kissinger (Deputy Registrar of the Judiciary).
6. Date of Signature of Financing agreement- December 5, 2012.
7. Amount of credit: US\$ 120.00 Million.  
Total Project Cost: US\$ 120.00 Million.  
Total Bank Financing: US\$ 120.00 Million (inclusive of all taxes).  
Government contribution: No direct contribution (no counterpart funds needed).
8. Project Period: 6 years (2013-2018).  
Start date November 15, 2012  
End date December 31, 2018
9. Effectiveness Date: April 30, 2013.  
Expected Closing Date: December 31, 2018.

## 10. Financing Plan

	Budget Kshs (m)						
Fiscal Year	2013	2014	2015	2016	2017	2018	2019
Estimated annual	425	1,700	2,550	2,975	1,700	680	170
Cumulative	425	2125	4,675	7,650	9,350	10,030	10,200

The total disbursement estimate for the project is Kshs 10.2 billion. The annual estimates increase from Kshs 425m in 2013 reaching the pick of Kshs 2.98 billion in 2016 before declining to Kshs 1.7 billion, Kshs 680 million and Kshs 170 million in 2017, 2018 and 2019 respectively.

## **EXECUTIVE SUMMARY**

### **1.0 Introduction**

1. The Judiciary Performance Improvement Project (JPIP) is a management development project in the Judiciary funded by the World Bank to the amount of Kshs 10.2 billion. The objective of JPIP is to improve the performance of the Judiciary to provide its services in the project areas in a more effective, efficient and accountable manner. The project has four components namely; Court Administration and Case Management, Judiciary Training and Staff Development, Court Infrastructure and Project Management.

2. The objective of the project is expected to be realized through the achievement of activities, outputs, and outcomes planned annually. The activities, outputs and outcomes are detailed in the implementation framework/workplan. The 2013/14 JPIP workplan has a total of 203 activities and packages of goods. The plan is implemented by 21 implementing units within the Judiciary and other justice stakeholders.

### **Deliverables with huge budgetary allocations**

3. The project has numerous deliverables but about six of them have huge budgetary allocations these are: court infrastructural development, ICT development, corruption mapping, organization structure of the Judiciary, judicial training and staff development, integrated performance management and accountability system (IPMAS) and annual staff performance review system (ASPRS). The six activities take up about 63% of the budget (approximately 1.65 billion) in the financial year 2013/14 and therefore have a great influence on the absorption rate.

### **Implementation**

4. A total of 68 workplan activities and the 49 listed goods were planned to commence implementation in the first quarter. Nine of the activities were

scheduled to be completed in quarter one, six were reported to have been achieved or are ongoing. These included the establishment of the PMU and IFA, induction training for JPIP stakeholders; the development of CUC policy and guidelines; designing and implementing a training curriculum in change management and leading change for JTF; and streamlining of registry systems processes and structures of the High Courts. It should be noted however that apart from the first three the rest were completed using funds from GIZ. Other achievements realized in the first quarter include; the rehabilitation of Kangema court which was at 40% implementation.

### **Expenditure**

5. The estimated budget for the 2013/14 JPIP workplan was Kshs. 2.6 billion of which 2.15 billion was approved estimate by Treasury. The share of the budget estimates by components for the four quarters were Kshs. 434m (16.70%), Kshs. 510,117 (19.61%), Kshs. 523 (20.12%) and Kshs. 1,134m (43.58%) respectively.

The total budget estimate for the first quarter was Kshs. 434 million of which about Kshs. 20.8 million was spent. This was equivalent to about 4.8% of the total budget for the first quarter. This was mainly incurred for facilitating the establishment of PMU and the launch of the project.

### **Project Institutional and implementation management**

6. Project institutional and implementation management consists of the Steering Committee, the Project Technical Committee (PTC), the PMU and IFA and the executing judiciary directorates and agencies. The PTC provided quality assurance and technical guidance to the project; approved the proposed 2013/14 annual workplan and budget and transmitted it to the World Bank. It is also providing oversight on the implementation of the project in line with the financial agreement. The Chief Registrar of the Judiciary facilitated establishment of the IFA and the PMU which are discharging their duties including monitoring and reporting on the implementation progress.

## **Challenges**

7. This report lists some of the challenges that contributed to the slow implementation of activities. These include (i) delays by implementing units to initiate their activities on time. (ii) Delays in completion of evaluations and in forming of bid/proposal evaluations committees. (iii) Delays in holding tender committee meetings and thereby getting tender board approvals on time (iv) Delays in response to reviews, clearances/approvals of activities by the Bank. (v) Inadequate/constrained capacity within some implementing units (vi) Communication weaknesses including lack of quick feedback between implementing units and the IFA. (vii) Weaknesses in planning (double planning) and costing (low estimation of activity costs) leading to cancelling of activities by implementing units after the approval of workplan.

8. This report also notes some risks that the project experienced that required mitigation. The notable risk include: unforeseen shocks that contributed to inordinate delays in procurement processes and lack of adequate procurement knowledge that slowed down procurement processes.

## **Recommendations**

9. This report makes certain recommendations for addressing the challenges. The recommendations include; i) developing and implementing strategies for expediting procurement processes including constituting a technical reference group and or establishment of thematic sub-committees to assist overseeing technical issues such as TORs development and quality assurance ii) improving flow of information between the implementing units, the PMU and the IFA iii) Capacity building especially for implementing units that are inadequately staffed or lack requisite project management capacity iv) enhancing efficiency in procurement processes and ensuring procurement procedures are complied with and strictly adhered to v) embracing participatory approach to project implementation.



## **1.0 INTRODUCTION**

### **Context**

This report provides a summary of the JPIP progress for the first quarter and is meant for the Implementing Units and Senior Management. It covers the main features of the project by briefly describing the project components and provides basic data and information on key deliverables. It provides an analysis of overall implementation progress, expenditure analysis, main challenges and key recommendations for improving project implementation. The report contains two attachments, a summary table of project implementation and a detailed template showing the status of implementation of activities.

### **Objective**

The objective of this report provides the status of project implementation, challenges the project encountered, areas of concern that require immediate action, and possible solutions for addressing the challenges. The report is intended to inform and guide project management and decision making.

### **Scope**

The report covers the status of project implementation as at 31<sup>st</sup> October 2013 for the 2013/14 JPIP Workplan. The report provides an assessment of the activities implemented against those planned to be implemented in the first quarter of the workplan. Secondly, the report provides a review of actual expenditures visa-vis their respective budgetary allocations. Thirdly, the report provides a brief description of the inherent challenges/constraints and recommendations for addressing the challenges.

### **Implementation Arrangements**

Overall execution of the project is carried out by the Judiciary assisted by the PMU which is responsible for project management and coordination. The PMU is supported by the IFA which oversees procurement and financial management. Actual implementation is carried out by 21 implementing Units from the Judiciary and the Office of the Attorney General. Technical oversight was

provided by the Project Technical Committee (PTC). The PTC provided oversight during the preparation of the 2013/14 annual workplan.

## 2.0 IMPLEMENTATION PROGRESS

The total number of activities that were planned to be initiated as at the end of was 102. The actual number of activities initiated by the end of the first quarter was 79 initiated. Out of the 79 initiated, nine were scheduled to be fully achieved however six were completed. These included the establishment of the PMU and IFA, and capacity building/induction training for JPIP stakeholders; the development of CUC policy and guidelines; designing and implementing a training curriculum in change management and leading change for JTF; streamlining of registry systems processes and structures of the High Courts. It should be noted that apart from the first three the rest were completed using funds from GIZ. Other achievements realized in the first quarter include; the rehabilitation of Kangema court which was at 40% implementation.

**Figure 1: Percentage of activities initiated against planned**

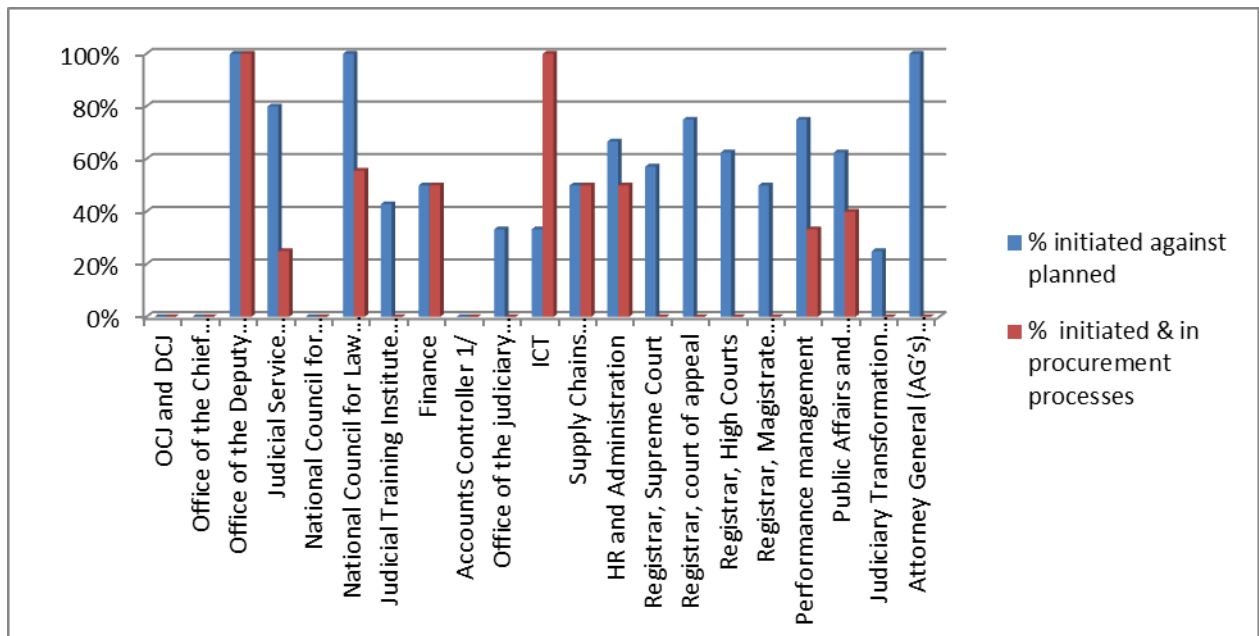


Figure 1 shows that five Implementing Units reported commenced over 70% of their planned activities for the first quarter. They include the Office of the Deputy Chief Registrar of the Judiciary, the National Council for Law Reporting, Registrar Court of Appeal, Performance Management Directorate, and the Office of the Attorney General.

**Table 1: Number of activities initiated in various stages of procurement**

	Initiated	With IFA	With WB	Ongoing Contracts	With Implementing Unit
<b>No. of activities</b>	68	18	7	5	38
<b>Percentage of total initiated</b>		27%	10%	7%	56%

Table 1 shows that that about 44% of the activities that were reported to have been initiated have been submitted to procurement and are either with IFA (27%), with the WB (10%), and activity contract is ongoing (7%). The remaining 56% had been reported to be initiated by the Implementing Units have not been submitted to procurement.

**Figure 2: Commenced activities in procurement processes**

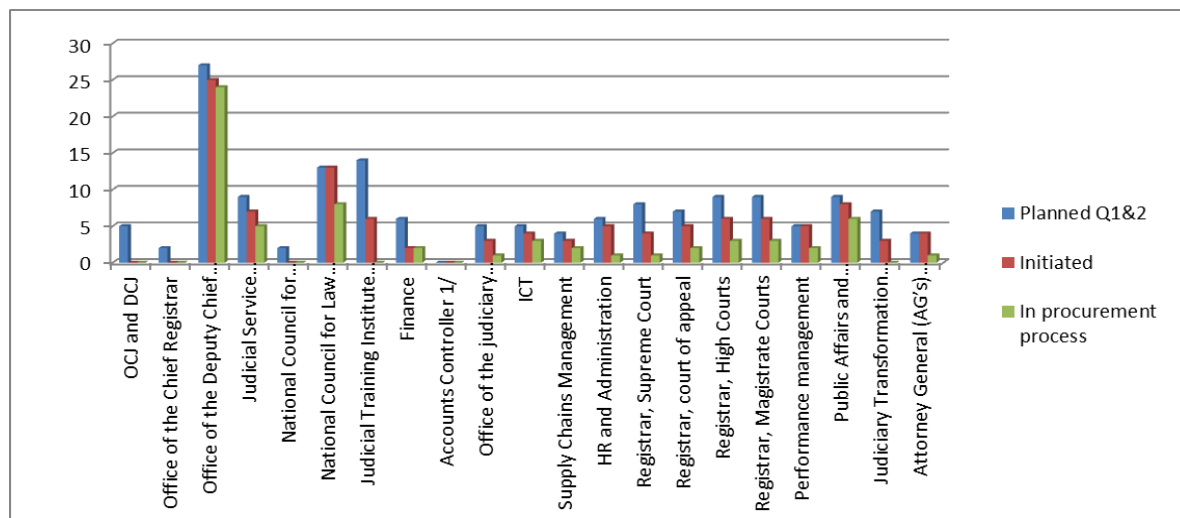


Figure 2 shows the not all the activities that commenced are in the procurement processes. This is depicted in chart 1 below.

**Figure 3: Percentage of commenced activities in various stages of procurement**

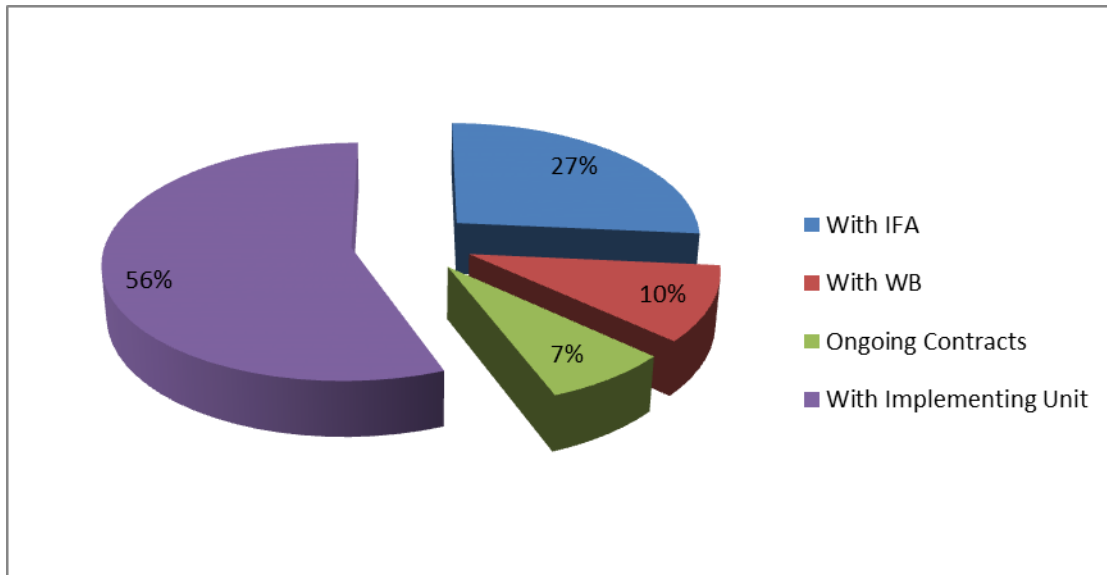


Figure 3 shows that 27% of the activities that have commenced are with the IFA, 10% are with the WB, contracts for 7% of the activities are ongoing. The remaining 56% of activities though reported to have been initiated were still with the implementing units.

### **Activities behind implementation schedule**

A total of 92 activities are behind planned procurement timelines. The table below depicts the activities that were planned against those that are behind schedule for each implementing unit.

**Figure 4: Activities behind schedule**

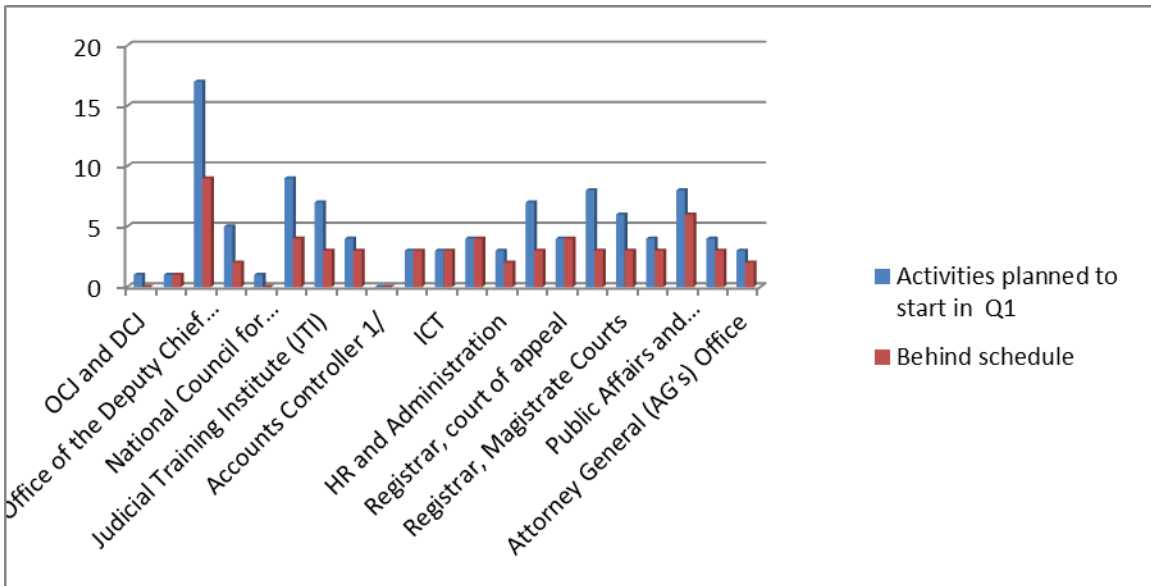
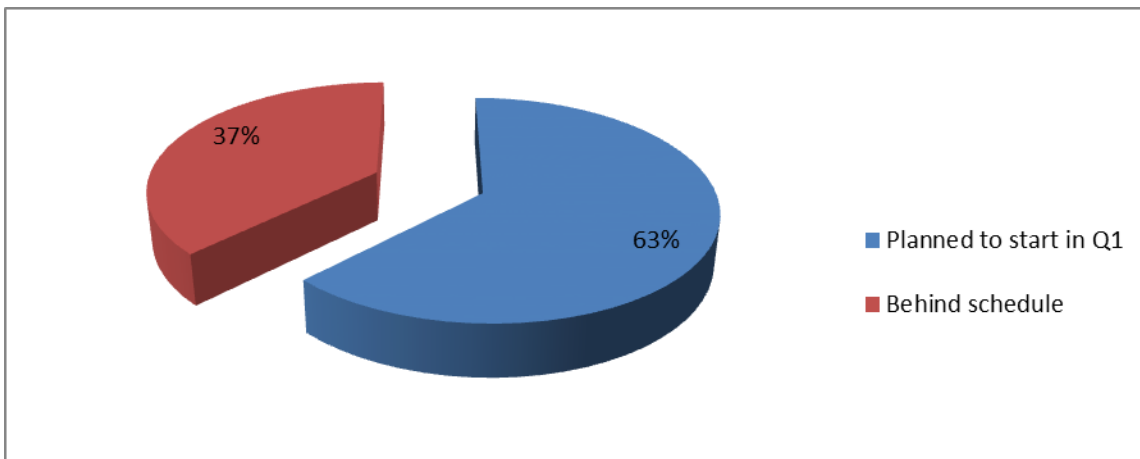


Figure 4 shows that a number of activities across all the Implementing Units are behind schedule. Implementing units with huge proportion of activities behind schedule are those that have not initiated their planned activities at all. A summary of activities on track against those behind scheduled is depicted in figure 5 below.

**Figure 5: Percentage of activities behind schedule**



As shown in figure 5, 37% of the activities were behind schedule as at the end of the first quarter. A number of reasons have been noted contributed to this for instance delays in submission of ToRs, lengthy procurement processes etc.

### **Findings**

From the analysis it can be deduced that implementation was not on track. The analysis first showed divergences between the numbers of activities that were reported to have commenced (initiated) and those that are in procurement process. Possible causes that was provided for this include, lack of common channel for sending and acknowledging receipt of activity requests and other documents such as ToR to the IFA. Discrepancies also existed between what was planned for implementation and what has been implemented. Finally the analyses showed a number of activities were behind implementation schedule. Reasons provided for this include delays in procurement processes.

### 3.0 FINANCIAL ANALYSIS

The total project budget is approximately Kshs. 10.2 billion. Table 2 below provides a breakdown of the total project budget by components and their respective proportions. The table also shows the estimated budget for the 2013/14 workplan by components and their corresponding proportions.

**Table 2: Budget proportions by components**

<b>Component Name</b>	<b>Estimated Cost in US\$ '000'</b>	<b>IDA Financing</b>	<b>2013/14 Annual Workplan budget '000'</b>	<b>Annual Workplan</b>
		<b>(%) of total</b>		<b>(%) of total</b>
1. Court Administration and Case Management	42,800	35.7	12,324	40
2. Judiciary Training and Staff Development	17,000	14.1	3,446.9	11
3. Court Infrastructure	50,000	41.7	13,568.2	44
4. Project Management	10,200	8.5	1,633	5
5. Contingencies	7,250	6.0		
6. PPA	750	0.6		
<b>Total</b>	<b>120,000</b>	<b>100%</b>	<b>30,972.5</b>	<b>100%</b>

The total budget estimates for the 2013/14 JPIP workplan is US\$ 30.97 (Kshs. 2.6 billion). The budget proportions by components are as follows; Court infrastructure and case management 40%, judicial training and development 11%, court infrastructure 44% and project management 5%. The proportions closely mirror the proportions provided for in the project appraisal document (PAD).

**Table 3: Quarterly Budget estimates**

<b>Component</b>	<b>Quarter 1 Kshs. 000'</b>	<b>Quarter 2 Kshs. 000'</b>	<b>Quarter 3 Kshs. 000'</b>	<b>Quarter 4 Kshs. 000'</b>
Court Administration	93,426	126,157	75,707	27,497
Judiciary Training	111,051	74,199	49,639	54,648
Court Infrastructure	23,495	82,112	164,312	869,812
Project Management	27,540	61,045	24,295	24,295
<b>Total Estimated Budget</b>	<b>434,381</b>	<b>510,117</b>	<b>523,449</b>	<b>1,133,741</b>
<b>Estimated budget (%)</b>	<b>16.70%</b>	<b>19.61%</b>	<b>20.12%</b>	<b>43.58%</b>

Table 3 shows the quarterly budget estimates in the 2013/14 JPIP workplan. Quarter one had a budget allocation of US\$ 5.1million (Kshs. 434million). This is equivalent to 16.7% of the annual JPIP budget allocation and is the least allocation compared to the four quarters. Quarter four has the largest allocation presumably because it was projected that huge expenses for rehabilitation works will be incurred in the end of the financial year.

**Table 4: Expenditure Analysis by Components**

	<b>Component No.</b>	<b>Component</b>	<b>Budget Estimates (Kshs'000)</b>	<b>Budget estimates Q1 (Kshs'000)</b>	<b>Actual Expenditure (Kshs) Q1</b>	<b>% of total</b>
1	1.1	Court Administration	701,015	93,426	14,412,594	15.4%
2	1.2	Case Management	334,230		0	0%
3	2	Judiciary	289,537	111,051	0	0%



		Training and Staff Development				
4	3	Court Infrastructure	1,139,730.5	23,495	0	0%
5	4	Project Management	137,175.8	27,540	6,356,000	23.07%
	<b>Total</b>		<b>2,601,688</b>	<b>434,381</b>	<b>20,768,594</b>	<b>4.8%</b>

Table 4 shows the total expenditure during the period under review was approximately US\$ 244,336 (Kshs. 20.77 million). These were expenses incurred by Court Administration and the Project Management components. This expenditure resulted into an absorption rate of 4.8% in the first quarter or an absorption rate of 0.8% of the total workplan budget. The payments were made under GoK and were to be reimbursed by project funds.

**Table 5: Rate of absorption by Implementing Units**

	Implementing Unit	Annual Budget Estimate	Actual Expenditure	Absorption rate (%)
1.	OCJ and DCJ	25,002,000	0	0%
2.	Office of the Chief Registrar	14,454,000	0	0%
3.	Office of the Deputy Chief Registrar	1,238,876,802	16,171,911	1.3%
4.	Judicial Service Commission (JSC)	65,195,000	0	0%
5.	National Council for Administration of Justice (NCAJ)	5,452,000	0	0%
6.	National Council for Law Reporting (NCLR)	137,935,000	0	0%
7.	Judicial Training Institute (JTI)	261,972,000	0	0%
8.	Finance	71,325,000	4,596,682	6.4%
9.	Accounts Controller 1/	-	-	-
10.	Office of the judiciary ombudsperson	16,116,000	0	0%
11.	ICT	328,930,000	0	0%
12.	Supply Chains Management	9,620,000	0	0%

	Implementing Unit	Annual Budget Estimate	Actual Expenditure	Absorption rate (%)
13.	HR and Administration	69,930,500	0	0%
14.	Registrar, Supreme Court	37,790,000	0	0%
15.	Registrar, court of appeal	36,370,000	0	0%
16.	Registrar, High Courts	55,112,000	0	0%
17.	Registrar, Magistrate Courts	47,866,000	0	0%
18.	Performance management	84,837,200	0	0%
19.	Public Affairs and Communication	15,750,000	0	0%
20.	Judiciary Transformation Secretariat	34,590,000	0	0%
21.	Attorney General (AG's) Office	44,565,000	0	0%
	<b>Total</b>	<b>2,601,688,502</b>	<b>20,768,594</b>	<b>1.3%</b>

Table 5 shows the breakdown of the budget for the JPIP workplan by implementing units and the rate of absorption. It is noted that in the first quarter the absorption rate was 1.3% and expenditures were incurred under the Office of the Deputy Chief Registrar and the Finance. These were expenses paid to PMU and IFA.

### **Findings**

The analysis of expenditure shows that the rate of absorption by the project as at the end of the first quarter was very low. The low absorption rate was as a result of a number of factors including delays in initiation of planned activities on time, procurement hitches such as delays in processing requests and inaccessibility of project funds in the entire first quarter.

#### **4.0 HIGHLIGHTS OF MAJOR ACTIVITIES UNDER THE PROJECT**

While there are numerous deliverables under this project, six of them have huge budgetary allocations and if implemented within scheduled time the project will register high absorption rates. These are:

**(i) ICT System-** the Judiciary requires a complete ICT system that enables interconnectivity of all its stations, with an intranet and adequate data centers and backup that will carry adequate data/information that would be shared across Judiciary staff in all stations. A credible ICT system is critical to enable the Judiciary achieve the transformational improvements in services and outcomes as envisaged in the JTF. Specific activities include; consultancy to design the ICT system. It will also include ICT installations and staff training on the use of the ICT systems. The bid documents on ICT equipment have been submitted to WB for approval. Comments on evaluation ICT consultancy were received from the World Bank and are being addressed by IFA. ***The total estimated cost for ICT system including ICT equipment in the 2013/14 plan is Sh. 399.4 million (US\$ 4.75 million).***

**(ii) Organizational Review of the Judiciary-** this is a consulting assignment to prepare a comprehensive organizational review of the Judiciary that takes into account the structure (existing and proposed), capacity, and roles of Judiciary staff. The resultant reports of the review will assist the Judiciary achieve the transformational improvements in a more structured manner. The TOR for this review has been approved by the WB. The review is estimated to cost Kshs. 50 million (US\$ 585,000).

**(iii) Corruption Mapping-** This activity aims to engage Judiciary staff and other stakeholders and agencies to establish where corruption and unethical practices take place and/or are likely to take place within the Judiciary. The information collected will inform the development of a Governance and Anti-Corruption (GAC) strategy/plan for reducing, eliminating and/or preventing such corruption and unethical practices. The strategy will include an in-house system of monitoring anti-corruption within the Judiciary linked to the courts,

operational directorates, and all external transactions (e.g. investigations and prosecution services) that could “export” corruption to the Judiciary. The in-house system will improve accountability, reporting on the number of prevented, detected or prosecuted corruption cases, identifying intermediaries that facilitate corruption transactions, and find a way of communicating the same between the Judiciary and the public. The system will reduce the potential and inherent risk of corruption. The evaluation of technical proposals from consultants is ongoing. The Review is estimated to cost Kshs. 25 million (US\$ 300,000).

**(iv) Performance Management and Accountability System (IPMAS) and Annual Staff Performance Review (ASPR) System**—this is a consulting assignment to develop an IT-based IPMAS/ASPRS that will measure and report the performance of both Judiciary officers and staff. The annual performance reports will advise the Operating Units and Staff of how well they performed to enable them improve their performance. It will also inform Management on performance of Units and individuals so that it can make policy decisions and put in place other appropriate measures for improvements. The IPMAS/ASPRS will be supported on an ICT platform. Short-listing report for selection of consultants was approved by WB, Request for Proposal (RFP) were then prepared and submitted to WB for approval. Its development is estimated to cost Kshs. 20 million (US\$ 240,000).

**(v) The Judicial Training and Staff Development** - Activities under this are aimed at strengthening administrative and training capacity of the JTI, including establishing a Legal Research Resource Centre, capacity building for the legal personnel at the Office of the Attorney General, and increased spatial accommodation. It is envisaged that the project will support JTI to be the Judiciary’s center of judicial intellectual excellence. The Project envisages that JTI will adequately train staff to enable them support the Judiciary’s transformation agenda and its expanding workforce. The total budget for JTI is approximately Kshs. 289.5 million (US\$3.45m) this financial year.

**(vi) Court Infrastructure** – this activity involves construction of 10 new courts and rehabilitating 30 existing courts. It is also expected to support establishment of a Buildings Directorate to manage the upkeep and development of the large infrastructure of the Judiciary. The expansion of court infrastructure is aimed at improving access and quality of judicial services. The Project will also finance the establishment and operationalization of a Buildings Directorate for two years, and then Judiciary takes over under Government financing. The total budget for court infrastructure development this financial year is approximately Kshs. 1.14billion (US\$13.5m).

### **Construction of new courts**

Technical Proposal Evaluation reports for selection of Consulting Architects for the 10 new courts have been submitted to the WB for clearance. No objection to RFP was granted by the World Bank and RFP was issued to 6 firms under each court category. The table below provides a summary of the status for the five court categories is as indicated here below:

**Table 6: Summary of the status for the construction of new courts**

	<b>Title of Consulting</b>	<b>Date of Submission of Proposals</b>	<b>Status</b>
1.	Design and supervision of new court buildings & ancillary services at Olkalau & Kakamega Law Courts	19 <sup>th</sup> June 2013	Technical Evaluation of Bids completed and forwarded to the World Bank. No objection still awaited to enable opening of financial proposals. Bid validity period has been extended for the bidders to 28 <sup>th</sup> Feb, 2014. World Bank comments received in Dec, 2013. Evaluation teams are addressing the comments.
2.	Design and supervision of new court buildings & ancillary services at Nakuru & Siaya Law Courts	19 <sup>th</sup> June 2013	Technical Evaluation of bids completed and forwarded to the World Bank. No objection still awaited to enable opening of financial proposals. Bid validity period has been extended for the bidders to 28 <sup>th</sup> Feb,2014. World Bank comments received in Dec, 2013. Evaluation teams are addressing the comments
3.	Design and supervision of	26 <sup>th</sup> June 2013	Technical Evaluation of bids

	new court buildings & ancillary services at Kabete & Kajiado Law Courts		completed and forwarded to the World Bank. No objection still awaited to enable opening of financial proposals. Bid validity period has been extended for the bidders to 28thFeb, 2014. World Bank comments received in Dec, 2013. Evaluation teams are addressing the comments
4.	Design and supervision of new court buildings & ancillary services at Mombasa & Wajir Law Courts	26 <sup>th</sup> June, 2013	Technical Evaluation of bids completed and forwarded to the World Bank. No objection still awaited to enable opening of financial proposals. Bid validity period has been extended by the bidders to 28 <sup>th</sup> Feb, 2014. World Bank comments received in Dec, 2013. Evaluation teams are addressing the comments
5.	Design and supervision of new court buildings & ancillary services at Nanyuki & Garrissa Law Courts	10 <sup>th</sup> July, 2013	Technical Evaluation of bids completed and forwarded to the World Bank. No objection still awaited to enable opening of financial proposals. Bid validity period has been extended for the bidders to 28thFeb, 2014. World Bank comments received in Dec, 2013. Evaluation teams are addressing the comments

### **Rehabilitation of existing courts**

Constructions of pilot rehabilitations are on-going for Kangema and Kitui Law Courts. No objection from the World Bank was issued on 23<sup>rd</sup> October, 2012. Construction work for Kangema court (contract no. JPIP/CW Cont. No. 1-2013) started on 8<sup>th</sup> July, 2013 and was approximately 40% done. The construction was planned to complete on 16<sup>th</sup> December, 2013.

The original Contract sum was Kshs.17,093,631. However, actual scope could not be well documented at the time tendering resulting into a variation of Kshs. 49,448,548. This addition cost is split into two (i) Kshs. 19, 591,586 which is 15% variation of the initial contract sum. Total amount paid to date for this is Kshs.9,507,274 (48.7%) and work on this is expected to be completed on is 7<sup>th</sup> February, 2014. (ii) Kshs. 46,950,593 is the remaining cost of the variation after the 15% is catered for and will be tendered as a new project (the second phase).

The variation works are required to standardize the courts as per court design guidelines. The scope of works involves rehabilitating one Court facility to a two Court facility. The Consultant Architect fees tied to this is Ksh.3,345,320 up from Kshs 908,080. This is awaiting Tender Board Approval.

The site for Kitui court site handed over to the contractor was done on 5<sup>th</sup> July, 2013. However construction has not begun. The scope of work will involve rehabilitating a two court Magistrate facility into a High Court with four courts. The contract sum is Kshs. 57,581,327.00.

The process of selecting Architectural Consultants for the design and supervision of rehabilitation works for nine other existing court buildings and ancillary services is on-going. RFP for selection of consultants was approved by the Bank on July 10, 2013 and given to six shortlisted consultants per cluster. RFP's were returned on 31st July, 2013. The evaluations were completed by a team appointed by the Chief Registrar, Judiciary. The courts to be rehabilitated were clustered into four:

- A- Engineer, Chuka, Kigumo
- B- Molo, Vihiga, Nyando
- C- Oyugis, Nyamira, Muhoroni
- D- Makindu, Tawa, Lamu And Hola

## **Findings**

The review of the major activities shows that procurement processes for most of the big activities have commenced. However fast-tracking the procurement processes and thereby implementation of the said activities will be key not only in improving overall absorption rate of the project but also in contributing towards the project objectives.

## **6.0 MAIN CHALLENGES**

The main challenges that have been experienced during implementation include.

- a) Delays in putting the project structures in place
- b) Delays by implementing units to initiate their activities on time.
- c) Late submission of information (specifications, TORs, and cost estimates) by implementing units to procurement.
- d) Internal issues that led to late formation of Bid/Proposal Evaluations Committees, delays in completion of evaluations, and delays in holding tender committee meetings and thereby getting tender board approvals.
- e) Weaknesses in communication including lack of immediate feedback between implementing units and the IFA. This is corroborated by the mismatch between what is reported to be initiated by the implementing units and what was received by the IFA.
- f) Inadequate or constrained capacity within some implementing units to match the scope of activities affected implementation.
- g) Response to reviews, clearances/approvals of activities by the WB took somewhat long, making it difficult for some activities to live up to the timelines on the Workplan and the Procurement Plan. However, the delays are occasioned by the quality of the documents submitted to the WB.
- h) Delays in accessing project funds was also a challenge (funds were inaccessible in the first quarter). This was occasioned by the unforeseen lengthy procedural requirements by the Treasury.
- i) Weaknesses in planning and budgeting. For instance double planning of activities in the JPIP workplan and separately in the plans funded other development partners, and low costing of activities.



## **8.0 RECOMMENDATIONS**

The following are recommendations made out of the challenges that have been experienced.

- a) Fast tracking and operationalization of project structures
- b) There is need for the Project to expedite procurement processes. This could be through the development of a strategy that will ensure that implementing units prepare and submit their information (specifications, ToRs, etc) on time to Procurement. The strategies include:
  - i) Formation of sub-committees based on components/themes with clear roles such as holding of monthly meeting to assess progress.
  - ii) Constituting a technical reference group to assist implementing units to develop ToRs on time.
  - iii) Encouraging implementing units to develop a program for rapid results to be reported in the thematic meetings.
  - iv) The IFA should also work closely with Procurement Directorate of the Judiciary and expedite formation of Bid/Proposal Evaluations Committees and also fast track evaluation processes.
  - v) The IFA should liaise and advise the tender board Secretary and Chairman of the need of regular Tender Committee (TC) meetings for the project.
- b) Channels and speed of communication and information flow between implementing directorates, the PMU, the IFA and the World Bank should be improved. This could be by ensuring communication facilities are efficient. This will improve information flow and feedback to implementing units on the status of their activities.
- c) Weaknesses in capacity within the implementing units appear to be a big challenge on timely implementation of activities. Therefore capacity enhancement for the implementing units especially for units with severe capacity challenges should be built. For the other implementing units, capacity building through regular training in areas such as project planning, procurement, costing should be carried out. need to be built. Capacity building will help improve efficiency and effectiveness in project implementation.

d) There is need to improve on response to reviews, clearances/approvals of activities by the bank. This can be done by improving the quality of the documents forwarded to the bank for no objection. There is therefore need to establish quality assurance systems within the project.

e) Planning and costing of activities should be improved. This could be by ensuring activities put in the project plans are not planned again elsewhere. Costing of activities should also be improved to minimize the risk of some activities not taking off because they are under-budgeted.

## **9.0 CONCLUSIONS**

This progress report provided an analysis and described the status of implementation of the JPIP activities. It compared implemented activities against what was planned by each of the implementing units. It also examined the rate of absorption both by components under the project and by each implementing unit. The analysis showed that the implementation of the Judicial Performance Project workplan has been slow. This was reflected by a paltry absorption rate of 4.6% of the budgeted funds. The report listed a number of factors/challenges both internal and external to the project that may have led to the slow implementation. The factors include among others delays in putting up in place all project structures and hitches in the procurement processes. The report also indicated perceived risks both internal and external to the project that needed to be mitigated.

Some recommendations were made to help put the project back on track. The recommendations include; building capacity for the implementing units and improving efficiency and effectiveness in procurement processes. Furthermore it was recommended that project team should work closely with the implementing units in order to prevent problems that could occur and affect smooth implementation of the project.

**Annex 1: Summary of status of implementation**

	Implementation Unit	Activities	Activities planned to start in Q1	Initiated Q1	Not initiated	Behind schedule	With IFA	With WB	With Procurement	Procured activity ongoing	In procurement process	% initiated against planned	% initiated & in procurement processes
1	OCJ and DCJ	6	1	0	1	0	0	0	0	0	0	0%	0%
2	Office of the Chief Registrar	2	1	0	1	1	0	0	0	0	0	0%	0%
3	Office of the Deputy Chief Registrar	51	17	17	0	9	7	6	0	4	17	100%	100%
4	Judicial Service Commission (JSC)	10	5	4	1	2	1	0	0	0	1	80%	25%
5	National Council for Administration of Justice (NCAJ)	3	1	0	1	0	0	0	0	0	0	0%	0%
6	National Council for Law Reporting (NCLR)	13	9	9	0	4	4	1	0	0	5	100%	56%
7	Judicial Training Institute (JTI)	18	7	3	4	3	0	0	0	0	0	43%	0%
8	Finance	9	4	2	2	3	0	0	0	1	1	50%	50%
9	Accounts Controller 1/	0	0	0	0	0	0	0	0	0	0	0%	0%
0.1	Office of the judiciary ombudsperson	8	3	1	2	3	0	0	0	0	0	33%	0%

1.	1	ICT	5	3	1	2	3	1	0	0	0	1	33%	100%
2.	1	Supply Chains Management	6	4	2	2	4	1	0	0	0	1	50%	50%
3.	1	HR and Administration	7	3	2	1	2	1	0	0	0	1	67%	50%
4.	1	Registrar, Supreme Court	8	7	4	3	3	0	0	0	0	0	57%	0%
5.	1	Registrar, court of appeal	10	4	3	1	4	0	0	0	0	0	75%	0%
6.	1	Registrar, High Courts	9	8	5	3	3	0	0	0	0	0	63%	0%
7.	1	Registrar, Magistrate Courts	11	6	3	3	3	0	0	0	0	0	50%	0%
8.	1	Performance management	6	4	3	1	3	1	0	0	0	1	75%	33%
9.	1	Public Affairs and Communication	9	8	5	3	6	2	0	0	0	2	63%	40%
0.	2	Judiciary Transformation Secretariat	7	4	1	3	3	0	0	0	0	0	25%	0%
1.	2	Attorney General (AG's) Office	5	3	3	0	2	0	0	0	0	0	100%	0%
		<b>Total</b>	<b>203</b>	<b>102</b>	<b>68</b>	<b>34</b>	<b>61</b>	<b>18</b>	<b>7</b>	<b>0</b>	<b>5</b>	<b>30</b>	<b>67%</b>	<b>44%</b>