



PRESS STATEMENT

STATUS OF ELECTION PREPAREDNESS

NAIROBI: Friday, March 24, 2017

Fellow Kenyans,

We wish to update the country on progress made in preparations for the August 8, 2017 General Election.

The Commission has published the key timelines and is on course in the implementation of the operational plan to ensure that the elections are free, fair and credible.

Let me update you on key two areas:

- 1- Procurement of the Kenya Integrated Elections Management System
- 2- Preparations for Political Party Nominations

1. Procurement of the Kenya Integrated Elections Management System

The Elections Act 2011 (as amended) requires the Commission to deploy an integrated elections management systems for voter registration, voter identification and results transmission. The Commission is committed to abide by this requirement and wishes to assure Kenyans that this technology will be used in the August 8, 2017 General Election.

In order to meet the legal timelines for the procurement and putting in place the technology required for the elections, the Commission advertised for the tender for the Kenya Integrated Elections Management System (KIEMS) on 16th December of 2016.

However, the process was stopped due to an order issued by the Public Procurement Administrative Review Board on 29th December, 2016 following an application by a prospective bidder. The order was lifted on the 17th January 2017. A total of 10 companies submitted their bids. One company, M/s Gemalto S.A, qualified for technical evaluation.

As the evaluation was going on, another order stopping the procurement process was issued by the Public Procurement Administrative Review Board on 22nd February 2017

following an application by another bidder. The application was dismissed on 9th March 2017, and on 17th March, 2017, the Commission concluded the financial evaluation as ordered by the Review Board.

After conclusion of the financial evaluation, the Commission noted the following:

- a) The only technically evaluated bidder quoted a price of KShs 5.2 billion against the available budget of KShs. 3.8 billion.
- b) Taking into account the remaining processes of the tender procurement, the manufacturing, delivery, installation and commissioning, it was not going to be possible for the Commission to meet its operational and legal timelines.
- c) Over 19 million voters have already been registered using the current BVR system. The next priority is to ensure that components of voter identification and results transmission are integrated with the existing voter registration database.

In view of the above the Commission decided to terminate the tender. In so doing, the Commission took into consideration its statutory obligation in preparing for elections, procurement procedures, value for money and timelines to guarantee delivery of a free, fair and credible election on August 8th 2017.

Since its termination, the Commission has taken steps to directly procure the required Kenya Integrated Elections Management System (KIEMS) from Safran Identity and Security (*previously Morpho*). Safran was selected for the following reasons:

- a) **Legal and Operational timelines:** The Commission has very limited time left to comply with the legal timelines in relation to deployment of ICTs in elections. In addition, adequate time is required for purposes of configuration, testing, training and deployment for purposes of voter verification exercise required by 10 May, 2017. Safran has undertaken to deliver the technology within the statutory timelines.
- b) **Standardisation, Compatibility and Project Management:** So far, over 19 million voters have been registered using a stand-alone system provided by Safran Identity & Security. The Commission has a preventive and maintenance contract for the BVR system with Safran for the next three years. During the register preparation, Safran is supporting the Commission to ensure that we have a credible and reliable biometric voters register to be used in the 2017 General Election. We are confident

that using Safran at this point in time, there is guarantee for compatibility, timely delivery and accountability in the deployment of the new system.

In the 2013 General Election, the systems used in the elections were provided by different vendors, and this had serious implications on Election Day. It is known that there was no sufficient time for the integration of the new systems with the existing ones.

Ladies and gentlemen, as a country, we have to learn from the mistakes of the 2013 elections and build on the strengths. It is for these reasons that the Commission has decided to engage Safran Identity & Security: (i) to ensure that statutory timelines are met; (ii) we have sufficient project management capacity and; (iii) the systems are fully compatible and integrated for the success of the elections. Any other way will jeopardize preparations for the elections!

2. Political Party Nomination Processes

Ladies and gentlemen, the next important step in our electoral process is the political party nomination process.

The Commission notes with satisfaction the efforts by political parties to abide by the timelines it has gazetted. We are available for consultations to ensure there is clarity and common understanding on every aspect of election preparation.

We are aware that the court has suspended operation of section 28 of the Elections. This has an impact on the issue of political party membership lists. However, the court order does not pronounce itself on the issue of submission of membership lists to the IEBC. We hope that the judgement to be delivered on 29 March will be done conclusively to avert delays in the legal timelines. We urge political parties to submit their lists.

It is important to underscore that submission of party membership lists was also done in the context of the 2013 General Elections. The party membership list is required for the following reasons:

- a) Section 31 of the Elections Act requires that primaries be conducted using the party membership lists submitted to the Commission. As such, it will not be possible to ascertain the members who will have participated in a primary for purposes of certifying that the political party nominated its candidates in accordance with the law.
- b) The Commission is mandated by the Constitution to regulate the process by which political parties nominate candidates for elections. While the Commission may not be conducting the primaries, the lists are necessary

for the purpose of regulating the process of nomination including dispute resolution.

- c) The lists are also necessary in order to determine under Section 29 of the Elections Act whether a presidential candidate has submitted the requisite number of supporters i.e. 2000 supported from at least 24 Counties who are members of the party in question.
- d) The membership lists envisaged by Section 28 would confirm to the Commission who is or is not a member of a political party to avoid disputes from political parties contending that some candidates cleared by the Commission to vie are not members of the political party which supposedly nominated them.
- e) To confirm that independent candidates are not members of any political party.

Conclusion

Fellow Kenyans, we wish to reassure the country that the Commission will use the Kenya Integrated Elections Management System (KIEMS) for the August 8th elections as provided for in the law.

We will continue to update the country on the electoral systems that we are putting in place to ensure a timely delivery of elections on August 8th 2017 that are free, fair, and credible, governed by various articles of our constitution, laws and regulations.

WAFULA CHEBUKATI
CHAIRMAN