

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - MANDERA WEST CONSTITUENCY FOR THE YEAR ENDED 30 JUNE, 2020

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of National Government Constituencies Development Fund - Mandera West Constituency set out on pages 13 to 30, which comprise the statement of assets and liabilities as at 30 June, 2020, statement of receipts and payments, statement of cash flows and 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 effect of the matters 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 - Mandera West Constituency as at 30 June, 2020 and its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and complies with National Government Constituencies Development Fund Act, 2015.

Basis for Qualified Opinion

1. Accuracy of Bank Balance

The statement of assets and liabilities reflect a bank balance amounting to Kshs.45,179,863 as at 30 June, 2020. However, cash books for the year under review reflected a balance of Kshs.45,166,932 as at 30 June, 2020 resulting to unexplained and unreconciled variance amounting to Kshs.12,931.

In the circumstances the accuracy and completeness of the cash and cash equivalents amount of Kshs.45,179,863 as at 30 June, 2020 could not be confirmed.

2. Incorrect Opening Balances

Note 10.1 to the financial statements reflect Kshs.112,185,175 (2019: Kshs.92,282,045), in respect of unutilized funds. Review of the note revealed prior year 2018/2019 comparative balances which were incorrectly stated as detailed below:

Component	2018/2019 Audited Account Balances (Kshs.)	2019/2020 Financial Statement Balances for 2018/2019 (Kshs.)	Variance (Kshs.)
Transfers to Government Entities	68,695,001	73,874,207	(5,179,206)
Other Grants and Other Transfers	20,969,615	15,790,409	5,179,206

In the circumstance, the accuracy of opening balances for the unutilized funds, and those for the year under review could not be ascertained.

3. Transfer to Other Government Entities

3.1 Unsupported Expenditure on Transfers to Secondary Schools

The statement of receipts and payments reflect transfers to other government entities amounting to Kshs.83,356,000, which includes Kshs.30,139,000 transferred to secondary schools projects. Review of payment documents for the transfers revealed an amount of Kshs.12,689,000 which was not properly supported and lacked requisitions from the schools for the funded construction works, and the desks and chairs supplied. Further, some of the projects lacked completion certificates from works engineers to warrant full payment. In addition, a school bus purchased for Takaba Girls Secondary School did not have a logbook and thus, its ownership could not be confirmed.

In the circumstances, the validity of the expenditure on transfers to secondary schools amounting to Kshs.12,689,000 for the year ended 30 June, 2020 could not be confirmed.

3.2 Unsupported Expenditure on Transfer to Primary Schools

Note 5 to the financial statement on transfers to other government entities reflects expenditure amounting to Kshs.49,917,000 in respect of transfers to primary schools, out of which, Kshs.6,650,000 was used for construction of classrooms, supply of desks and fencing. However, requisite documents of the contractors and suppliers such as certificate of incorporation, tax compliance certificate, Kenya Revenue Authority (KRA) pin certificates and National Construction Authority (NCA) registration certificates required as per the tender notice were not provided for audit review.

Consequently, the validity of the expenditure on transfer to primary schools of Kshs.6,650,000 as at 30 June, 2020 could not be confirmed.

4. Unsupported Use of Emergency Reserve Fund

Review of payment vouchers, project files and other expenditure records revealed that the Fund made a payment of Kshs.2,970,000 from emergence reserve fund. However, there was no evidence showing that the Management of the Constituency Fund made a report to the National Government Constituency Fund Board on the utilization of the emergency funds within 30 days as stipulated in Regulation 20(2) of the National Government Constituencies Development Fund Regulations, 2016.

In the circumstances, the validity of the expenditure from the emergency reserve fund amounting to Kshs.2,970,000 for the year ended 30 June, 2020 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 - Mandera West Constituency Management in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statement 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. Budget Control and Performance

The summary statement of appropriation - recurrent and development combined reflects final receipts budget and actual on comparable basis amounting to Kshs.229,649,769 and Kshs.162,644,458 respectively resulting in shortfall of Kshs.67,005,311 or 29% of the approved budget. Similarly, the statement reflects final expenditure budget and actual on comparable basis totalling to Kshs.229,649,769 and Kshs.117,464,594 respectively, resulting in underperformance amounting to Kshs.112,185,175 or 49% of the budget.

The underfunding and under expenditure affected the planned activities and may have impacted negatively on service delivery to the residents of Mandera West Constituency.

2. Project Implementation and Management

During the year under review, the Fund allocated Kshs.99,004,241 to seventy-seven (77) projects in various sectors including education, security and emergency. Review of the project implementation status report provided revealed that five (5) projects had not started, while twenty-seven (27) were complete and forty-five (45) projects were on-going as detailed in the table below: -

Sector	Project Status	Project Cost (Kshs.)	Number of Projects
Security	Complete	1,800,000	1
	Ongoing	3,400,000	3
	Not Started	7,750,000	5
Education	Complete	13,956,000	25
	Ongoing	64,900,000	42
Emergency	Complete	7,198,241	1
Total		99,004,241	77

Failure to complete the projects within the stipulated period may have negatively impacted on service delivery to the constituents of Mandera West.

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, I confirm that, nothing 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

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 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 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 governance.

In preparing the financial statements, Management is responsible for assessing the Fund's ability to sustain 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 Fund's financial reporting process, reviewing the effectiveness of how the entity monitors compliance with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

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

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

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

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



CPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

09 March, 2022