

To:

Members of the Kenya Institute of Supplies Management

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Chief Executive Officer
Kenya Institute of Supplies Management
KISM Towers, 12th Floor
Ngong Road, Kilimani
NAIROBI



NOTICE OF MOTION

(Pursuant to Agenda 8 of the undated Amended Notice of Annual General Meeting)

TAKE NOTICE that Mwaniki Gachuba Member No. 63173 will move the following Motion at the Annual General Meeting of the Kenya Institute of Supplies Management (KISM) to be convened and held on Friday 22nd April, 2022 at 2.30 p.m. at the Kenyatta International Convention Centre to pass the **RESOLUTIONS THAT:**

1. The Chairman and the six members of the Council of the Kenya Institute of Supplies Management elected on 10th January, 2020 under Section 4(1)(a)(d) of the Supplies Practitioners Management Act, 2007 be removed from office.
2. In furtherance of Resolution 1, the Chief Executive Officer do declare the position of the Chairman and six members of the Council vacant within five days from 22nd April, 2022.
3. Elections to fill the vacant positions of the Chairman and the six members of the Council be conducted within ninety days from 22nd April, 2022.
4. The dismissal of Hedwig Nyalwal as the Chief Executive Officer be set aside and he be reinstated immediately without loss of benefits and privileges and case number **ELRC.C/163/2020** between **Hedwig Nyalwal v Kenya Institute of Supplies Management** pending in court be compromised and settled without costs.
5. The suspension of Timothy Seurey as the Acting Procurement Manager be set aside and he be reinstated immediately without loss of benefits and privileges.
6. The Council be surcharged for the furniture and any other asset lost during their tenure.
7. An auditor be competitively appointed to conduct a financial audit of the Institute's books for Financial Years 2020 and 2021 and table a financial audit report for members' discussion in a Special General Meeting to be convened and held within six months from

8. A forensic auditor be competitively appointed to conduct a forensic audit from 30th October, 2007 to 31st December, 2021 and table a forensic audit report for members' discussion in a Special General Meeting to be held within six months from 22nd April, 2022.
9. A valuer be competitively contracted to conduct a valuation of the KISM Towers on among others the acquisition, ownership status, costs, liabilities, current value, occupancy, income thereof and table a valuation report for members' discussion in a Special General Meeting to be held within six months from 22nd April, 2022.
10. A company secretary be competitively appointed to review the Council and Council Committees' affairs including but not limited to number of meetings held in 2020 and 2021, notices convening meetings, agendas of the meetings, attendance registers, resolutions, sitting allowances paid to members, Council and Council Committee's expenditure, allowances paid, corporate governance and table a report of findings and recovery recommendations for members' discussion in a Special General Meeting to be held within six months from 22nd April, 2022.
11. The Institute do stop forthwith all capacity building activities on public procurement law and concentrate on Continuous Professional Development activities only and align the same to the objects of the Supplies Practitioners Management Act, 2007 with a focus on boosting supplies practitioners' overall skills and knowledge and professional conduct.
12. The cost of the Continuous Professional Development activities conducted by the Institute be capped at Ksh. 5,000.00 per day per member and the activities be devolved and conducted in any of the major towns of the 47 counties of the Republic of Kenya.
13. Council members may only attend continuous professional development activities at their own expenses except in cases where they are providers of the CPD activities or services.
14. Registered and licensed Supplies Practitioners in private practice (consultancy) do not require KISM licence and or accreditation certificates to practise either as individuals or in business names or partnerships or to provide continuous professional development activities or services save that members participating in such CPD programmes shall be entitled to a maximum of two thirds of the annual CPD points by the Institute upon payment of an administration fees of Shillings One Thousand only.
15. The Chief Executive Officer shall liaise with the Attorney General within three months from 22nd April, 2022 and enter into agreement to provide that no supplies practitioner may be

registered as a business name or partnership without presenting to the Registrar a no objection letter issued by the Chief Executive Officer of Institute.


16. The Chief Executive Officer shall liaise with the Director General of the Public Procurement Regulatory Authority within three months from 22nd April, 2022 and enter into agreement to provide that no procurement and disposal agent may be licensed without presenting to the Director General a no objection letter issued by the Chief Executive Officer of Institute.
17. As the Institute is neither a supplies practitioner nor licensed to practice, it shall henceforth not involve itself in supplies practice professional fee-earning such as training, capacity building, consultancy, audits and any enquiries thereof directed to the Institute shall be transparently referred to members in private practice (consultancy) through the members' email communication channel.
18. General Meetings of Special General Meetings of the Institute whether physical and or virtual shall be attended by members in good standing as at 31st December of the preceding year, be interactive and any documents or Motions thereof shall be circulated to members at least fourteen days before.

WHICH MOTION is based on the following grounds:

- (a) The Council failed to table and seek members' approval of budgets for Financial Year 2020 and Financial Year 2021 and the Institute has been spending without authority contrary to Section 28(1) of the Supplies Practitioners Management Act, 2007.
- (b) The Council contravened the national values and principles of rule of law, governance of accountability and transparency in the affairs of the Institute, the affairs of the Council and status of the KISM Towers by failing to cause financial audits of the books in the year 2020 and 2021 contrary to Section 28(3) of the Supplies Practitioners Management Act, 2007.
- (c) The Council has failed to espouse public participation by conducting the affairs of the Institute such examination dealings with the Kenya Accountants and Secretaries Examination Board and the KISM Towers dealings with the Public Procurement Regulatory Authority in secrecy and without seeking the views of the members.
- (d) The Council grossly violated Hedwig Nyalwal's rights to employment and labour relations and fair administrative actions by removing him from office with due process.
- (e) The Council grossly violated Timothy Seurey's rights to employment and labour relations

- (f) The Council refused to resolve the matter of the lost furniture and or refused to recommend to members for approval any possible solution.
- (g) The purported continuous professional development are not aligned to the objects of the Supplies Practitioners Management Act, 2007 and are solely focused on the public procurement law to the exclusion of other salient practice issues and discriminates against members in private practice (consultancy), academia and in-house (employed) practice.
- (h) The purported continuous professional development activities have continually become a preserve of the rich and privileged few.
- (i) Some Council members have abused the purported continuous professional development activities as platform for election campaigns and income earning.
- (j) The Institute is illegally and irrationally engaged on provision of supplies practice professional services and in competition with its members and constricting the practice.
- (k) The Institute has violated members' right to practice and killed private practice by imposing illegal, unreasonable and expensive licences and conditions and thereby failed to promote and safeguard the members' bread and butter interests.
- (l) The Institute has failed to put in place mechanisms to ringfence the practice and to protect practitioners from quacks and unreasonable victimisations and profiling.
- (m)The Institute has failed to safeguard, expand practice areas and employment opportunities for its members.
- (n) By convening and holding a virtually streamed Council-centric Annual General Meeting in 2021 and failing to submit audited account for Year 2020 and without court order to wave the same, the Council violated Section 28(3) of the Supplies Practitioners Management Act, 2007 and contravened the members' right to participate in the activities of the Institute which right is guaranteed under Article 36(1) of the Constitution of Kenya, 2010.

DATED at NAIROBI this 5th day of April, 2022



MWANIKI GACHUBA
MEMBER NO. 63173