



UNIVERSITY OF NAIROBI
AFRICAN WOMEN STUDIES CENTRE
WOMEN'S ECONOMIC EMPOWERMENT HUB
P.O Box- 30197-00100 Tel: 0204918217
Email: weehub@uonbi.ac.ke Web: www.weehub.org



**FOLLOW UP MEETING ON AGPO REPORT PRESENTATION TO THE
MINISTRY OF PUBLIC SERVICE AND GENDER AFFAIRS**

WEBINAR REPORT

**COMPILED BY
REBECCA KUTHERA
&
BRENDA KEMEI**

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Introduction

The Cabinet Secretary Ministry of Public Service and Gender Affairs, requested the UON WEE Hub to undertake a literature review on the AGPO programme with a view of identifying challenges and coming up with recommendations on how to improve the facility. The ministry then organized a meeting where the AWSC/UON WEE Hub shared the final AGPO report. The webinar was held virtually on the 10th August 2021. The AWSC/WEE Hub organized a virtual follow up meeting for the same on 2nd September, 2021 with an attendance of 15 participants (see annex 1). The meeting began at 10.00 am with a prayer by Dr. Linda Musumba, who was also the moderator. She welcomed the participants to the meeting and made the introductory remarks. Dr. Musumba invited the participants to introduce themselves.

An Overview of the Background and context of the AGPO Study.

Prof. Kiriti from the department economics population and development studies and the quality control expert at the hub gave the background and context within which the study, presented earlier to the state department of gender, was undertaken. She made reference to the request the CS Public Service and Gender made to the hub leader to carry out a study on AGPO in light of the implementation challenges experienced. To set the context, she began by providing the operational definition of terms and the background public procurement in Kenya. Prof. Kiriti then gave brief highlights on access to government procurement opportunities and outlined the objectives of the study which were:

- (i) To undertake a literature review on the status of AGPO since its inception in 2013.
- (ii) Review global literature on AGPO with a view to borrow lessons that could be used in Kenya.
- (iii) Review the regulations of AGPO to understand their limitations.
- (iv) Examine the implementation of AGPO in order to recommend changes that would improve the programme uptake by women and other special interest groups.

Prof Kiriti said that the study was done and the report shared with the ministry of Public service and gender in July 2021 while the presentation was shared on August to the ministry. Comments on areas that needed improvement were received and the CS expressed her gratitude through a letter to the WEE Hub leader in which she requested the hub to incorporate the feedback received into the study, publish and disseminate the report to the various stakeholders in order to support government policy and it was for that reason the meeting was convened.

Reactions from the AGPO study presentation

Dr. Musumba shared a brief report of the meeting. Some of the key issues raised were:

- i. The need for the findings of the study, which was of an interim nature, to be deepened.
- ii. A Profile of the AGPO tenders should be included. Are they small or high value?
- iii. The AWSC's views on AGPO regulations need to be involved e.g the idea of escalation so that after a certain period the beneficiaries should move to the next group of 70%.
- iv. The need to include primary studies. As indicated, this was a literature review but the study would have benefited from primary information from beneficiaries and key players AGPO

In addition to the key points presented by Dr. Musumba, Ruth and Brenda added the following:

- i. Further discussions needed on the proposal that AGPO beneficiaries exit after some years and move to the next level
- ii. No need for more laws. AGPO is supported by a robust legal framework and emphasis should be to move towards enforcement particularly on payments and awarding of tenders to the affirmative action groups.
- iii. PLWDs often times have operational challenges with IFMIS which is compounded by the low level of education. A follow-up on capacity building for the beneficiaries is important
- iv. Performance targets needed to be checked if they constitute 30% of the entities' procurement budget, in most cases this does not come from PE's budget.
- v. Silo operation of the fund: The Ministry would convene a meeting on how the fund operates and address this
- vi. Low value contracts: Lobbying government ministries and especially county governments to ensure women obtain high value contracts in the new financial year.
- vii. Capacity building: singled out as a key element for the success of the AGPO program. This would allow the affirmative action groups to get big tenders.
- viii. Submission of disaggregated data: Lack of adherence by public entities to this requirement. The available data is on the number of contracts not the individual beneficiaries. A revision of reporting tools to help in generation of disaggregated data on AGPO beneficiaries to help programmatic action. Currently more than 200,000 enterprises have been registered under AGPO and monitoring the beneficiaries is a challenge.

In her reflections, Dr. Meroka noted that the CS and PS wanted the hub to collect primary data and use it as a basis for coming up with actionable recommendations. She observed that the people involved are aware of the challenges facing AGPO, what is needed from the hub is the blueprint; the way forward. This, she said, is in tandem with the philosophy of the hub 'what works for women empowerment.'

Plenary

Participants were given time reflect on the feedback from the report presentation.

Mary Kanyi

Mary felt that there was need for AGPO to factor in care givers of persons with disability. This will allow them to attend well to PLWD, who cannot access the tenders

Mary Kabaru

She said that she would go by the position of the state department for gender. In her view, the feedback received should be filtered and that which is relevant be incorporated in the study. The suggestion to carry out a primary study was important according to her since it would further enrich the findings. Moreover, she thought it necessary for members to agree on how to go about the study considering the financial implications. She sought to know if consideration was made on Kenya's periodic reporting on CEDAW which contains specific recommendations on AGPO. The ministry was required to provide a report in November 2021.

Responding to Ms. Kabaru's remark on resourcing for a primary study Dr. Musumba asked if the hub could benefit from any from the ministry. Ms Karuru said that the study was important and they could consider supporting the hub in terms of resources.

Rebecca Kuthera

She noted that there was need to carry out a primary study so as to get ideal information on AGPO.

Rhoda M

Echoing what had been said earlier, Rhoda thought that a primary research would validate the desktop review and provide a clear roadmap on individual responsibilities, who does what will help. Commenting on Mary Kanyi's opinion on involving caregivers of PLWD in AGPO, she wondered how that would be possible without making changes to the regulations.

In her response, Dr. Musumba said that it was clear there was need for a primary study to get to know the actual beneficiaries of AGPO. She said that it was important to look at the regulations, get to know the possible entry points for PLWDS. She drew the attention of the participants to a study by HIVOS on AGPO and how this would inform the study.

Dr. Masheti Masinjila

In his comments, Dr.Masinjila indicated that there was still a lot of information with different kinds of service points like on registration and application points. He emphasized the need to obtain data on the beneficiaries; their profile, the reasons for the application being rejected or accepted. According to him, this would inform the collection of primary data from key respondents available in government bodies. He was of the view that the regulations could not be ignored. They could be tweaked to deter third parties from taking advantage of procurement opportunities meant for disadvantaged people. On the issue of duration, he was of the view that there should be an amendment of the regulations to determine the duration one can benefit before they exit based on the value of the tenders awarded. He signposted financing and capacity building as key enablers for participation of the affirmative action groups in AGPO. In conclusion, he said that that the issue of data availability can be traced to the weak policy formulation. The policy framework can be strengthened through research.

Dr. Musumba shared AGPO statistics from a report by HIVOS to let the participants know that other studies have been done on AGPO. This information would be useful for the intended primary study. She highlighted some demographics on AGPO beneficiaries, source of information for AGPO and challenges

Elizabeth Adongo

She said that the study had achieved its original intent which was to produce an academic report to inform policy. She lay emphasis on the needed ensure the report is widely disseminated to all stakeholders and the recommendations to be specific and actionable. In her view, it was important to look at the trends and ask whether AGPO is having any impact and whether progress has been made since inception. She underscored the necessity of looking at the various AGPO indicators

and measurements that would help in being more targeted. She highlighted the importance of having a specific place for research data to be stored be it KNBS or any other appropriate place for ease of access. She then flagged the last mile payment as an important area for further research; the need to understand the extent, how long it takes for payment to be effected, challenges, good models that can be used to guarantee payment in order to support AGPO users as well as the role of AGPO in post COVID recovery.

Prof. Kabira

In her observations, Prof. Kabira, said that the meeting had been very useful. From the title of the report ‘Making AGPO work for women empowerment’ this was an area which could be of high benefit for WEE. She expressed her passion in dealing with issues of pending bills and institutional frameworks that have hindered women from accessing the AGPO facility. Reflecting on the AGPO journey, she said that we are at 7% since the much celebrated presidential directive was issued in 2011 and acknowledged the challenges that the policy is facing in its implementation. Prof. Kabira responded to a comment by Elizabeth said that that the hub would share the report for instance, having a consultative meeting the council of governors, the university of Nairobi and getting their views. She suggested that the same team should review the report and disseminate the findings in collaboration with other partners. This would create awareness among policy makers and other stakeholders. She recommended that the CEDAW report would be included. The hub would also partner with KNBS in developing. On financing, she said the hub can have a conversation with government around it. She emphasized the need for a primary study to be carried out. Prof. Kabira was in agreement with the suggestion that caregivers of PLWDS should be factored in by AGPO.

Leo Kemboi

He commended the presenters for the wonderful report and indicated that AGPO is facing implementation challenges like access to information among others. He expressed the need for persistence in dealing with the bottlenecks facing AGPO. He suggested that the recommendations made in the study should not be changed.

Prof. Kiriti

In her remarks Prof. Kiriti highlighted the need to come up with a common agenda given that treasury plans to do an impact assessment of AGPO to avoid operating in silos. Referring to previous studies on AGPO she wondered whether the recommendations were effected. She emphasized the need for uptake of the research recommendations. She provided some AGPO statistics from a UN women study and expressed the difficulties experienced obtaining data from PPRA. She also said the hub would incorporate the CEDAW recommendations and carry out a primary study.

Dr. Musumba

In her closing remarks, Dr. Musumba said that the hub is collaborating with partners with a national reach and they would work with them to deepen and enrich the study. She thanked all participants for attending the meeting.

The meeting ended at 12.00 pm.

Annex 1: List of Participants

Prof. Wanjiku Kabira
Prof. Tabitha Kiriti Nganga
Prof Mary Kinoti
Dr. Linda Musumba
Dr. Agnes Meroka
Dr. Masheti Masinjila
Leo Kemboi
Mary Kabaru
Ruth Wamuyu
Ibrahim Kitoo
Rebecca Kuthera
Daisy Amdany
Elizabeth Adongo Oloo
Rhoda M
Mary Kanyi
Ruth Wamuyu
Brenda Kemei
Erick Bundi