

STATEMENT ON THE ALLEGATIONS OF EMBEZZLEMENT OF KSH. 2 BILLION AT THE NATIONAL YOUTH SERVICE COLLEGE AT GILGIL

Fellow Kenyans

Section 5(1) of the National Youth Service Act, 2018 established a **uniformed and disciplined service** known as the National Youth Service (NYS). The NYS is governed by, among others, the national values and principles of governance, discipline and commitment in service to the people, the principles of public finance, the fundamental principles of public procurement and the values and principles of public service as set out in Article 10, 73(2)(e), 201, 227(1) and 232 of the Constitution of Kenya, 2010.

According to Article 55 of the Constitution of Kenya, 2010, the NYS is required to ensure that the youth access relevant education and training; have opportunities to participate in economic spheres of life; access employment; and are protected from exploitation.

To be able to deliver its mandate to the people of Kenya, the NYS is given powers to procure necessary goods, works and services. According to Article 227(1) of the Constitution that procurement must be fair, equitable, transparent, competitive and cost-effective.

While procuring goods, works and services, members of the NYS Council and staff are prohibited by Section 9(7) of the National Youth Service Act, 2018 from trading directly or indirectly with the NYS.

Section 59 and 65 of the Public Procurement and Asset Disposal Act, 2015 prohibit the NYS from awarding tenders to members of its Council and staff and to their business associates or agents, spouses, children, parents, brothers or sisters.

Section 11 and 12 of the Public Officer Ethics Act, 2003 prohibit members of the NYS Council and staff from using their offices to improperly enrich

themselves or others; personal interests that conflict with their official duties; and from awarding contracts, or influencing the award of contracts to themselves, their spouses or relatives and business associates.

My attention has been caught by a statement that was released on 7th May, 2025 by the Ethics and Anti-Corruption Commission (EACC). From the statement, there exists patent breaches of the Constitution of Kenya, 2010 and the laws of Kenya by the NYS in the process of procurement of goods, works and services.

Breaches of the constitution and the law by the NYS means that it does not provide public services professionally, efficiently, effectively, economically, accountably and transparently.

In order to determine whether the NYS procures its goods, works and services fairly, equitably, transparently, competitively and cost-effectively, I, pursuant Section 35(2) of the Public Procurement and Asset Disposal Act, 2015, direct the Public Procurement Regulatory Authority (PPRA) to conduct regulatory and compliance investigations, with immediate effect, of all procurement and disposal proceedings by the NYS between Financial Years 2019/2020 and 2024/2025 in accordance with its powers under Section 35, 36, 37, 38, 41 43 and 43A of the Public Procurement and Asset Disposal Act, 2015.

The regulatory and compliance investigation is without prejudice to the criminal investigations that are already being conducted by the Ethics and Anti-Corruption Commission (EACC), I hereby direct the

The PPRA is to prepare and submit its findings and recommendations:

1. to the Asset Recovery Agency (ARA) for restitution in accordance with Article 226(5) of the Constitution of Kenya, 2010;
2. to the Council of NYS to institute disciplinary actions in accordance with Part III of the National Youth Service Act, 2018, the Employment Act,

2007, the Public Service Commission Act, 2019 and the Fair Administrative Act, 2015;

3. to the relevant professional (disciplinary) bodies for professional disciplinary actions and sanctions; and
4. to the Public Procurement Regulatory Authority Board (PPRAB) to debar any person from participating in procurement or asset disposal proceedings in accordance with Article 227(2)(c) of the Constitution of Kenya, 2010; Section 41 of the Public Procurement and Asset Disposal Act, 2015; and Regulation 22(1)(b) of the Public Procurement and Asset Disposal Regulations, 2020; or
5. to transfer the procuring and disposal responsibility National Youth Service to another public entity or procuring agents in accordance with Section 51(1) of the Public Procurement and Asset Disposal Act, 2015 and Regulation 39(1)(3)(4) of the Public Procurement and Asset Disposal Regulations, 2020.

In the meantime, I hereby direct the Commandant General of the National Youth Service to submit to my office a certified copy of the **NYS Procurement and Asset Disposal Systems and Procedures Manual** established pursuant to Section 45(1) of the Public Procurement and Asset Disposal Act, 2015 for my review and policy guidelines.

ISSUED and **DATED** at **NAIROBI** this 9th day of May, 2025

HON. GEOFFREY K.K RUKU

CABINET SECRETARY

**MINISTRY OF PUBLIC SERVICE, HUMAN CAPITAL DEVELOPMENT AND
SPECIAL PROGRAMMES**