



MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT
STATE DEPARTMENT FOR PUBLIC WORKS

DRAFT PUBLIC WORKS MANAGEMENT POLICY, 2024



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CHAPTER ONE: INTRODUCTION

1.1. Background information

Public Works function is the development, maintenance of infrastructure and the management practice where Government authorizes construction to be undertaken, established, managed, operated or maintained on public land to enable provision of essential services to improve the welfare of its citizens. Development and maintenance of infrastructure is one of the core functions of a Government to enable it to deliver its mandate. Provision of Public Works services in Kenya, specifically entails regulation, development, management, administration and setting of performance of buildings and other social infrastructure that promote accountability, safety, resilience and sustainable building development.

In pre-independence Kenya, Public Works Department was a key Government instrument responsible for the construction, development and maintenance of roads, bridges and buildings for public use. It spearheaded the opening up of the hinterland for setting up of Government activities, commercial interests and social benefits. This status prevailed right from the enactment of the protectorate through to the end of the colonial era. Current Public Works still plays some of these roles, more so in the design and development of the building industry. Public Works module in Kenya like many developing nations was initially heavily vested in Government Departments undertaking planning, financing and physical delivery of works. Such Departments would procedurally utilise public staff and equipment. Over the years, this model has gradually shifted to delivery through state authorities and outsourced implementation of works. In consequence, the future of Public Works should ideally embrace practices of the developed world which put strong emphasis on a regulatory regime. The regime would in essence, embrace overall national aspirations and international trends that harness and stimulate growth of a private sector-led building industry.

The Executive Order No. 2 of 2023 on the organization of the Government of the Republic of Kenya give the State Department for Public Works the following mandate:

- i. Public Works policy and planning;
- ii. National Building Inspection Services;
- iii. Setting and management of building and construction standards and codes;
- iv. Registration and Regulation of Contractors, Consultants for Buildings, Civil Works and Material Suppliers;
- v. Registration of Architects and Quantity Surveyors;
- vi. Provision of Mechanical and Electrical building services;
- vii. Building Research Services;
- viii. Registration and Regulation of Civil, Building and Electro-Mechanical Contractors;
- ix. Development and Management of Public buildings;
- x. Other Public Works.

1.2. Policy Environment

At a Global Level

The Africa Union Agenda 2063 serves as a strategic framework aimed at the socio-economic transformation of the continent over a span of 50 years, culminating in 2063. Although this blueprint is a continental initiative, it bears significant implications for individual nations, such as Kenya, particularly within the building construction sector. The Agenda underscores the importance of infrastructure development as a fundamental catalyst for economic growth and regional integration across Africa.

In Kenya, the building construction sector is vital for the execution of these infrastructure projects, which are essential for realizing the objectives outlined in the blueprint. The Agenda acknowledges the swift urbanization occurring in Africa and the necessity for sustainable urban development. It advocates for the creation of smart cities that are environmentally sustainable, technologically advanced and inclusive. The building construction sector in Kenya is a pillar in establishing the infrastructure required for these smart cities. The Agenda promotes the integration of green building practices, renewable energy solutions and sustainable urban planning by encouraging environmentally responsible construction methods, fostering energy-efficient buildings and reducing environmental impacts during the construction process.

1.2.1. At National Level

The 2010 Constitution of Kenya has influenced the building construction industry within Kenya. Establishing a devolved system of governance, the Constitution has redistributed authority and resources to 47 County Governments. This shift has significant ramifications for the construction sector, as these sub-nationals possess greater authority over planning, land use and infrastructure development in their respective areas. There has been a movement towards a more localized methodology in managing construction projects and making decisions.

Section 69 of the Constitution underscores the importance of environmental conservation and sustainable development. It affirms the right to a clean and healthy environment while placing responsibilities on all levels of Government to safeguard and preserve the environment. This provision encourages the building construction sector to embrace eco-friendly construction methods and to prioritize the conservation of natural resources.

Vision 2030 serves as a long-term development framework for Kenya, aspiring to elevate the nation into a competitive and prosperous entity on the global stage, ensuring a high standard of living for all its inhabitants. This Vision is structured around three fundamental pillars: Economic, Social and Political; aligning with the United Nations Sustainable Development Goals to foster collaborative partnerships that support its developmental objectives. The emphasis on infrastructure development is recognized as cornerstone of this Vision. Furthermore, the construction sector is identified as a significant catalyst for economic advancement and growth within Kenya.

The implementation of this Vision occurs through successive five-year Medium-Term Plans

(MTPs). Additionally, various National Government agencies and County Governments have synchronized their Strategic Plans and County Integrated Development Plans (CIDPs) with this national development framework and the MTPs through a consultative approach.

The Population, Urbanization, and Housing Sector Plan aligns with the Medium Term Plan (MTP IV 2023-2027) of Kenya Vision 2030, incorporating all initiatives and projects established during the third MTP, along with new projects essential for the effective realization of Vision 2030. The progress of these MTPs is systematically monitored and documented through annual progress reports, as well as mid-term and end-term evaluations. Vision 2030 articulates specific objectives for the Fourth Medium Term Plan (2023-2027), aimed at fostering socio-economic transformation towards a more competitive, inclusive and resilient national economy. The emphasis on accelerated infrastructure development will prioritize quality, aesthetics, functionality and adherence to due processes throughout all stages of planning, contracting, and construction. The Vision also encompasses the enhancement of institutional frameworks for infrastructure development, focusing on efficiency, quality, local content, innovation in service delivery and increased private sector involvement in the industry. This necessitates the establishment of sustainable built environment policies that ensure a vibrant and well-regulated industry.

1.2.2. At County Level

The Constitution of Kenya, which was enacted in 2010, created a framework for devolved governance aimed at improving the accessibility of services to the citizenry. This devolution is essential as it grants County Governments greater control over local resources and decision-making processes. Each of the 47 counties in Kenya is mandated to manage its own public works responsibilities, which include the planning, financing, implementation, and maintenance of infrastructure projects.

The fourth Schedule of the Constitution delineates the distribution of responsibilities between National and County Governments, detailing the functions and powers associated with County public works and services. This encompasses the management of storm-water systems in urban settings, as well as the provision of water and sanitation services. Counties are also responsible for the development and upkeep of local infrastructure, such as roads, drainage systems and public buildings within their areas. This responsibility extends to both urban and rural regions, where access to essential services can greatly influence economic activities

1.2.3. In relation to the Affordable Housing Programme

The development under the affordable housing initiative necessitates substantial advancements in infrastructure. The management policies governing public works and buildings determine the planning and financing of these infrastructure. Although affordable housing projects boost local economies by generating employment opportunities during the construction phase, the associated economic activities can lead to a heightened demand for services within the sector. This policy concerning the program underscores the

importance of community participation in the decision-making process. Meaningful engagement guarantees that the projects address the needs of the residents, thereby ensuring that the Public Works Management policy is in harmony with the national affordable housing program.

1.2.4. Linkage with Bottom Up Economic Transformation Agenda (BETA)

The Government's BETA initiative, which is founded on strategic pillars such as agricultural transformation, inclusive growth, micro and medium enterprises, housing and settlement, healthcare, digital infrastructure, and the creative industry, is designed to facilitate a swift economic recovery and promote inclusive growth. The initiative places particular emphasis on measures that aim to: lower the cost of living; boost employment opportunities; encourage investment and production; ensure a more equitable distribution of income; improve social security; broaden the tax base to generate additional revenue; and enhance foreign exchange earnings. The Agenda aspires to create significant impacts and connections within at least five targeted sectors, thereby benefiting the economy and improving household welfare.

The successful implementation of BETA necessitates, among other factors, increased financial investments, the strengthening of institutions and the enhancement of policy development capabilities to address emerging challenges. Both this policy and the BETA Agenda aim to promote sustainable development, generate employment opportunities and improve the livelihoods of individuals throughout the country. Aligning sustainable construction practices with the principles of inclusive growth and grassroots economic empowerment require collaborative initiatives to achieve comprehensive development outcomes. The adoption of green building technologies not only mitigates environmental impacts but also generates new employment opportunities in sectors in energy, construction and waste management. Prioritizing investments in sustainable infrastructure projects serving local communities ensures economic activities at the grassroot level is stimulated, resilience to climate change is improved and social inclusivity is promoted. This integrated strategy guarantees that economic transformation is environmentally sustainable, socially equitable and economically viable for all citizens of Kenya.

1.3. Policy Goals and Objectives.

1.3.1. Policy Goal

The objective of this policy is to establish a comprehensive framework for the sustainable planning, development, and management of public works, which includes buildings and associated services. It delineates the goals, principles and guidelines necessary for the execution of projects and programs designed to enhance the quality of life. This policy is shaped by the necessity for a strategic approach to tackle ongoing challenges that threaten the built environment in Kenya, thereby ensuring continued support for the National Development Agenda.

This policy further addresses a broad spectrum of areas, encompassing both public and private buildings, as well as county public works functions as mandated by the Kenyan

Constitution, 2010 and other related infrastructure. It identifies critical challenges within the building sector. Areas of particular focus include building planning, development and management, the legal, institutional and regulatory framework governing the sector, risk assessment and safety within the built environment, research and development, funding mechanisms, gender integration, adoption of innovative technologies and environmental considerations, among others.

1.3.2. Policy Objectives

The aim of this policy is to establish a legal, administrative, institutional and technological framework that facilitates the coordination, execution and oversight of public works functions and associated activities.

The specific policy objectives are:

- i. Facilitate development and coordination of sustainable public works functions
- ii. Create a viable and well regulated built environment in Kenya.
- iii. Enhance efficiency, accountability and transparency in Government office accommodation management practices across all government entities.
- iv. Strengthen disaster risk preparedness, risk reduction planning, and resilience management.
- v. Promote development of sustainable, environmentally friendly and resilient buildings and associated infrastructure
- vi. Develop a national approach to support buy Kenya build Kenya initiative in furniture design and production; acquisition, use and reuse; and its development
- vii. Uphold professionalism, human resource management and enhanced competitiveness in the industry
- viii. Source for alternative financing mechanisms for the industry

1.4. Policy Rationale.

The necessity for this policy is articulated in Vision 2030, which designates the building construction sector as a key contributor to achieving its Economic, Social, and Political objectives in a coordinated fashion. The Third Medium Term Plan for 2018-2022 has identified the absence of a coherent and integrated policy, legal, and institutional framework as a significant obstacle to the effective provision of quality and sustainable buildings and related infrastructure essential for sustainable development. The lack or inadequacy of comprehensive legal frameworks to regulate the industry has resulted in disorganized growth, elevated levels of non-compliance and corruption. The Fourth Medium Term Plan acknowledges the imperative for comprehensive management strategies, including the formulation and execution of a policy aimed at advancing the building industry.

To enable the building sector to effectively contribute to the realization of Vision 2030, it is essential to address the aforementioned challenges. Consequently, this policy has been developed to establish a more robust legal and institutional framework that will enhance the sector's capacity and improve the efficiency and effectiveness of building infrastructure

development processes across all stages of planning, regulation, contracting, and construction. A strong focus on regulation, maintenance culture and risk management will facilitate the achievement of Vision 2030's strategic goal of transforming Kenya into a globally competitive and prosperous nation with a high standard of living. A structured framework to govern how both private and public entities plan, finance and execute building projects is crucial for optimal and efficient operations.

1.5. Process and Scope.

1.5.1. Policy process

This policy was generated from;

- i. Issues and previous recommendation reports produced by thematic groups comprised of state and non-state actors.
- ii. Consultative workshops organized to collect views from stakeholders.
- iii. Reports documenting past initiatives on matters relating buildings and its related activities
- iv. Input from experts, research findings as well as reports from academia.
- v. Benchmarking with best practices within and outside the region.
- vi. Other policy requirements requiring interventions in the field of buildings sector.

1.5.2. Policy Scope

This policy addresses a broad spectrum of domains, including both public and private structures, as well as county public works responsibilities designated by the Constitution and related infrastructure. It tackles significant challenges pertinent to the buildings and infrastructure sector. Areas of particular focus encompass building planning, development and management, legal, institutional and regulatory framework governing the sector, risk assessment and safety within the built environment, research and development, funding mechanisms, gender integration, the incorporation of innovation and technology and environmental factors, among others.

The Policy shall apply to;

- i. All public sector institutions, which encompass the National Government and its associated entities, constitutional commissions, independent offices, state organs and other partners collaborating with National Government entities in the planning, development, construction, management, provision and execution of the buildings program in Kenya.
- ii. Non-state actors who are directly or indirectly engaged in the planning, development, construction, management, provision and execution of the buildings in Kenya.
- iii. Projects and programs related to the planning, development, management, provision and execution of social infrastructure, as well as building works programs initiated by County Governments

1.6. Conceptual Framework

The policy derives its conceptual framework on the basis of job creation, stimulated economic growth, improved productivity, business support, environmental sustainability and disaster resilience.

- i) Public works projects create employment opportunities, including built environment professionals, construction workers, technicians and administrative staff. These jobs provide income and stimulate economic activity in local communities.
- ii) Public works projects stimulate economic growth by attracting private investment. This leads to increased business activity and job creation in related industries.
- iii) Public works activities support businesses by providing essential services and infrastructure. Functional and well maintained public buildings enable businesses to operate efficiently.
- iv) Public works initiatives focused on disaster preparedness and response play a significant role in bolstering the economy by mitigating the effects of natural disasters.

CHAPTER TWO: SITUATION ANALYSIS

2.1. Introduction

This chapter entails a situation analysis on the current status, review of trends and the patterns observed across the public works industry. The section further looks into the policy and legal environment as well as achievements. The policy and legal environment focus on the national trends, the achievements, gaps/challenges and the potential areas in which the policy plugs in.

2.2. National Trends

One of the most notable aspects of the Constitution of Kenya 2010 is the establishment of a devolved system of government, which is distinctive to Kenya. This system comprises one (1) National Government and Forty-Seven (47) County Governments. The National and County Governments are characterized as "distinct and interdependent," and they are expected to engage in their interactions through consultation and cooperation. The unique roles of these Governments within the devolved framework are outlined in the Fourth Schedule of the Constitution, which delineates various functions assigned to each level of Government.

In observance of this provision, this Policy takes into account Part 1 & Part 2 of the Fourth Schedule of the Kenyan Constitution on distribution of functions between the National Government and the County Governments where National Public Works and County Public Works respectively are assigned. The Constitution has spelled out the right to the attainment of a comprehensive effective and efficient infrastructure development as enabler of making critical steps in infrastructure investments to support Sustainable Development Goals. Good public infrastructure may lead to linking people to quality public services.

This policy takes cognizance of the specific functions assigned to the two levels of Governments. The National Public Works is required to among others, carry out Public Works Planning and Policy Development, capacity building and technical assistance to the County Governments and develop industry standards and guidelines for the industry. The County Public Works and services include stormwater management systems in built-up areas; and water and sanitation services, among others.

2.3. Progress Analysis

The economy of Kenya experienced significant growth in Gross Domestic Product (GDP), averaging 6.6% annually during the years immediately following independence (1964-1973) and towards the end of that decade. However, a slowdown in this growth commenced in the late 1970s and persisted until 2002, when the economy faced a notable contraction with a negative growth rate of 0.2%. From 1997 to 2002, economic growth consistently declined, with GDP achieving an average annual growth rate of merely 0.9%, in contrast to a population growth rate of 2.9% per year. Since 2003, the economy has been on a path to recovery, with GDP growth rising from 0.5% to 6.1% by 2007, resulting

in an average annual growth rate of approximately 4.3%, while the population growth rate was around 2.8% per annum. Several key factors contributed to the economic downturn, including inadequate infrastructure, particularly poorly constructed public and private buildings, insufficient social infrastructure networks, unreliable energy supply, a fragile institutional framework, subpar performance in critical sectors such as transport and manufacturing and ineffective macro-economic management.

The construction industry, as a significant element of infrastructure development, is instrumental in generating wealth and enhancing the quality of life for Kenyans. This impact is evident in the continuous growth of job opportunities within the industry. Employment in private construction has shown steady advancement, and the wages offered to workers by construction firms have increased over time, fueled by the accelerated rate of construction projects nationwide.

2.4. Achievements

The Economic Survey 2024 indicates that the value and volume of sector activities in Kenya serve as crucial indicators of overall economic performance, owing to the sector's substantial contribution to the national GDP. In 2023, the sector experienced a growth rate of 6.6 percent, a decrease from the 10.1 percent growth observed in 2022. As reported by the Kenya National Bureau of Statistics (KNBS) in the Quarterly Gross Domestic Product Report 2024, cement consumption fell by 12.7 percent, decreasing from 2,234.2 thousand metric tonnes in the previous year to 1,949.9 thousand metric tonnes in the same period of 2023. Nevertheless, the industry continues to play a significant role in the country's Gross Domestic Product.

2.5. Challenges

The construction sector in Kenya has significantly contributed to economic growth; however, it is currently facing numerous challenges. These issues are extensive and include market dynamics, the adoption of new technologies, adherence to regulations, safety issues, project management and coordination, as well as economic volatility. Such challenges adversely impact the industry, resulting in inefficient resource utilization and limiting its potential to foster social and economic advancement. This scenario necessitates improved regulation of standards and their enforcement. Presently, Kenya lacks a cohesive and comprehensive policy framework to steer the nation towards the development of efficient, high-quality and sustainable buildings. Existing legal documents such as Building Operation Manuals, the new national building code and other regulations fail to sufficiently tackle the industry's challenges in the context of contemporary technologies and demands. These inadequacies has led to disjointed growth within the sector, elevated levels of non-compliance and considerable corruption among stakeholders, as evidenced by poorly designed urban areas and unsafe structures.

The following constitute major industry challenges;

2.5.1. Uncoordinated buildings development and inadequate maintenance in the industry.

The National and County Public Works are involved in supporting various Government Departments and Agencies in development of technical designs and documentation including costing of buildings projects upon the receipt of briefs. The National Treasury Circular No.16 of 2019 dated January 2020 on Guidelines on Public Investment Management for National Government and its Entities expressly provide for procedure on project identification and conceptualization, planning, pre-feasibility and feasibility as well as implementation, monitoring, evaluation and reporting for various Government entities. The guidelines require adequate pre-feasibility studies of project sites prior to design and documentation.

However it has been observed that;

- i. Some Government entities request Public Works at National and county level for designs and documentation be carried within a short period and unrealistic timelines contrary to these Guidelines.
- ii. There are prolonged and unnecessary delays in correspondences and communication between the Government Agencies & Departments and Public Works teams which sometimes, may occasion accusations, among others, inflated estimates. In effect, this has at times led to inadequate designs which may result in inaccurate cost estimates and specifications. The hurried documentation process has often been done without key pre-feasibility and feasibility components such as topographical, geotechnical, hydrological and other investigative surveys being considered.
- iii. A notable feature that distinguishes developed countries is the manner in which buildings are maintained. To achieve the purpose of vision 2030 of being a middle level income country with a high standard of living, a maintenance and inspection culture must be widely entrenched to ensure sustainability of public infrastructure facilities which is not the case presently. In cases where projects are successfully completed, there is no proper planning for their regular maintenance due to disaggregation of funds to various Ministries, Departments and Agencies (MDAs). Currently the industry is faced with serious scarcity of development and maintenance funds.
- iv. In administration of public works functions, development funds are scattered in various MDAs. This function initially was the preserve of the Government Ministry responsible for Public Works function, which also supervised project implementation and enhanced fund accountability. The disaggregation of these funds to various MDAs has led to duplication of functions, initiation of unplanned, uncoordinated and scattered projects that end up being incomplete and stalled.
- v. In addition to scattered development funds, there is no central coordination of development finance and foreign investment pertaining to public works functions. Foreign experts do not reconcile practices with local standards

which has led to conflicting norms, practices, and costly specifications when compared to local affordability baselines. Instead of upward harmonization, there has been a tendency to automatically discount local practices as inferior without proper examination of economic dynamics and cultural norms.

- vi. Conversely, local manufacturing and upgrading of public works skills suffers from severe lack of investment leading to an excessive reliance on imported products and skills. Despite the fact that Western countries are adopting the use of traditional materials such as “earth buildings,” local development of high performance earth based materials and techniques is not happening.
- vii. There exist varying designs and specifications for similar public projects that emanate from project consultants either being public works or private sector being engaged by the various Government entities. This is attributed to varied requests and briefs from Government entities and sometimes occasioned without adequate viability and budget considerations. This is also attributed to emergence of new building technologies, processes and materials in the market, lack of proper enforcement mechanisms and revised client briefs. In effect, this has led to varied project implementation costs and has at times occasioned loss of Government funds.
- viii. Effective project management and coordination is essential for successful construction projects. Large-scale projects involve multiple stakeholders with diverse interests. There is no framework to coordinate and promote institutional mandates, regulate players, set norms and standards and allocate, distribute and redistribute resources to respond to the industry’s dynamic needs in building technology, materials and practices. In effect, the country has experienced a rise in failure of buildings which is attributed to lack of enforcement and compliance to existing building standards and regulations. Lack of the policy has further inhibited the building industry from reaching its full potential.

2.5.2. Lack, Weak and Out-dated Institutional, Legal and Regulatory Industry Frameworks.

- i. Kenya currently lacks a Public Works Management Policy, resulting in the absence of definitive legal and institutional frameworks concerning the built environment. In instances where industry policies are present, the existing legislation is often outdated and inconsistent, with related regulations similarly fragmented and distributed across various State Agencies that have differing objectives. Consequently, the reliance on disjointed policies, executive orders, and other Government Circulars means that provisions for policy and planning primarily focus on Government Ministries, Departments, and Agencies (MDAs), while the buildings utilized by the public are predominantly privately owned.

- ii. Some Ministries, Departments and Agencies have evaded regulations that necessitate proper guidance and planning, resulting in hasty construction projects and increased costs. They frequently secure funding before completing the planning phase, which contributes to overall inefficiency. At present, construction activities are characterized by a lack of coordination, randomness and political influence. This situation indicates a failure in budgeting and disconnected financing. Consequently, enforcement measures have proven ineffective for various reasons. The repercussions of this scenario are evident in the form of sub-standard buildings and structures, unregulated construction practices and a lack of established standards for building and associated infrastructure.
- iii. A key feature of this scenario is unregulated building practitioners and practices which can be regulated or controlled. There is need to rein in wide discretion being currently used by MDAs and also bring in private buildings being used by public for closer supervision and inspection during and after construction. As provided for in the Constitution and espoused in Vision 2030, this policy should bring a road map for the manner in which building works are undertaken and maintained.
- iv. There is a multiplicity of institutions and Government entities with separate policies and laws including County Governments that are involved in the building development, inspectorate and approval chain. National Public Works does not have control over the approval processes and development of buildings in Kenya. Currently this function is being carried out by the County Governments and State Agencies domiciled outside the State Department. In effect, there is lack of a Government institution that provides a coordination role, take responsibility, effectively support the investment within the sector and enforce compliance to the approved standards. Additionally, there is created unnecessary bureaucracies and complicated procedures which lengthen building processes, increasing costs and risks
- v. Public Procurement and Asset Disposal Act, 2015 provide for restricted tendering as a procurement method that limits the request for tenders to a select number of suppliers, contractors or service providers. This tendering method is highly applied in building projects more-so small value projects and is potentially abused in acquisition of Works. In effect, this method, though considered a competitive procurement method, competition is limited to only firms shortlisted or invited by the procuring entity. It has, at times, been abused by some procuring entity. In other instances, works are un-procedurally split into phases in the disguise of budget constraints for them to be effectively implemented under this procurement method.

2.5.3. Inefficient Lease Management practices in Government Entities

- i. The Ministry has recently indicated a rise in requests from various Government entities seeking assistance with the re-development of office spaces through remodeling efforts. Several of these identified locations are situated in privately owned buildings, often incurring excessively high rental costs. Over the past five years, the National Treasury has reported expenditures exceeding Kshs. 40 billion in this area. This spending, which encompasses rent for both private and Government office facilities, presents an opportunity for better management, allowing for the re-allocation of funds to other critical services, such as infrastructure development.
- ii. Some of the privately leased offices are not easily accessible to the public, which impedes effective service delivery to citizens. While the Government recognizes the necessity of securing appropriate office accommodations, there are numerous inefficiencies that result in financial waste, increased costs, operational delays, suboptimal resource utilization and compliance challenges that require urgent attention
- iii. Government agencies frequently face challenges in overseeing numerous leases distributed across various locations due to the absence of a centralized management system. This lack of cohesion obstructs the capacity to obtain a holistic understanding of leasing commitments, which may result in overlooked opportunities for consolidation or renegotiation that could yield substantial cost reductions and leverage economies of scale.
- iv. Government agencies generally function within stringent regulatory guidelines that govern their property acquisition methods, including the leasing of office spaces. These processes often involve length procurement procedures necessitating several levels of authorization. Additionally, Government budgets are frequently predetermined and reviewed annually, which can pose difficulties in securing office space. Financial limitations may postpone the acquisition timeline, as funding must be approved prior to any contractual obligations. Should initial cost projections be surpassed due to unexpected factors like market changes, this may result in additional challenges and possible cancellations of space acquisitions.
- v. The bureaucratic characteristics inherent in these processes hinder negotiations and restrict flexibility, potentially resulting in considerable delays in obtaining office space. The lack of a policy framework to direct ownership and utilization of government office space, along with the absence of standardized acquisition and lease management procedures across various Government entities has led to unnecessary expenses and legal complications, further intensifying the problem.
- vi. Some private office spaces frequently feature leasing agreements that may not correspond with the operational requirements of Government entities. Consequently, there have been cases where Government entities find themselves bound by long-term leases that do not permit modifications in response to evolving needs or financial limitations. Additionally, inadequately

specified requirements from Government entities seeking space have resulted in the procurement of more space than is actually needed, leading to the misallocation of public resources.

2.5.4. Exposure to disasters and risks.

- i. Public works, including construction and related infrastructure, function within a range of environments that are exposed to various disasters. While natural disasters are uncontrollable, it is essential to take proactive measures to predict their likelihood. Conversely, man-made disasters frequently arise from inadequate risk assessment and management practices. At present, disaster management is overseen by multiple agencies, resulting in a fragmented approach to handling emergencies. Current global trends emphasize the necessity for comprehensive planning and coordinated responses, which should encompass risk assessment, mapping, disaster preparedness, and management strategies. There is need to put measures in place at the onset of planning in the built environment to address risks following the occurrence of a disaster
- ii. Safety concerns are significant challenges in the building industry. Construction sites can be hazardous environments, and companies must prioritize worker safety. Implementing proper safety protocols, training programs and providing necessary safety equipment is crucial to minimize the risk of accidents and injuries.
- iii. Cadastral mapping systems and digital tools are cost effective solutions that can be rapidly deployed and improved at mass scale. There is a need to develop spatial analysis tools that enable diverse stakeholders to make better decisions on land use, infrastructure design, and building safety. Early warning tools need to be developed with emphasis on community reporting mechanisms that alert public works in time for necessary repairs instead of post-disaster interventions.
- iv. Climate variability is increasing the frequency and severity of damage to infrastructure and building operations. Construction safety planning must account for risk mitigation and adaptation such as the impact of floods or droughts on sanitation facilities and the loss of biodiversity habitats increasing human-wildlife conflict. As urban settlements increase, there is a need to reduce the risk of mass catastrophic events while simultaneously ensuring Convention for Biological Diversity targets of 30% land reserved for conservation spaces by 2030.
- v. Sustainability and environmental concerns are increasingly important in the building industry. There is a growing emphasis on adopting sustainable building practices and reducing waste. Building companies face the challenge of incorporating sustainable practices into their projects while balancing cost considerations and meeting regulatory requirements.

2.5.5. Unsustainable building and construction practices

- i. The buildings and construction sector contributes significantly to global climate change, accounting for about 21 per cent of global greenhouse gas emissions. In 2022, buildings were responsible for 34 per cent global energy demand and 37 per cent of energy and process-related carbon dioxide (CO₂) emissions. Despite a 3.5 per cent reduction in energy intensity, overall energy demand and emissions rose by about one per cent from 2023. Potent greenhouse gas emissions such as nitrous oxide (NO), which is 300 times stronger than CO₂ and sulfur hexafluoride (SF₆) are not monitored. Particulate matter (PM_{2.5}) emissions contribute to significant respiratory ailments. These emissions rise from all phases of a building's life cycle (extraction of raw materials for manufacturing, construction, operation and maintenance, demolition and disposal). Annual building emissions stocktakes are needed with publicly available data to alert on emissions hotspots that need to be reduced.
- ii. Post-pandemic recovery has spurred construction activities, driven by eased supply chain disruptions and a rebound in housing demand. However, inflation and global interest rate hikes have tempered growth in Kenya. As global temperatures rise, the built environment must adapt to more frequent extreme weather events like storms, floods and wildfires. The Intergovernmental Panel on Climate Change (IPCC) emphasizes the importance of resilience and adaptation in both building operations and materials to withstand these climate impacts. Additionally, financial planning must integrate these types of risks into public works functions in order to ensure adequate operational capacity. Emphasis must be placed on the development of new financial instruments that safeguard affordability for low-income and vulnerable populations that do not have the disposable income to replace lost assets after a climate related disaster.
- iii. Poor building practices can contribute to mal-adaptation, leading to increased energy consumption and greenhouse gas emissions. To mitigate increased heat, storms, heavy precipitation, flooding, subsidence and other risks, it's crucial to incorporate sustainable building practices, including passive design measures, energy efficient materials and strategic design. The use of low carbon materials and the reuse of construction demolition waste need to be regulated in accordance with varying climatic zones, skills capacity, while maintaining health and safety standards. The use of bio-based materials must be carefully monitored to ensure biodiversity intactness is maintained and/or improved. Increased urban planning is required to ensure regional and transboundary ecosystem landscapes are not negatively impacted by construction activities such as sand harvesting. Hydroelectric dams and other water catchment infrastructure must not increase upstream or downstream flood risks. Density per acre must not increase the risk of fires or the risk of mass casualties during earthquakes and other events.

2.5.6. Low uptake of locally manufactured furniture and associated products in Kenya

- i. Building a self-sustaining export-oriented industrial sector has been the central focus of the country's industrial development policy. Despite structural reforms undertaken, a close analysis of the manufacturing sector shows that supply responses to the policies have been improving. The country's manufacturing sector increased by 2.6 percent in the third quarter of 2023. In the corresponding quarter of 2022, the value added by the industry to the Gross Domestic Product (GDP) grew by 1.8 percent. However, manufacturing sector in particular has been experiencing low total factor productivity growth rates that have been associated with under-utilization of installed capacities, low levels of investment, de-investment from the sector, limited technological advancement and uncompetitiveness in both domestic and foreign markets. The failure of Government efforts to achieve significant production volumes has largely been blamed on its failure to appreciate the need to address other factors that hinder local production
- ii. The informal sector has existed for years but was officially recognized by the International Labour Office recently in its 2000 report. This development led to not only a reduction in product capacities but also the enactment of administrative policy interventions supportive of the local furniture development. Since then, the informal sector has grown to become an important contributor to entrepreneurship, employment and creation of wealth in Kenya.

2.5.7. Human and institutional capacity shortages.

- i. The growth of construction-related professions and educational programs within the country, coupled with the incorporation of new competencies in emerging industry, has not aligned with the demands of the market. As a result, there exists a deficit of skilled labor and professionals across the sector. This issue has been further intensified by unfavorable perceptions, inadequate remuneration, talent migration, and a scarcity of training resources, among other contributing elements. To improve efficiency, productivity and overall performance, it is crucial to address the shortcomings in digital skills, equipment and capacity across different subsectors.
- ii. A notable trend within the industry is the influx of high-capacity foreign private and state-owned companies that are competing with local firms across high, medium and low-end projects. This situation is largely driven by the availability of public financing from foreign Governments, along with favorable terms and conditions for entering local markets, which include the use of duty-free materials, machinery, and equipment. Such advantages place local consultants and contractors at a significant disadvantage. Additionally, the construction sector frequently faces challenges related to a shortage of skilled labor, including carpenters, electricians, and plumbers. This scarcity can result in project delays and heightened labor costs. To

address these issues, it is essential to enhance access to affordable local financing and insurance, which necessitates the de-risking of investments through the expansion of sustainable local finance options and the upskilling of the workforce.

- iii. The current state of research and development facilities is significantly inadequate. In some instances, testing of building materials and the quality of environmental products is conducted overseas rather than domestically. This situation results in a deficiency of local data essential for regulatory compliance. Furthermore, the innovation of building materials is predominantly influenced by foreign standards, stemming from insufficient investment in research infrastructure. Given that Kenya does not experience sub-zero temperatures; there is need for building materials specifically designed for tropical climates. Funding can be directed towards local talent in universities and research institutions to pilot both transition strategies and advanced technologies. This initiative would enhance evidence-based learning and bolster local skill capacity for sustainable innovative solutions. Establishment of regionally managed data repositories is crucial for developing culturally sensitive training programs focused on behavioral transitions related to pollution reduction and resource efficiency.

2.5.8. Inadequate financing for the industry

- i. The financing of public buildings is entirely reliant on the annual budget finance cycle, which spans from July to June of the following year. An exception to this cycle exists for donor-funded public projects, which have distinct financing arrangements. The conclusion of the financial year results in significant disruptions to project funding, as any unspent funds are returned to the National Treasury for reallocation. This situation adversely impacts the progress of construction projects, often leading to delays or halts in work until funds are reallocated.
- ii. The trend of financing construction through private financial sources is emerging in Kenya, facilitated by various models such as Public-Private Partnerships (PPP), Annuity Funds and Government-to-Government collaborations. However, the cost associated with private financing tends to inflate project expenses and timelines, negatively influencing the overall construction costs. It is essential to assess these new financing avenues and their implications for fulfilling the Public Works mandate. Rather than solely selecting the lowest cost bidder, it is crucial to establish risk-sharing mechanisms aimed at reducing expenses while enhancing performance
- iii. The construction sector is highly susceptible to changes in the economy. Economic recessions often result in diminished demand for new construction initiatives, which can adversely affect the profitability and sustainability of construction firms. Variations in the costs of materials, including steel and concrete, can greatly influence project financial plans. Elements such as supply chain interruptions, trade tariffs, and inflation can exacerbate these

cost escalations. It is essential for companies to meticulously oversee their financial plans and explore strategies to alleviate the effects of increasing material expenses.

2.6. Opportunities.

- i. The Government has made significant investments in this sector to enhance infrastructure networks, while simultaneously providing new economic empowerment in the industry value chains. As the population continues to grow, there are numerous opportunities in the construction of residential, commercial and industrial structures, including prefabricated developments. This surge can be attributed, in part, to the existing deficiencies in infrastructure which present ongoing opportunities for advancement in the building and construction industry.
- ii. In recent years, there has been a notable increase in subcontracting within the construction sector. In many construction activities, particularly in building projects, it is typical for 80 to 90% of the work to be carried out by subcontractors. Subcontracting is utilized to a far greater extent in building construction projects compared to engineering and industrial projects.

CHAPTER THREE: POLICY STATEMENTS AND POLICY ACTIONS

3.1. Facilitate, Develop and Coordinate Sustainable Public Works Management Functions

The Government of Kenya acknowledges the vital role of Public works functions in advancing national development goals. It is committed to bolstering supportive policies, regulatory frameworks, funding and promoting cross-sector integration to build a strong system that backs the infrastructure development agenda and addresses societal needs.

3.1.1. Policy Statement

The Government is committed to supporting and advocating for effective coordination in planning, design, construction and maintenance of various public works functions at the National and County Levels. Infrastructure development will be ensured to meet current needs without compromising the needs of future generations.

3.1.2. Policy Context

The Government of Kenya underscores the significance of sustainable public works in fulfilling national development objectives, particularly the Vision 2030 initiative, which aspires to elevate the nation to a middle-income status while ensuring a high quality of life for all its citizens. These efforts not only enhance infrastructure development but also stimulate economic growth, create employment opportunities, and elevate living standards.

Efficient management of sustainable public works is key to economic efficiency, as it optimizes the use of resources and minimizes waste. Adoption of streamlined project management practices, the Government seeks to maximize the returns on investments in public works over time, while maintaining infrastructure quality, reducing expenses, and improving service delivery.

3.1.3. Policy Actions

At National Government Level;

- i. Strengthen the design, documentation and supervision of public building and related infrastructure function by establishing a national public works development agency.
- ii. Incorporate adaptation criteria for public investment projects that include infrastructure construction and maintenance.
- iii. Continually advise on, plan, design and oversee regeneration and development of external land areas in identified public building sites.
- iv. Provide for establishment and empowerment of regional works offices for effective and efficient performance.
- v. Establish a national body to promote sound governance of the built environment professionals

- vi. Require National Public Works develop a platform for approval and oversight on building designs and documentations for consultants engaged by various National Government Entities.
- vii. Develop and operationalize an integrated Buildings Development Information Management System.
- viii. Strengthen and digitize project design and documentation including carrying out periodic review of building rates, project estimation and bills of quantities.
- ix. Approve Conditions of Engagement and scale of fees for professional services for Building and Civil Engineering Work in public building projects
- x. Strengthen and emphasis on improving the efficiencies, effectiveness, affordability and productivity of public works facilities management function.
- xi. Levy a fee on projects being designed, documented, developed, constructed, supervised, rehabilitated or managed as Public Works.
- xii. Promoting climate-friendly products through eco-label, product category rules, and green public procurement
- xiii. Formulate local furniture policy for Kenya to promote local skills and jobs

At County Level;

- i. Strengthen county public works function to effectively design, document and supervise projects and other essential infrastructure within their jurisdictions
- ii. Ensure social and environmental impact assessments and strategic environment assessments on all building projects are carried out.
- iii. Implement Buildings Maintenance Guidelines clearly articulating roles of all stakeholders at a county level.
- iv. Strengthen spatial development planning and control functions within County Governments.
- v. Lobby for increase in the amount of funds allocated for maintenance of county public buildings and other social Infrastructure.

Private sector players will;

- i. Be encouraged to supply and support the adoption and embrace approved and certified building materials, processes and technologies
- ii. Be engaged and encouraged to support the Government in periodic review and publishing of updated cost hand book of building materials.
- iii. Be encouraged and supported to bring new technologies and innovations to the sector.
- iv. Be encouraged to provide investment options, financial advice and financing for National and Country Governments building projects.
- v. Be encouraged to prioritize sustainability in their operations to promote sustainable building practices.

- vi. Be engaged in project formulation, design studies, construction and commissioning of PPP Projects
- vii. Be encouraged to deliver green buildings a climate action for the sector.

Development partners

- i. Are encouraged to provide technical assistance and funding support to building sector programmes at national and county level.
- ii. With their extensive networks, may facilitate collaborations amongst built environment professionals to encourage knowledge sharing and innovation.
- iii. May provide capacity building initiatives to local professionals and organizations involved in the buildings value chain processes.
- iv. Provide expertise on incorporating and enhancing climate resilience in building projects

Research partners

- i. Are encouraged to support public works with monitoring, compliance, and performance evaluation that drives evidence based policy making.
- ii. Are encouraged to develop local technologies that are more cost effective or better adapted to local needs.
- iii. Are encouraged to establish coordination networks for technology transfer and community development in public works functions.
- iv. Are encouraged to support the private sector in improving environmental and social performance on construction projects
- v. Are encouraged to lead development partners in adapting expertise on incorporating and enhancing climate resilience in building projects and nature based solutions.

3.2. Promote a viable and a well regulated built environment and urban infrastructure

3.2.1. Policy Statement

Promoting a viable and well-regulated built environment necessitates a multifaceted approach. Strengthening institutional, legal, and regulatory sector frameworks is crucial for sustainable development. Adhering to sustainability principles, regulatory frameworks, innovative design practices, economic viability considerations, and continuous evaluation mechanisms fosters environments that are livable and resilient against future challenges.

3.2.2. Policy Context

The construction industry in Kenya faces challenges due to a fragmented institutional arrangement with overlapping or weak responsibilities among different bodies. Currently, there is a lack of effective collaboration between National and County Governments, professional and regulatory bodies, leading to uncoordinated practices in building

construction. This situation is aggravated by outdated legal frameworks and insufficient collaboration, resulting in competing practices. Addressing these issues is crucial for streamlining operations and enhancing efficiency in the construction sector.

3.2.3 Policy Actions

To effectively develop, administer and coordinate the range of the sector policies for the built environment, there shall be established proper administrative and legal framework relating to the sector to among others, support enforcement and compliance with existing policies and legislation.

Specifically, the Government will;

- i. Encourage collaboration between various National Government Entities and County Governments on updating, reviewing and harmonizing existing laws and other legislations that support the building industry.
- ii. Formulate Building Standards and Control Bill to provide overarching framework relating to regulation, management, administration and development on matters relating to buildings and other related infrastructure.
- iii. Initiate the review of building laws and regulations that constitute the building Code.
- iv. Create an effective institutional framework and capacity to domesticate and implement international conventions and treaties supporting the building industry.
- v. Formulate a legislation to regulate contractors in Kenya
- vi. Develop, review and update building design specifications, standards and other codes for the formal and semi-formal sectors in the building construction industry.
- vii. Develop, review and update digital records for land use planning and building risk assessments to ensure quality monitoring and evaluation of transition strategies, disaster resilience, emissions reduction, pollution reduction, and biodiversity conservation.
- viii. Develop, review and update health and safety specifications, materials standards, and environmental quality performance requirements in the building industry.
- ix. Strengthen and support existing professional and regulatory bodies supporting the building industry.
- x. Establish regulatory frameworks for the unregulated professions in the built environment
- xi. Establish the built environment professions council to promote inter-professional liaisons between statutory and regulatory bodies as well as promote sound governance of the built environment professions.
- xii. Develop a framework for approval and registration of building products, building methods, components and systems.
- xiii. Encourage the County Governments to promote compliance and adherence to established local, regional and international guidelines, codes of practices and

standards of the industry.

- xiv. Continually be engaging the private sector to be proposing and suggesting on policy improvements and better ways to implement this Policy.

3.3. Enhance efficiency Government office accommodation management practices across all Government entities.

3.3.1. Policy Statement

To promote consistency and fairness, this policy is to enable the Government to lead, by example, in preventing discrepancies and ensure equitable treatment among its State Agencies, streamline processes to further minimize waste, optimize resource allocation and adoption of best practices in space acquisition and utilization. The policy emphasizes the importance of saving resources creating safe and healthy workspaces, and generally serving the public good through competent design, construction, maintenance, renovation and decommissioning of the country's public buildings and facilities under its control.

3.3.2. Policy Context

The policy advocates for innovative solutions such as flexible workspaces and remote working arrangements that can enhance productivity while reducing costs

3.3.3. Policy Actions

- i. Require Public funded building and facilities to only accommodate Government entities
- ii. Government entities accommodated in Public funded buildings shall pay lease amount at the rate of not more than 30 % of the market value to the Steward organization
- iii. Establish a centralized system for managing office space for all government office spaces, including size, location, occupancy rates and amenities.
- iv. Develop standardized procedures for requesting, allocating and managing office spaces across different Departments.
- v. Approval to be accommodated in a Non Government designated building or facility shall be sought with the Cabinet Secretary responsible for the National Treasury
- vi. Lease out advertising space on public infrastructure including public buildings
- vii. Adapt to changing work environments and employee needs, government entities should consider implementing flexible work arrangements including introduction of hot desking policies and collaboration spaces
- viii. Lease underutilized properties including land for commercial purposes.
- ix. Establish a system of planned maintenance of publicly funded buildings and facilities
- x. Adopt green building standards for new constructions or renovations to minimize environmental impact.

3.4. Strengthen disaster risk preparedness, reduction and management in the built environment.

3.4.1. Policy Statement

Enhance the resilience of infrastructure, buildings, and a local community to minimize the impact of disasters is Key. The Government will advocate for implementation of measures that focus on reducing vulnerability and exposure to hazards within the built environment.

3.4.2 Policy Context

There is less emphasis on proactive measures for risk reduction with focus being more on post-disaster recovery rather than investing in mitigation strategies that could prevent or lessen the impact of disasters. This reactive approach often leads to higher costs, loss of lives and prolonged recovery periods.

3.4.3. Policy Actions

To enhance effective and co-ordinated disaster preparedness, response, mitigation, reduce disaster risks, vulnerabilities and enhance resilience to the impacts of disaster risks within the built environment, the Government will accelerate comprehensive quality audits of buildings. This including those under construction throughout the country to establish their structural safety and compliance with building requirements, environmental performance requirements, and regulations such as access by Persons with Disabilities (PWDs), fire safety facilities among others. The programme targets inspection, quality auditing and testing of public and private buildings to determine their integrity. To address issues of exposure to disasters and risks in the built environment;

The National Government will;

- i. Conduct comprehensive hazard identification and risk assessment
- ii. Strengthen the country's mechanism to carry out Inspectorate Services by;
- iii. Developing a legal framework relating to quality audit and inspection of buildings to ensure safety and support to disaster risk governance of buildings in Kenya
- iv. Create a platform for accreditation of building safety professionals
- v. Developing a legal framework relating to building standards and control
- vi. Revising the national building code and the code of practice for the design & construction of buildings & other structures in relation to earthquakes (1973) to incorporate updated disaster-resistant designs to have structures withstand specific levels of ground shaking
- vii. Utilizing smart technologies to allow for real-time monitoring of structural integrity, enabling quick responses to emerging threats
- viii. Fully implement the provisions of Sendai declaration framework in the built environment
- ix. Review zoning regulations to restrict development in identified high-risk areas.
- x. Enforce standards for disaster management preparedness in the building

- industry.
- xi. Levy a building safety fee payable as part of the rental income tax to develop public buildings requiring remediation of building safety defects and raise revenue to be spent on building safety
 - xii. Formulate and manage national fire policy including adoption of fire and life safety design codes
 - xiii. Develop and establish data banks and information systems on disasters and appropriate dissemination channels to enhance disaster preparedness.
 - xiv. Integrate risk assessments into land use planning to allow for strategic placement of infrastructure away from vulnerable areas.
 - xv. Develop environmental performance requirements for the reduction of pollutants, hazardous chemicals and waste, natural resource depletion, and biodiversity loss.
 - xvi. Establish and maintain a verification system for standards of materials in the construction industry
 - xvii. Review and update the National Building Maintenance Policy
 - xviii. Implement advanced monitoring systems to provide timely alerts about impending disasters in the infrastructure sector
 - xix. Carry out periodic inspections and checks on buildings to ascertain their structural integrity and stability and existence and use of safety equipment.
 - xx. Charge a fee on services relating to building audits, checks and inspections
 - xxi. Ensure Implementation of insurance coverage for buildings to manage damage caused by any arising disaster.
 - xxii. Provide financial assistance for retrofitting existing structures or constructing new ones with resilient materials that can significantly reduce vulnerability.
 - xxiii. Offer tax breaks for property owners who invest in disaster preparedness measures to enhance infrastructure's resilience.
 - xxiv. Where necessary, issue building safety inspection certificate to buildings guaranteeing safety of people living within or using them
 - xxv. Offer training for emergency response teams and community members to prepare them for effective action during disasters.

The County Governments will;

- i. Be supported to carry out capacity development programmes on disaster management.
- ii. In collaboration with key stakeholders, conduct investigations on fire incidences to determine cause and extent of damage and compile reports of such incidents
- iii. Be empowered to enforce established county fire safety standards in buildings
- iv. In collaboration with key stakeholders, develop County a fire prevention and protection strategy for buildings
- v. Periodically inspect fire safety equipment and installations in county Government buildings to ensure compliances

- vi. Educate communities about risks and preparedness measures to foster a culture of resilience.

In regard to the private sector participation,

- i. Building materials manufacturers and suppliers will endeavour to improve the quality of building products and hasten the introduction of international good practices in the field of quality assurance;
- ii. Will be supported and incentivized to invest in development of quality building materials and processes thereby benefiting from the improved market opportunities;
- iii. Will be encouraged to participate in financing activities that support realization of quality buildings.
- iv. Are encouraged to invest in and develop disaster-resilient infrastructure, such as buildings, by incorporating disaster risk reduction measures into their designs and construction practices.
- v. Shall be supported to conduct risk assessments of their facilities and operations to identify vulnerabilities and develop appropriate mitigation measures
- vi. Will be encouraged to invest in research and development on innovative technologies and materials that enhance the resilience of the built environment.
- vii. Will be supported to establish effective early warning systems to alert residents about impending disasters and provide sufficient time for evacuation or protective actions
- viii. Are encouraged to build the capacity of individuals and local communities to better prepare for disasters.
- ix. Are encouraged to integrate disaster risk reduction and management into their corporate social responsibility initiatives.

In regard to the participation of research institutions and academia,

- i. Training and skills development for professionals and technicians shall be developed through collaboration with industry and advanced technology providers.
- ii. Will be encouraged to support the Government in developing open source information platforms, guidelines, protocols, digital tools and evaluation metrics.
- iii. Are encouraged to analyze, evaluate and recommend policies and incentives that improve evidence based outcomes for performance, health, safety, social inclusion, employment, low carbon economic growth and community resilience.
- iv. Be supported to develop risk management frameworks and ethical guidelines that reduce conflicts, waste, pollutants, resource scarcity, risks and social inequities.
- v. Are encouraged to coordinate interventions by foreign actors in a manner

- that improves benefits for local communities.
- vi. Are encouraged to assist with education, awareness, knowledge development and cultural adaptation of the principles and activities pertaining to increasing sustainable green and resilient built environments across all climatic zones, regions and socio-economic levels.

3.5. Promotion of sustainable green and resilient buildings practices

3.5.1. Policy Statement

The Government of Kenya is committed to promoting sustainable building and construction practices to drive National Development towards a low carbon economic growth. The commitment includes enhancing building resilience and infrastructure to mitigate risks arising from extreme weather events and climate change impacts.

3.5.2. Policy Context

Ignoring climate resilience measures in building design and planning has led to exposure, vulnerability and destruction of public infrastructure, due to adverse effects of climate change. Policy gaps related to climate adaptation strategies has exposed our local communities to heightened risks and economic losses due to inadequate preparedness. Failure to incorporate circular economy principles in building construction and operation has therefore contributed to resource depletion, waste generation and increased carbon emissions.

3.5.3. Policy Actions

Aware that climate change has caused significant damage to building infrastructure and further aware that without adequate resilience measures, communities face heightened risks from effects of climate change in buildings, the Government will develop and strengthen policies focusing on strategic climate actions priorities in buildings.

Specifically; the Government will on;

Towards the implementation of its Nationally Determined Contributions (NDC) in building infrastructure sector;

- i. Target to update the National Building Code to achieve a 32 per cent reduction in buildings carbon emissions by 2030
- ii. Develop and adopt guidelines on how to make buildings and infrastructure climate resilient using vulnerability risk assessments
- iii. Develop guidelines on incorporating future warming estimates and past extreme weather events to provide more guidance for adapting buildings and infrastructure to climate change
- iv. Develop guidelines on incorporating estimates of future weather patterns to provide more guidance for adapting buildings and infrastructure to climate change
- v. Enhance climate proofing of buildings Infrastructure along the construction

- supply chain
- vi. Accredite Green Building Professionals and Green certification tools used in Kenya
 - vii. Promote the use of appropriate designs and building materials to enhance buildings resilience
 - viii. Develop integrated risk assessment and resilience strategies to ensure adaptation of existing buildings and integrate resilience in new constructions
 - ix. Relating to promoting and enhancing resource efficiencies in buildings;
 - x. Promote zero emission-aligned whole-life carbon targets, addressing both operational and embodied CO₂ emissions, aligned to national and international decarbonisation targets for the sector.
 - xi. Develop biodiversity conservation targets for the sector and monitor the relationship between emissions hotspots, mean temperature rise, and biodiversity loss.
 - xii. Develop guidelines for reduction of surface water runoff and promotion of infiltration in building development
 - xiii. Develop and implement Government-wide programs to reduce energy utilization, Carbon emissions and protect and conserve water in public buildings and facilities.
 - xiv. Ensure the agreed targets in the national energy efficiency and conservation strategy framework for the building sector are met.
 - xv. Encourage collaborative efforts across the entire built environment value chain to achieve net-zero goals.
 - xvi. Support development of a repository of resource materials relating to green buildings;

On shifting towards sustainable consumption and production;

- i. Implement the 10-Year Framework of programmes on sustainable consumption and production in the building and construction sector
- ii. Endeavor to substantially reduce waste generation in the building sector through prevention, reduction, recycling and reuse
- iii. Endeavor to reduce land sealing in new construction projects by increasing green space allotments and permeable surfaces.
- iv. Promote public procurement practices in the building construction sector that are sustainable, in accordance with national policies and priorities
- v. Improve the knowledge of sustainable construction, support and mainstream sustainable building solutions

On accelerating buildings decarbonization towards net zero carbon buildings for all.

- i. Develop embodied carbon databases, raise awareness of material efficiencies
- ii. Develop a decarbonization roadmap strategy, 2050 to mainstream climate change mitigation practices into the built environment
- iii. Develop strategies to reduce by an average of nine per cent per year until 2030, resulting in a more than 50 per cent reduction by the end of the decade,

- buildings and construction sector emissions
- iv. Formulate, develop and implement guidelines and other policy pathways accelerating the decarbonization agenda.
 - v. Formulate national green and resilient buildings regulations
 - vi. Develop and apply standards, guideline and other global best practices that support a sustainable and low carbon built environment
 - vii. Establish performance requirements for sustainability in Government Public Buildings and Facilities
 - viii. Develop a pathway towards adoption and promotion of circular economy in buildings for sustainable construction
 - ix. Incorporate the principles of Green Economy and implementation plan to realize a climate resilient infrastructure in Kenya.
 - x. Support, encourage and incentivize the private sector to establish facilities for the collection, resale and re-use of building waste and materials
 - xi. Support, encourage and incentivize research institutions (academic, independent and community based) to collect and analyze data, conduct technology pilot projects, and evaluate the performance of transition strategies.
 - xii. Fully implement sustainable development goals in the building construction sector
 - xiii. Upscale the landscape and ecosystem restoration programme in the building construction industry

3.6 Support, development and use of locally produced furniture in Kenya.

3.6.1. Policy statement

The Government has put in place various legal, institutional and policy frameworks to support the acquisition, development and promotion of the furniture industry, as a whole, in Kenya. These measures include developing affiliate legislations and policies on furniture industry development. Moving forward the government is keen on establishing broad-based framework, strategies and partnerships to harness local and global opportunities for maximum local furniture business potential.

3.6.2. Policy Context

The furniture industry plays a significant role in Kenya's economy, providing employment opportunities, promoting local craftsmanship and contributing to the nation's overall economic growth. To ensure the sustainability and growth of the local furniture production, the Government shall play a pivotal role by implementing initiatives that support and bolster this industry.

Supporting the local furniture industry through local purchasing is a valuable way to boost the local economy, create jobs and promote sustainable practices.

3.6.3. Policy Actions.

The Government will,

3.6.3.1. On strengthening Buy Kenya Build Kenya National Strategy, 2017

- i. Fully transition the procurement and use of locally manufactured furniture in all new Government offices and other non residential buildings, within three years, after coming into effect of this policy.
- ii. Encourage the use of locally-made furniture from local manufacturing industries in Kenya.
- iii. Develop strategies to reduce reliance on foreign furniture imports, conserving foreign exchange reserves and improve the trade balance.
- iv. Further develop a framework outlining support to local manufacturers of furniture.

3.6.3.2. On providing enhanced support for Local Furniture Production

- i) Introduce branded furniture in the Public offices
- ii) Develop technical specifications manual with options to be used as a guideline in local furniture procurement by Ministries, Departments and Agencies(MDAs) and County Governments
- iii) Support furniture fairs and Expos
- iv) Encourage sustainable practices within the local furniture industry by requiring adherence to environmental standards, certifications and promotion of the use of sustainable materials and eco-friendly production methods
- v) Collaborate with Institutions of higher learning and industry associations to provide training programs and workshops for aspiring furniture craftsmen and artisans.

3.6.3.3. On supporting through local purchasing

- i) Develop and implement a National Furniture Preferential Framework that prioritize the purchase of locally-made furniture for Government offices, schools, hospitals and other public institutions
- ii) Ensure that the procurement process is transparent and that local suppliers have a fair chance to compete for Government contracts.
- iii) Create set-aside programs that allocate a portion of Public procurement budgets exclusively for local furniture SMEs suppliers to ensure a consistent flow of orders to support local businesses.
- iv) Set aside every first week of August, each year, as the Kenya Furniture week to support “buy local furniture campaigns” to encourage all to purchase locally-produced furniture.
- v) Work closely with industry associations to understand the specific needs and challenges of the local furniture industry.
- vi) Foster public-private partnerships in the decision-making processes regarding to the industry.

3.6.3.4. On skills development and workforce training

- i) Implement the Prior Learning Assessment Recognition framework into the local furniture industry
- ii) Create apprenticeship programs that allow individuals learn skills required in the local furniture industry while working under the guidance of experienced professionals.
- iii) Allocate funding to establish and maintain training programs specifically tailored to the furniture industry.
- iv) Partner with local furniture industry organizations to develop and deliver training programs.
- v) Establish a furniture design and development unit to provide, among others technical support in the implementation of this policy
- vi) Set up dedicated training centers that focus on furniture design, production, development and related skills.
- vii) Encourage universities and vocational colleges offer courses in furniture design and development
- viii) Fund research and development initiatives in the furniture industry to promote innovation and the adoption of modern technologies.
- ix) Develop industry-specific certification programs and encourage earning of certifications.

3.6.3.5. On promotion of Sustainable local Practices and materials

- i) Develop, enforce and strengthen regulations that promote sustainable practices and circularity in the furniture industry.
- ii) Promote and support local furniture brands that adhere to sustainable practices.
- iii) Further implement procurement policies that prioritize furniture made from sustainable materials and produced using eco-friendly practices.
- iv) Encourage investments that support sustainable practices.
- v) Promote recycling programs for old furniture and establish facilities for the proper disposal and recycling of furniture materials
- vi) Organize competitions that encourage innovative and sustainable furniture designs
- vii) Implement programs that help furniture manufacturers reduce waste, improve efficiencies and use resources more effectively
- viii) Create an accreditation system for sustainable furniture production and encourage the use of locally sourced, sustainable materials.

3.6.3.5. On supporting export promotion and market access

- i) With a view to enhance the reputation of local products, implement and promote Ecolabel index quality standards and certifications for furniture products to ensure they meet international requirements and customer expectations
- ii) Encourage the formation of local furniture industry clusters to collaborate on marketing and promotional efforts

- iii) Provide incentives to local-furniture manufacturers help them improve their production capabilities and compete in international markets.
- iv) Support export promotion agencies that can facilitate market access, connect local-furniture manufacturers with export buyers and provide export-related assistance.
- v) Assist local manufacturers in complying with international standards and certifications.
- vi) Support local furniture manufacturers' participation in international trade shows and exhibitions to showcase their products.
- vii) Invest in training programs to enhance the skills of local artisans, designers and manufacturers to meet international standards of craftsmanship and design
- viii) Strengthen intellectual property protection measures to safeguard the designs and innovations of local furniture businesses when exporting to international markets

3.7. Professionalism, Human Resource Management and enhanced competitiveness in the Industry

3.7.1. Policy Statement

Develop capacity for the built environment human resource, Promote technological adoption and development Uphold professional work ethics and standards

3.7.2. Policy Context

Due to diverse professionals involved in the building construction sector, there are differing interpretations of what constitutes professional conduct, addressing ethical dilemmas that may arise, dealing with violations of professional standards and fostering a culture where professionalism is valued and practiced consistently across all levels

Professionals are required under the Values and Principles Act, 2015 to be accountable for their actions and decisions. This, sometimes, can create pressure to perform consistently at high standards. Accepting responsibility for outcomes, both positive and negative, requires integrity and resilience.

Some employees feel stagnant in their roles without opportunities for growth or advancement and thereof, becoming disengaged and may seek opportunities elsewhere. Insufficient training programs or lack of support for skill development can hinder employee performance and job satisfaction.

The industry lags behind in technological adoption, deployment and development. Improvement of the capacity and performance of the industry to international competitiveness cannot be achieved through use of inappropriate technologies and practices.

3.7.3. Policy Actions

To address human and institutional capacity shortages as well as promote professionalism in the built environment the Government will on;

3.7.3.1. On enhancing industry professionalism

- i. Strengthen the registration of the built environment professionals.
- ii. Create an entity to facilitate training and capacity development for the industry.
- iii. Accredite the unregulated professionals in the industry.
- iv. Develop and adopt various codes of conduct for the unregulated professionals in the built environment.
- v. Be actively involved in ensuring safety and professionalism of the personnel registered to revalidate gas cylinders.

3.7.3.2. On institutional and professional strengthening

- i. Strengthen the existing building research centre to fully co-ordinate research services in the building sector
- ii. Develop special purpose professional programmes as part of the apprenticeship initiative for the built environment.
- iii. Strengthen professional and regulatory functions to support continuous professional development programmes.
- iv. Strengthen academic programmes to support the development of advanced skills in the construction sector.
- v. Strengthen semi-skilled professionals and technicians in the industry.
- vi. Partner with County Governments in developing guidelines and related standards on safety and health in working environment.
- vii. Provide para-professional training to the built environment professions in the public sector on the delivery of PPPs
- viii. Strengthen construction consultants' and contractors' associations.

3.7.3.3. On enhanced competitiveness

- i. Promote continuous and sustainable training and re-orientation of built environment professionals on emerging approaches.
- ii. Encourage the private sector to support in digitization of building processes, and documentations for buildings projects.
- iii. Adopt community participation as a procurement method on some public works programmes.
- iv. Initiate and implement ISO Certification processes relating to building development functions
- v. Introduce competency based assessment and recognition in the building industry.
- vi. Establish and operationalise extended public works programme
- vii. Develop various terms of engagement and scale of fees for the unregulated professions in the built environment.

- viii. Develop and implement a national strategy integrating the creative design economy into the national development agenda.
- ix. Recommend review of remuneration and benefits for professionals in the industry.
- x. Formulate and implement a national building research framework to enhance local production and use of building materials, products and technologies
- xi. Develop roadmap on the use of locally manufactured building materials and components.
- xii. Introduce awards scheme for the best building projects in Kenya

3.8. Alternative financing mechanisms for the building programs.

3.8.1. Policy Statement

Mobilize adequate financial resources for physical infrastructure development.

3.8.2. Policy Context

Government has been unable to effectively deal with the massive needs of physical infrastructure required for development without the mobilization of resources from both the public sector and the private sector. The building industry within the public sector has over-relied on single model sourcing of project funds- the National Treasury. There is need to explore various models of pooling funding towards the sector. Private sector financing has not been adequately mobilized to complement government financing.

3.8.3. Policy Actions

The Government shall continue to mobilize resources for physical infrastructure for socio-economic development. Specifically the Government will;

- i. Accelerate the adoption of Public Private Partnership framework in some public building projects.
- ii. Establish and operate Building Sector Accelerated Support Programme as a partnership platform to open up new areas to support Public Works functions.
- iii. Formulate legislation for establishment of infrastructure financial institutions to provide a range of funding instruments and associated incentives to the infrastructure sector.
- iv. Develop a guideline to support the green infrastructure bond initiative.
- v. Implement carbon tax on building construction materials with high carbon emissions
- vi. Consider issuance of green infrastructure bonds to raise additional financing towards development of climate friendly infrastructure projects.
- vii. introduce real estate transactions linked transfer tax for buildings sold or transferred to further develop building industry research services.
- viii. Establish the Contractors and Builders Retention Fund from various Public Projects under Ministries, Departments and Agencies

- ix. Develop risk management framework to mitigate risks associated with alternative financing mechanisms.
- x. Establish a fund to enhance the buildings infrastructure and resilience and adaptability
- xi. Partner with private sector to develop public assets that generate revenue
- xii. Encourage the private sector develop mechanisms of tapping more funds from capital markets as well as developing innovative strategies;

3.9. Mainstreaming cross-cutting issues in the built environment.

3.8.1. Policy Statement

The construction sector remains male-dominated not just in Kenya, but globally. Women currently represent on average 4.5 per cent of the construction industry, globally, in the broader architecture engineering, construction and operations sector in Kenya. Studies have shown that women face significant challenges in participating in the construction sector; including gender pay gaps, gender stereotypes and lack of finance, discrimination, harassment and even violence. Among the different sectors within the construction industry, women also tend to be better represented in professional activities than labour activities because of the perceived notions that construction work as a masculine activity. Women participating in the construction sector have actively challenged gender norms and roles.

3.9.2. Policy Context

Gender representation in Kenya's construction industry reveals significant disparities, with female construction workers facing multiple barriers to entry, contributing to a discouragingly low representation. According to data from the Engineers Board of Kenya, a mere 10.6 percent of engineering graduates in Kenya are female, highlighting a substantial gender gap in educational pathways to the construction sector. A further study on women representation in the built environment by the Women in Real Estate (WIRE) advocacy, gender discrimination persists in spite of a slight increase in the number of women venturing into the country's construction industry.

Echoes of the gender biases are seen in the distribution of women in the profession across the board from academia, decision makers, regulatory bodies, contractors and professional associations. The various biases and discrimination have continued to keep women out of the construction industry maintaining the status-quo in the historically male dominated field. Approximately 15.4 percent of registered contractors in Kenya are women, underscoring the limited presence of female entrepreneurs and professionals in key decision-making roles within the construction sector. Several factors contribute to these disparities. Deep-rooted societal norms, cultural expectations, and gender stereotypes often dissuade women from pursuing careers in the construction industry.

3.9.3. Policy Actions

The Government shall;

- i. Endeavour to increase the number of women role models, enhancing construction industry's image, increasing access and staff retention, changing the culture of the industry and monitoring progress.
- ii. Provide an overarching roadmap by establishing commitments and other policies to generate necessary conditions for the participation of women in all spheres of life.
- iii. Establish and continuously improve a database of gender disaggregated statistics for the construction sector.
- iv. Introduce a legal framework with conditions for recognition, reduction and redistribution of domestic and care work
- v. improve access to well-being and health,
- vi. combat gender-based violence in the construction industry
- vii. Build safe and peaceful environments for women and girls.

CHAPTER FOUR: POLICY IMPLEMENTATION

4.1. Introduction

This chapter presents the implementation framework, resource mobilization strategy and partnerships needed for implementing the Public Works Management Policy, 2024.

4.2. Implementation Framework

- i. The Government commits to implement strategies outlined in this Policy, which will mainstream various policy interventions in the national development agenda. To achieve this, the Policy will be implemented by various actors including Ministries, Departments and Agencies (MDAs), Counties, Parliament, professional and regulatory bodies, Development Partners, Other Non State Actors among other key actors.
- ii. Nationally, the Government will enforce the existing legislation, review them where need arises and formulate new laws to enhance Public Works delivery and regulate the Building industry. The standards governing the building industry will, where applicable, be performance oriented allowing enough flexibility to suit the various socio-cultural, economic and climatic situations of different local regions. Regionally and internationally, the policy will incorporate laws and protocols spelling out rules and the spirit of cooperation in matters that relate to Public Works.
- iii. Co-operation and co-ordination of actors and stakeholders involved in the building industry is necessary to ensure successful implementation of this policy. This section therefore emphasizes the need for all players to actively participate in the implementation of the policy. The Policy outlines the roles and responsibilities of the institutions and agencies entrusted with the implementation of the Policy as follows;

4.2.1. Lead Ministry.

- i. The Ministry responsible for matters relating to Public Works will remain the apex institution charged with the overall responsibility of coordinating Public Works function and in particular overseeing the successful implementation of this policy. The Ministry will therefore strengthen its institutional capacity, both at Headquarters and its regional offices.
- ii. The Ministry may establish an adhoc reference group with representation of relevant ministries, organized business and industry representatives involved in development and implementation of a matter requiring any technical regulations. Relevant development partners may be invited as well. The Ministry may expand the reference group membership as and when necessary.

4.2.2. The National Treasury

The National Treasury, acting as the central authority responsible for overseeing the financial aspects of government projects, will;

- i. Provide an enabling environment and facilitate in economic development in the sector including budgeting, funding allocation, regulatory compliance and performance monitoring

- ii. Develop and support implementation of alternative funding models like the Green Building bonds for the building construction sector

4.2.3. Other National Government Entities.

The different state actors in the building industry will;

- i. Be involved in the design and delivery of strategic policy interventions to attain the best possible outcomes. A participatory approach shall be applied where potential for improved outcomes exists.
- ii. Ensure that accountability within the building industry is upheld
- iii. Support reorientation of public works functions towards the application of principles and practices of social accountability.
- iv. Ensure that projects and Programmes in the sector are guided by principles of transparency, accountability and good governance.
- v. In implementing the various policy directions contained in this policy, the industry shall become robust and strive to meet the national, regional and global expectations for its contribution towards national growth and development.

4.2.4. County Governments

In supporting the implementation of this policy, the County Governments will:

- i. Designate County Public Works be responsible for implementation of provisions under this policy relating to County Governments.
- ii. Support the call for increased responsibilities and greater managerial competence in the building and construction projects
- iii. Strengthen institutional and legal frameworks supporting the built environment to deliver effective and efficient services in the building sector
- iv. Support planning, regulation and management of the building sector within their jurisdictions.
- v. This decentralization of power ensures that decision-making is done at the local level, leading to more

4.2.5 Professional and regulatory bodies

In supporting this policy, the industry professional and regulatory bodies will:

- i. Collaborate with the ministry in development and implementation of standards and guidelines that govern construction practices.
- ii. Oversee the licensing and certification processes for construction professionals and ensure that only qualified individuals participate in public works and other buildings construction projects.
- iii. Provide training programs and continuing education opportunities for construction professionals to help practitioners stay updated on best practices related to public works management policies, thereby enhancing project execution efficiency.
- iv. Where disputes arise during a project's execution, professional bodies will provide mediation services or frameworks for conflict resolution.

4.2.6 Development Partners

The development partners will support and complement the Government effort and other stakeholders in their respective roles of sharing best-practices, financial, logistical and technical support within the framework of this Policy.

Specifically the various development partners will be involved in;

- i. Providing essential funding for public works projects in various forms, including grants, loans, or technical assistance.
- ii. Bringing specialized knowledge and technical expertise to the sector and offer valuable insights into best practices for project design, execution and monitoring.
- iii. Engaging in capacity-building initiatives aimed at strengthening our local institutions involved in public works management.
- iv. Advocating for policy reforms that promote transparency, accountability and aligns with international standards or best practices in public works management.
- v. Assisting the government in identifying potential risks associated with specific projects and developing mitigation strategies to address them effectively.

4.2.7. The Parliament

The Parliament assume diverse roles, incorporating legislative, oversight, budgetary and representational responsibilities to guarantee this Policy effectively leverages the sector's potential for national development.

The Parliament, through the relevant Committees, will;

- i. Review the proposed Public Works Management Policy to ensure alignment with the broader development goals and legal frameworks
- ii. Create and amend laws that govern Public Works Management to align with national priorities and adhere to standards of accountability and transparency.
- iii. approve the national budget, which allocates funds for various functions emanating from the Public Works Management Policy
- iv. Provide oversight role in the implementation of functions arising from this policy

4.3 Resource Mobilization

The successful implementation of this policy will require adequate financial, human and technical resources to ensure effective and efficient implementation for desired policy outcomes. Resources will be mobilized from the National Treasury, Development Partners, Private Sector and other funding agencies. Resource mobilization will also entail Public-Private Partnerships, Partnership with the industry partners and leverage on the functions and processes of Parliament.

This policy will be implemented by the two levels of governance including: the National Public Works and the County Public Works.

4.4 Transition and Policy Implementation.

Existing structures and initiatives will remain in force and guidelines will be issued by the Cabinet Secretary as and when need arises to operationalize specific provision in this policy. Such guidelines shall take into consideration the principles of this policy.

Appropriate legal frameworks shall be developed for the effective implementation of this policy.

CHAPTER FIVE: MONITORING AND EVALUATION FRAMEWORK

5.1. Monitoring and Evaluation of the Policy

Effective monitoring and evaluation strategies are vital for the successful implementation of this policy. These strategies ensure that the policy's objectives are achieved, progress is monitored, and necessary adjustments are made to enhance its impact. The performance of the building industry will be effectively monitored and evaluated through regular assessments of progress aimed at achieving quality works and providing feedback into policy, programmes and projects. This will enable the industry to respond to any identified constraints and take corrective actions.

There shall be conducted periodic evaluations of this policy to assess the outcomes and impacts. These evaluations can be done through surveys, interviews, and site visits to gather feedback from stakeholders, including building industry professionals, government agencies, and the public. The findings shall help identify gaps, challenges, and success stories, informing policy adjustments and future initiatives. Specifically, the Monitoring Evaluation, Accountability and Learning system adopted for this policy will be designed to provide feedback to stakeholders to ensure accountability, transparency, facilitate appropriate decisions on future implementation and review of the policy to ensure that the input, delivery, work schedules and target outputs are progressing according to the plan. Furthermore, capacity building for monitoring and evaluation should be prioritized. This includes training government officials, professionals and organizations involved in the implementation of this policy on data collection, analysis, and reporting techniques. Strengthening their skills will enhance the quality and reliability of monitoring and evaluation efforts.

5.2. Policy Review

The policy will be reviewed after every ten (10) years to take into account emerging issues and developments in the governance and market dynamics of the country's social-economic development. However, the policy may be reviewed to deal with exceptional circumstances arising within a period shorter than ten (10) years.