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REPORT ON SITE VISITS TO KOIDU CITY AND KABALA TOWNSHIP ROADS.

WORKS, HOUSING AND INFRASTRUCTURE COMMITTEE

SITE REPORT

AN INSPECTION OF THE TOWNSHIP ROADS OF KOIDU AND KABALA

PRESENTED BY:

CHAIRMAN, COMMITTEE ON WORKS, HOUSING AND INFRASTRUCTURE

VOICE OF THE CHAIRMAN

Mr. Speaker, this report is presented to this August House in accordance with Section 73(3) of the Standing Orders of the Sierra Leone Parliament. The report is an inquiry into the status of the Koidu city and Kabala township roads under construction by an indigenous Sierra Leonean company called Well Group Ltd.

In early July this year the Committee on Works, Housing and Infrastructure summoned the SLRA and all road contractors to Parliament in order to be briefed on the status of road work in the country. This report presents one of the actions taking by the Committee to address the concerns of the peoples of Koidu City and Kabala Township.

I call on Government, SLRA and Well Group to fully consider the recommendations contained in this report for the benefit of the people of the 2 affected districts. Thank you all.

July, 2013

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PART ONE: EXECUTIVE SUMMARY

1.1 Terms of Reference / Mandate

The Works, Housing and Infrastructure Committee in Parliament is constituted under the 1991 Sierra Leone Constitution [Act No.6 of 1991] and the Standing Orders of the Sierra Leone House of Parliament.

By section 93(3) of the 1991 Sierra Leone Constitution [Act No.6 of 1991]: “It shall be the duty of any such Committee as is referred to in Subsection (2) to investigate or inquire into the activities or administration of such ministries or departments as may assigned to it, and such investigation or inquiry may extend to proposals for legislations”;

Section 93(6) states: “For the purpose of effectively performing its functions, each of the Committees shall have all such powers, rights and privileges as are vested in the High Court at a trial in respect of:

- (a)** enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b)** compelling the production of documents; and
- (c)** the issue of a commission or request to examine witnesses abroad”.

Section 73(3) of the Sierra Leone Parliament Standing Orders (Revised) of 2006 further states: “A Select Committee, except where it is expressly stated to the contrary in these Orders, shall have power to send for persons, papers and records, and shall have leave to report its opinion and observations, together with the minutes of evidence taken before it, to the House”.

It is within the confines of the above cited constitutional provisions and the Sierra Leone Parliament Standing Orders that the Parliamentary Committee on Works, Housing and Infrastructure operates.

1.2 Composition of the Committee

The following Committee Members constituted the team:

1. **Hon. Kombor Kamara** - ***Chairman***
2. **Hon. Ali Kalokoh** - ***Deputy Chairman***
3. Hon. David Johnson;
4. Hon. Rosaline J. Smith;
5. Hon. Albert Deen Kamara;
6. Hon. Abdul Salaam Kanu;
7. Hon. Sheku Sannoh;
8. Hon. Sahr Tengbeh;
9. Hon. Ibrahim Martin Bangura;
10. Hon. Jusufu Barry Mansaray;
11. Hon. Samuel H. Brima;
12. Hon. Umar Paran Tarawally;
13. Hon. Mima Yema Mimi Sobba-Stevens;
14. Hon. Abu Jajua;
15. Hon. Sahr Fatorma;
16. Hon. PC Bai Kurr Kanagbaro Sanka III;
17. Hon. BashiruSilikie; and
18. Hon. Amadu Mohamed Kanu

Augustine Sesay – Clerk of the Committee

1.4 Background

The principle behind legislative oversight of Executive activity is to ensure that public policy is administered in accordance with the legislative intent, and by inference, the citizens' aspirations. It is, therefore, only by monitoring the implementation process that Parliamentarians uncover any defects and act to correct misinterpretation or maladministration. In this sense, the concept of oversight exists as an essential corollary to the law making process.

As part of its mandate, the Parliamentary Committee on Works, Housing and Infrastructure summoned the Sierra Leone Roads Authority [SLRA] and all its Contractors to a meeting in Parliament in order to dialogue on the status of roads under construction nationwide.

Consequently, the Committee requested oral, documentary and photographic evidences which were submitted by all contractors present. To further verify statements made by witnesses, the Committee therefore resolved to undertake sites inspection in order to physically verify submissions to the Committee.

In his status report to the Committee, the Director General of SLRA (the employer) informed the Committee that a process has begun to terminate the contract of Well Group (SL) Ltd; the contractor hired for the rehabilitation of 25.46 km of roads in Koidu City and Kabala Township. The employer attributed this decision to the non-performance of the contractor. (i.e. inadequate machinery and equipment, slow pace of implementation etc.)

In a similar vein, the Committee was concerned about information filtering from Kono and Kabala that the people are dissatisfied over the delay in implementation of road work in the two districts.

On the other hand, the contractor (Well Group) revealed to the Committee that he still has a valid contract with the Government of Sierra Leone and no such decision as to the termination of his contract has been communicated to him. He claimed that he was doing fine with the roads and that implementation is on course.

Against this background of uncertainty, coupled with the urge to do justice to the contract and protect the interest of the peoples of Kono and Kabala, the Committee resolved to request the employer (SLRA) to put a hold on the termination of the contract. See **Appendix "A"** of this report for detailed minutes and resolutions. To this effect, the Committee wrote a letter entitled: "**Request to put a hold on the termination of Well Group's contract**" to the Director General of SLRA, and copied the Minister of Works and the Chief of Staff. The letter is attached as **Appendix "B"**

The Committee wanted answers to the below questions as follows:

- Is there delay in the Implementation of the roads contract in Koidu City and the Kabala Township?
- Does the contractor have the capacity (human, machinery and equipment) to implement the contract to its completion? and
- Are the peoples of Koidu and Kabala dissatisfied over the implementation of the roads contract in their respective districts?

To have answers to the above three questions, the Committee resolved to conduct on-the-site visits to Well Group's areas of operation in Koidu and Kabala. On Sunday 21st July 2013, the Committee travelled to Kono and started the inspection exercise for Koidu City roads on Monday 22nd July, 2013. The Committee proceeded to inspect the Kabala township roads on Tuesday 23rd July, 2013.

1.5 Committee's Procedure / Methodology

It was unanimously agreed by the Committee that a team of Ten (10) Committee Members and the Committee Clerk constitute the team to carry out the inspection exercise.

The team adopted the following as procedure and method during the inspection exercise:

- Assessed the works contract document signed between SLRA and Well Group as a means of verifying compliance by both parties(Employer and Contractor);
- Reviewed photographic evidence;
- Held separate meetings with the Police, Paramount Chiefs, Local Council Authorities and cross section of Youths upon arrival;
- Inspected at least 80% of roads under construction;
- Visited work yards, offices and quarry sites of contractor and inspected equipment, machinery and staffing;
- Conducted listening survey as a way of gathering public opinion;
- Organized a team of expert comprising the SLRA District Engineers in the 2 districts, the consultants in Kabala and Koidu and a colleague engineer MP, that led the inspection;
- Gathered information through snap shots, minutes taking, video recordings and voice recording; and
- Organized interactive session with the press in Koidu.

PART TWO: FINDINGS AND RECOMMENDATIONS

2.1 General findings

1. Is there delay in the Implementation of the roads contract in Koidu City and the Kabala Township?

The contract awarded is to run for 24 months; commencing in April, 2011 and ending in April, 2013. This means that there is delay in the completion of the work. Probing further to ascertain the reasons for such delay, it was found out that the following bottlenecks are responsible:

- a. From the outset there was delay in the remittance of the advance payment of 20% to the contractor contrary to SCC Clause 51.1 of the Works Contract (April, 2011). According to this clause, “payment shall be certified within 30 days and shall be made within 30 days”. Despite the provision of this clause, advance payment to Well Group was not made until 8 months later. In the opinion of the Committee, this has served as one of the debilitating factors to the timely implementation of the contract.
- b. Secondly, the consultant project manager was only appointed in November, 2011, six months after the commencement of work. Noting that the consultant has responsibilities for: - daily monitoring and technical assistance to the contractor; issuing of drawings and details; conducting of technical, site and utility meeting; inspection and verification of works execution, the Committee thinks this is a recipe for delay.
- c. Furthermore, the first certificate presented by the contractor was paid in bits between 6 and 8 months, contrary to Clause 43.1 (payments) of the Works Contract, which stipulates that: “.....the employer shall pay the contractor the amount certified by the Project Manager within 28 days of the date of each certificate....” Contrary to this

provision, the contractor was paid the said amount six months later. The contractor presented a second certificate in May, 2013, and is yet to be honored. See **Appendix "C"** for Certificate No. 2

- d. The Committee further learnt that the original contract entered into required the contractor to do double bituminous surface treatment. This has however changed to asphaltic concrete. Consequently, it has implication on pricing, processing, and methodology. An immediate increment to the contract value of approximately 50%. This is yet to be fully confirmed and authorized by the employer (SLRA).
- e. It was moreover revealed to the Committee that the employer is yet to confirm pricing for the part of variation approved for box culverts increased from 3 to 62 of approximately 9 meters long; asphaltic concrete, and all other variation orders). Although the contractor has not been given written confirmation of pricing, it has however proceeded with the variants to the work. As a result, the contractor has not for the last 10 months completed a meaningful certificate as no confirmation of pricing has been given to it by the employer through the project consultants.
- f. The Committee also noted that the third certificate had not been issued by the Consultant due to instructions received from the employer-SLRA.

Amidst the above bottlenecks, the Committee noted the following as progress in implementation in both Koidu City and Kabala Township:

1. In Koidu City, the following streets have almost complete concrete work: the drains on both parts of the roads are near completion including covered slabs. Culvert work on these roads is ongoing. Earth works, including sub grade is intense. This, when compared to road works in other district headquarter towns that the committee had previously visited, convinced the Committee that the Well Group contractor is up to the

task. This opinion of the Committee is further validated by the consultant's monthly progress report (June, 2013), attached to this report as **Appendix "D"**.

- Konomanyie Street 0.70km
- John Kelly Street 0.57km
- New Sembehun Road 0.55km
- Kaikordu Street 1.00km
- Hospital Road 0.34km
- Cemetery Road 0.90km
- Turner Street 0.73km
- Bona Street 1.00km
- Yardu Road 1.50km
- Council Road 1.27km
- Old Yengema Road 1.00km
- Gbessegumbu Street 1.70km
- Segbwema Road 0.60km
- Post Office Road 0.623km
- Barracks Road 2.15km
- Kainkordu Road 5.82km

2. Similarly in Kabala Township, the Committee observed work on the following streets:

Yembeh Street .250km

Yogomaia Street 0.627km

Musaia Road 1.582km

Sidikie Street 0.197km

Gbawurie Road 0.368km

Old Makeni Road 1.400km

Yagala Street 0.482km

There was also excavation work going on, as well as drainage work (culverts). The Committee further observed drain work on major street in the township.

2. Does the contractor have the capacity (human, machinery and equipment) to implement the contract to its completion?

To answer this question, the Committee visited 2 Well Group's works yards at Dormaa and 555 spot, and a quarry site at Sagbeh. The following machines and equipment were seen at site: Motor Grader for scraping & leveling, Wheel Loaders for gathering and spreading of earth, granite and other materials together with loading/offloading of trucks, Hand Rollers, Dump Truck, Excavators for digging, Compressors, Vibratory Compactors, Bull dozers for clearing & cutting of earth and trees; drilling and blasting equipment, and primary and secondary stone crushers including screening plant for crushing rocks and boulders. Also seen on site was an asphalt plant used for mixing asphaltic concrete. This is yet to be fully assembled.

After a consensus expert opinion from the consultant, the SLRA district engineer and a colleague MP engineer, the Committee is convinced that the equipment seen in the work sites and quarry site of the contractor are adequate to implement the Koidu City road contract to its completion.

In Kabala, the Committee also observed machinery and equipment similar to those in Koidu (Compressor, Bull Dozer, Excavator, Motor Grader etc.) the Committee was not however previewed to any quarry.

Similarly in Kabala, the team of experts assured the committee that with such equipment on site, there is no substantial capacity gap on the part of the contractor. For this reason, the Committee is equally convinced that the contractor has the requisite capacity to complete the Kabala roads work.

In terms of human resource base of the contractor, the Committee head counted and verified 14 qualified engineers (10 Sierra Leoneans, 3 Guineans and 1 Italian) fully employed by Well Group. The total roll of employees (full time and part-time) was observed to be 231.

3.Are the peoples of Koidu and Kabala dissatisfied over the implementation of the roads contract in their respective districts?

To prove the fact of this question, the Committee held meetings with the Mayor and Deputy, Councilors, the Local Unit Commander, the local press, and some youth groups in Koidu City. The general feedback from them is that work is going on, but that it needs to be expedited so that the people of Kono can also enjoy good roads as their compatriots in other districts.

This was the similar situation in Kabala where the Committee engaged the two Paramount Chiefs in the township, the Local Unit Commander and the MP of Constituency 47 in Koinadugu District and a cross section of youth.

In particular, youths of the 2 districts are calling for the speedy conclusion of the work.

2.2 General Bottlenecks

Bottleneck	Recommendation to Contractor	Recommendation to SLRA	Recommendation to Government
Misinformation: the people are strongly convinced that Well Group has been paid 85% of the contract cost		SLRA to provide the correct position of the project in terms of what has been paid and what is expected of the	Government to investigate the senior civil servant who it is alleged misinformed the people of Kono on the amount so far

which is not reflected on the quantity and speed of work on the ground		contractor at this time	paid to the contractor
Weak PR: Well Group has a weak public relations arm.	Contractor to improve on PR by engaging the media regularly		
Internal wrangling: information gathered from the 2 districts revealed that there is internal wrangling between and among authorities of the districts. This is believed to be a factor in this present contract squabbling.			Government to probe into this issue and ameliorate it.
Delayed payment: there is delayed		SLRA to expedite the payment of the	

<p>payment in the whole contract; from advance payment to first and second certificate. this has affected the speed of the work</p>		<p>second certificate as well as approving the variation.</p>	
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2.3 Lessons Learned:

1. Terminating road contract such as Cymain Ghana (the former contractor of Koidu) has posed some ugly contract wrangling that is costing the Government unwarranted financial pressure. It is envisaged that a similar situation does not occur.
2. Incorrect information supplied to the peoples of the 2 districts (Kono & Kabala) created tension and resentment for the contractor. In Kono, a senior journalist told the Committee that a senior civil servant from the Ministry of Works was over radio telling the people that Well Group has been paid 85% of the road contract cost. This information was confirmed by other local journalists present.

2.4 Committee's Recommendations

In light of the above findings, the Committee recommends as follows:

1. That the contractor's payment and certificates are to be expedited and honored.
2. That the contractor is to be given a further six (6) months after the rains for marked improvement and blacktop (Tar) on the roads of Kono and Kabala
3. That as the only indigenous company in this band of Road contractors, support must be given at all levels to enhance capacity.
4. That all variation pricing be confirmed.

5. That SLRA authorizes the consultant to proceed immediately with the preparation of the other certificates