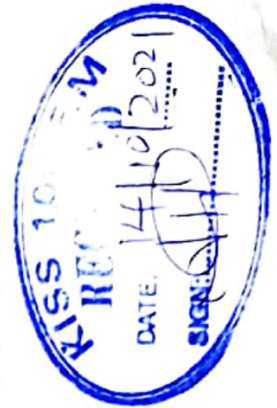


To:

The Director,  
Ethics and Anti-Corruption Commission  
Integrity Centre, Valley Road  
P.O. Box 61130 - 00200,  
Nairobi  
Tel: (020) 4997000  
eacc@integrity.go.ke

30<sup>th</sup> November 2020



**RE: SIGNS OF CORRUPTION AT GEOTHERMAL DEVELOPMENT CORPORATION**

**Kenya Electrical Trades & Allied Workers Union**  
**Vs.**  
**Doris Kyaka (Manager, Supply Chain, GDC)**



The above matter refers.

A letter dated 19<sup>th</sup> November 2020 by the Kenya Electrical Trades & Allied Workers Union (KETAWU) has been placed in my hands, and as a Kenyan whose citizenship is recognized under Article 14 of the Constitution of Kenya, and who has an obligation to pursue and promote the national values enshrined under Article 10 of the Constitution, I hereby humbly and most respectfully request your office to investigate the propriety of the tenders advertised by the Geothermal Development Authority (GDC) with regard to Tender No.GDC/CCM/RFP/025/2020-2021 (Request for Proposal to for Provision of Public Relations Consultancy Services).

On November 3, 2020, GDC through the Supply Chain manager Doris Kyaka placed an advertisement both in the print media and GDC's website inviting proposals from suitable candidates to supply various goods and services which include provision of public relations consultancy services, which is the subject matter of Tender No. GDC/CCM/RFP/025/2020-2021.

In this regard, I join the Kenya Electrical Trades & Allied Workers Union in objecting to the outsourcing of public relations services because, as KETAWU has already pointed out in their letter which is annexed herewith for your review, GDC has a competent and adequate in-house team of employees assigned to the public relations and communications docket.

Hence, it will be an overkill and wanton wastage of public resources for GDC to outsource this service while it has a competent in-house team!

In calling upon your office to investigate the intentions behind tender No. GDC/CCM/RFP/025/2020-2021, I draw your attention as follows,

1. As a public entity established pursuant to the State Corporations Act, GDC, pursuant to Section 5(1) of the Act, can exercise powers that are necessary or expedient for the performance of its functions. Hence, the procurement of public relations services via Tender No. GDC/CCM/RFP/025/2020-2021 could appropriately be considered as exercising powers necessary and expedient for the performance of its functions;
2. However, GDC is also obligated to abide by the principles of public finance under Article 201 of the Constitution of Kenya 2020, Clause 201(d) of which provides that public money shall be used in a prudent and responsible way;
3. By dint of Article 2, since the Constitution takes precedence over any other law, GDC is under obligation to respect the provisions of Article 201(d) above the provisions of Section 5(1) of the State Corporations Act;
4. In this regard, it is clear that a decision to outsource public relations services while GDC has an able in-house team to provide that service violates the constitutional principle of public finance contemplated under Article 201(d);
5. The totality of the foregoing leaves us with only one conclusion—that someone somewhere in the scheme of things at GDC wants to corruptly benefit from public resources by outsourcing a service that can and is already being rendered in-house.

It is for this reason that I, as a matter of civic duty, call upon you to investigate the supply chain management at GDC to establish the propriety of Tender No. GDC/CCM/RFP/025/2020-2021.

Yours sincerely,