

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND – GATUNDU NORTH CONSTITUENCY FOR THE YEAR ENDED 30 JUNE, 2019

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of National Government Constituencies Development Fund - Gatundu North Constituency set out on pages 6 to 35, which comprise of the statement of assets and liabilities as at 30 June, 2019, statement of receipts and payments, statement of cash flows and the summary statement of appropriation - recurrent and development combined for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, except for the effects of the matter described in the Basis for Qualified Opinion section of my report, the financial statements present fairly, in all material respects, the financial position of the National Government Constituencies Development Fund - Gatundu North Constituency as at 30 June, 2019, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the National Government Constituencies Development Fund Act, 2015 and the Public Finance Management Act, 2012.

Basis for Qualified Opinion

1. Inaccuracies in the Financial Statements

The statement of receipts and payments reflects use of goods and services totalling to Kshs.8,182,838 whereas the summary statement of appropriation - recurrent and development combined reflects amounts of Kshs.8,567,838 resulting to an unreconciled variance totalling to Kshs.385,000.

Consequently, the accuracy, completeness and validity of the expenditure on use of goods and services totalling to Kshs.8,182,838 reflected in the statement of receipts and payments for the year ended 30 June, 2019 could not be confirmed.

2. Unsupported Prior Year Adjustments

The statement of assets and liabilities and statement of cash flows reflect prior year adjustments totalling to Kshs.69,038. However, the nature and purpose of the adjustments was not explained.

Consequently, the accuracy, completeness and validity of the prior year adjustments totalling to Kshs.69,038 reflected in the financial statements for the year ended 30 June, 2019 could not be confirmed.

3. Unsupported Bursaries

As disclosed in Note 7 to the financial statements, the statement of receipts and payments reflects under other grants and transfers amount of Kshs.30,664,585. The balance includes payments amounting to Kshs.17,492,215, Kshs.5,849,000 and Kshs.473,370 for bursary-secondary schools, bursary-tertiary institutions and bursary-special, respectively all totalling to Kshs.23,814,585. However, the disbursements were not supported with acknowledgement letters or receipts, Bursary Sub-committee minutes and fees structures from the schools and institutions.

Consequently, the accuracy, completeness and validity of bursaries totalling Kshs.23,814,585 reflected in the statement of receipts and payments for the year ended 30 June, 2019 could not be confirmed.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the National Government Constituencies Development Fund - Gatundu North Constituency Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

Key Audit Matters

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

Other Matter

1. Budgetary Control and Performance

The summary statement of appropriation - recurrent and development combined reflects final receipts budget and actual on comparable basis of Kshs.188,924,028 and Kshs.133,883,152 respectively, resulting to an under-funding of Kshs.55,040,876 or 29% of the budget. Similarly, the statement reflects final expenditure budget and actual on comparable basis of Kshs.188,924,028 and Kshs.114,691,657 respectively, resulting to an under expenditure of Kshs.74,232,371 or 39% of the budget.

The underfunding and underperformance affected the planned activities and may have impacted negatively on service delivery to the public.

2. Unresolved Prior Year Matters

In the audit report of the previous year, several issues were raised. However, the Management has indicated the issues as resolved yet Parliament has not discussed the report.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

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

Basis for Conclusion

1. Failure to Implement Projects

Review of Project Implementation Status Report as at 30 June, 2019 revealed that the Management had planned to undertake forty-two (42) projects with a budget total of Kshs.162,735,465. However, thirty-one (31) projects totalling to Kshs.96,730,338 were completed, while eleven (11) had not commenced. No explanation was provided for failure to implement the projects as planned.

In the circumstances, I am unable to confirm whether the public obtained value for money from the budgeted funds on the projects.

2. Unsatisfactory Implemented Projects

As disclosed in Note 6 to the financial statements, the statement of receipts and payments reflects under transfers to other Government Units amount of Kshs.69,010,854. The balance includes transfers to primary schools expenditure totalling to Kshs.49,231,039 and secondary schools expenditure totalling to Kshs.16,775,115. However, the following unsatisfactory matters were noted:

2.1 Renovation of Classrooms

The balance includes an amount of Kshs.1,955,000 disbursed to Mathanji Primary School for renovation of eight (8) classrooms. The contract was awarded to a firm at a contract sum of Kshs.1,940,400. However, physical verification of the project carried out on 19 February, 2020, revealed incomplete works including tiling valued at Kshs.172,800. Further, roofing was poorly done and rafters used for roofing were not treated and had large gaping vents.

In addition, records indicated that the contractor had been paid the full contract sum, including retention money.

2.2 Construction of Ablution Block

Further, the balance includes expenditure amount of Kshs.1,180,000 disbursed to Chania Primary School for construction of an ablution block awarded to a firm on 12 March, 2019 at a contract sum Kshs.1,170,557.

However, physical verification carried out on 19 February, 2020 revealed that the project was incomplete and the contractor was not on site. Fitting of doors, painting, and roofing had not been done, while unsealed gaping holes were visible from outside the structure. In addition, rafters were not treated and termites had damaged them.

2.3 Construction of Perimeter Wall

The balance includes an amount of Kshs.4,140,000 disbursed to Mwea Secondary School for construction of a perimeter wall. Records indicated that the contract was awarded to a company on 28 August, 2018 at a contract sum of Kshs.3,973,925.

A certificate of practical completion was issued on 07 November, 2018 and a first and final payment of Kshs.3,881,391 made on 08 January, 2019. However, physical verification of the project on 21 February, 2020 showed the following anomalies, despite the fact that the contractor had been paid in full:

- (i) The works had not been completed. Superstructure wall finishes including recess keys finish to walling on the inner side of the wall and capping were not done.
- (ii) The contractor was awarded extra works valued at Kshs.111,750, which were not approved by the accounting officer.
- (iii) There was no evidence that Management deducted the mandatory 3% withholding tax and 6% Value Added Tax.

Consequently, validity and value for money on the above projects during the year ended 30 June, 2019 could not be confirmed.

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

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

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

Basis for Conclusion

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

Responsibilities of Management and those Charged with Governance

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

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

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

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

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

Auditor-General's Responsibilities for the Audit

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

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

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

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

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

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from

fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

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

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

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



Nancy Gathungu
AUDITOR-GENERAL

Nairobi

05 October, 2021