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# **ANNUAL PUBLIC ROADS PROGRAMME FOR THE FINANCIAL YEAR 2009/2010**

## **1.0 INTRODUCTION**

### **1.1 Introduction**

This Annual Public Roads Programme (APRP) presents the consolidated Annual Work Programmes from the designated road agencies and provides detailed allocations for all the projected funds from KRBF in the Financial Year 2009/2010.

### **1.2 Background**

Section 31 of the Kenya Roads Board (KRB) Act No. 7 of 1999 establishes the Kenya Roads Board Fund (KRBF) into which funds from various sources are to be deposited. The funds deposited into the KRBF are to be utilized towards the maintenance of the road network in Kenya.

The estimated projected collections of the Road Maintenance Levy Fund (RMLF) during the Financial Year 2009/2010 are Ksh. 19,625,000,000 (nineteen billion, six hundred and twenty five million). Similarly, the estimated collections of the Transit Tolls (TT) during that same Financial Year are Ksh. 300,000,000 (three hundred million shillings). These two primary sources of funds, contribute more than 99% of the funds deposited into the KRBF. It is also estimated that about Ksh. 75,000,000 (seventy five million shillings) will be received from agricultural cess. This brings the total KRBF to Ksh. 20,000,000,000 (twenty billion, shillings). Other funds that may be deposited into the fund include funds disbursed in FY 2008/09 but returned for re-voting, surpluses collected during the FY 2008/09 and carried over funds not disbursed at the close of the FY 2008/09.

The sum of Ksh. 20,000,000,000 is reflected as an Appropriation in Aid and a line item in the Ministry of Roads (MoR) Recurrent Vote (R13), under the heading 'Kenya Roads Board'.

Kenya Roads Board is fully responsible for the management of the KRBF and will account for its expenditure to the Accounting Officer of the Ministry of Roads (MOR).

### **1.3 Annual Public Roads Programme (APRP)**

As per the Kenya Roads Board Act No. 7 of 1999, KRB has a mandate to oversee the road network in Kenya and coordinate the maintenance, rehabilitation and development funded by the fund and to advise the Minister on all matters related thereto.

Section 19 (4) of the KRB Act requires KRB to review, individually, the Annual Road Works Programmes (ARWPs) submitted by Road Agencies and sub-Agencies, and consolidate these ARWPs into an Annual Public Roads Programme (APRP).

This APRP is prepared by Kenya Roads Board.

This Annual Public Roads Programme has been developed from the premise that the total estimated collections of the KRBF totaling Ksh. 20,000,000,000 (twenty billion shillings) will be realized and utilized by the identified Road Agencies in Kenya.

The APRP shall be approved and signed by both the Minister for Roads and the Minister for Finance in accordance with Section 19 (5) of the KRB Act. This APRP informs the Kenyan public on the programme of road works that will be undertaken during the Financial Year 2009/2010.

## 1.4 The APRP and Funds Releases

The APRP document outlines funding for road works to be undertaken by road agencies and sub-agencies as identified in the KRB Act and subsequent legal statutes during the Financial Year 2009/2010. Funds will be released to the road agencies and sub-agencies on a monthly basis as per collection, and after deliberation and resolution of the Board. The APRP also provides a plan of action for road maintenance in subsequent years following the Mid-Term Framework format and forms the basis for monitoring and evaluation of works.

## 1.5 Length of the Road Network

The length of the entire Road Network in Kenya is 159,942 km as shown in Table 1.2.1. This information is based on the road inventory and condition survey for unclassified roads and the updated data for classified roads in 2009.

The Road Inventory and Condition Survey (RICS) for classified roads was completed in 2003 while the RICS for the unclassified network commenced in December 2006 and the road inventory data completed in June 2009.

**Table 1.2.1 – Road Network and Responsibilities**

Responsibility as per Kenya Roads Act 2007	Road Class	Bituminous (km)	Unsealed (km)	Total (km)
KeNHA	A	2,730	811	3,541
	B	1,483	1,156	2,639
	C	2,687	5,164	7,851
KeRRA	D	995	8,962	9,957
	E	473	24,475	24,948
	SP	69	9,818	9,887
KURA	D	236	502	738
	E	110	1003	1,113
	SP	41	584	625
KWS	D		24	24
	E		704	704
	SP		7	7
<b>Sub Total Classified</b>		<b>8,824</b>	<b>53,210</b>	<b>62,034</b>
KeRRA	Unclassified	1,028	83,457	84,485
KURA	Unclassified	2,232	7,275	9,507
	UUA	36	4	40
	UUC	198	60	258
KWS	Unclassified	6	3,612	3,618
<b>Sub total Unclassified</b>	<b>Sub Total</b>	<b>3,500</b>	<b>94,408</b>	<b>97,908</b>
<b>TOTAL</b>	<b>CLASSIFIED &amp; UNCLASSIFIED</b>	<b>12,324</b>	<b>147,618</b>	<b>159,942</b>

## 1.5 Road Network Condition

The Road Inventory and Condition Survey (RICS) undertaken by Roads Department of MoR between 2000 and 2003 indicated that about 19% of the classified network was in good condition, 49% in fair condition and the remaining 32% in poor condition. A quick visual condition survey done in 2006 for the classified road network indicated that the condition of the network had improved with 27% in poor condition and 73% of roads was in good or in fair condition.

Information available from the just concluded RICS for unclassified roads indicate that only 41% of paved unclassified roads (urban roads) is in fair and good condition while the rest 59% is in poor condition or has totally failed. For the unpaved classified roads only 34% is in good or fair condition while the rest 66% is in poor condition. It should be noted that a major part of this network receives little or no attention.

**Table 1.2.2 – Condition for unclassified Roads**

Surface Condition	PAVED		UNPAVED	
	Km	%	Km	%
<b>Excellent</b>	61	2%	260	0%
<b>Good</b>	548	17%	10,885	12%
<b>Fair</b>	717	22%	20,868	22%
<b>Poor</b>	1,736	53%	61,870	66%
<b>Very Poor</b>	204	6%	218	0%
<b>Totals</b>	<b>3,265</b>		<b>94,102</b>	

*Source: RICS report for unclassified roads 2009.*

## 1.6 Funding Requirements for the Road Network in Kenya

The need for a Road Sector Investment Programme (RSIP) with which the government can source for alternative funds for rehabilitation/reconstruction cannot be over-emphasized. The Kenya Roads Act 2007 makes it mandatory to have a RSIP in place which is expected to form the basis of allocation of development and maintenance funds. The Government with the financial assistance from Nordic Development Fund is developing a five year (2009 -2014) Road Sector Investment Programme which is a multi-year programme outlining the country's development and maintenance priorities costed with respect to stated sections of road and also aggregated by class, traffic loading and other details. The RSIP is expected to be ready by December, 2009.

A recent review of long-term maintenance costs was carried out in a study covering both the 64,500 km of classified roads as well as all the unclassified roads. It was based on desirable road standards benchmarked within the region. The study indicates that to clear the backlog of maintenance an estimated sum of Kshs 421 billion is needed while the average annual maintenance costs is estimated at Kshs 23.8 billion per year. This includes provision for 1% of total revenue that is earmarked for allocation to the Kenya Wildlife Service (KWS) and the 2% allocated as administrative charges for KRB. All cost figures are in year 2006 prices.

Some of the development partner funds budgeted under the Development Vote are currently being directed towards this objective. The government has also in the last two years released substantial funds for development some of which have been directed to rehabilitation and upgrading of the lower tier network.

These funds and the development partner support though commendable, fall short of what is required and efforts must be made towards sourcing for more funds to close the existing financing gap.

If the gap for clearing the maintenance backlog can be filled, KRB will be left with the task of identifying sources to cover the extra Kshs 5 billion over and above current collections that will be needed to provide adequate maintenance to the whole network.

There are several sources of funds which need to be followed up further to provide the funds needed to clear the backlog and to have adequate maintenance on the road network. One such source of funding is the involvement of the private sector in Public Private Partnerships through such schemes as concessioning, Build Operate and Transfer (BOT), Fund Rehabilitate, maintain and transfer, development of infrastructure bonds, etc.

Agricultural produce cess and a portion of the Local Authority Transfer Fund (LATF) are the other possible sources of revenue that KRB has managed to identify that could be used towards road maintenance. Concerted efforts are being made to collect coffee and tea cess. Other agricultural products (i.e. sugar and horticulture) could also be used to expand the source of financing required for the road network.

## **2.0 IMPACT OF IMPROVED ROAD INFRASTRUCTURE**

### **2.1 Contributions to the National Economy**

The Government Vision 2030, “.....aspires for a country firmly interconnected through a network of roads, railways, ports, airports, water and sanitation facilities, and telecommunications.” Improvement of infrastructure is seen as fundamental to the growth of the identified driving sectors of the economy. Implementation of the APRP is expected to contribute significantly to infrastructure improvement and therefore to national economic growth. Better roads will also contribute to poverty reduction by lowering the costs of goods and services, improving access to social facilities and administration centers and improving safety and security.

Kenya Roads Board has adopted Roads 2000 Strategy that will be applied towards utilization of local resources where it is cost effective. This strategy is aimed at utilizing labour for maintenance of roads in rural areas and is expected to contribute towards eradication of poverty. It also supports “*Kazi Kwa Vijana*” strategy adopted by Government for providing employment to the youth in the country.

### **2.2 Funds Management and Performance**

The major drawback in the performance of the road sector has been poor management of funds and poor delivery of services to the road user. It is therefore encouraging to note that the Government has continued to strengthen both the economic and political reforms with strengthening use of Performance Contracts which aim at improving delivery of services to the public.

The enactment of the Kenya Roads Act 2007 and operationalization of the three road authorities (Kenya National Highways Authority, Kenya Rural Roads Authority and

Kenya Urban Roads Authority) for the roads sub-sector also streamlines implementation within the sub sector. The authorities are expected to implement road works programmes starting in FY 2009/2010.

It is the objective of KRB to ensure that the KRBF is managed efficiently in order to improve the level of service provided to road users.

### 3.0 FUNDING ROAD PROGRAMMES IN FINANCIAL YEAR 2009/2010

#### 3.1 Projected funding of the APRP for Financial Year 2009/2010

Projected collections of the RMLF and Transit Tolls during the Financial Year 2009/2010 are **Ksh. 19,625,000,000** and **Ksh. 300,000,000** respectively. It is also estimated that about **Ksh. 75,000,000** will be collected from agricultural cess and specifically from Coffee Cess. Table 3.1.1 indicates the actual collections of the KRBF during FY 2008/2009 and projected collections for Financial Years, 2009/2010 and 2010/2011. These figures are conservative and with the improvement of the economy, are bound to rise.

**Table 3.1.1: Actual and Projected collections**

	<b>Actual Collections</b>	<b>Projected Collections</b>	<b>Projected Collections</b>
<b>Financial Year</b>	<b>2008/2009</b>	<b>2009/2010</b>	<b>2010/2011</b>
Recurrent - RMLF/ Budgetted	20,650,143,954	19,625,000,000	20,606,250,000
Carry Overs/Surplus/revoting(07/08)	0	0	0
<b>TOTAL RMLF</b>	<b>20,650,143,954</b>	<b>19,625,000,000</b>	<b>20,606,250,000</b>
<b>TRANSIT TOLLS</b>	<b>502,955,870</b>	<b>300,000,000</b>	<b>314,000,000</b>
<b>Agricultural Cess + Others</b>	140,903,486	75,000,000	80,000,000
Carry Over/Surplus Collection(07/08)	0	0	0
<b>TOTAL CESS</b>	<b>140,903,486</b>	<b>75,000,000</b>	<b>80,000,000</b>
<b>TOTAL AVAILABLE KRBF</b>	<b>21,294,003,310</b>	<b>20,000,000,000</b>	<b>21,000,250,000</b>

#### 3.2 Proposed Funds Disbursement to Road Agencies and Sub Agencies

Through the enactment of the Kenya Roads Act No. 2 of 2007, three road agencies i.e. Kenya National Highways Authority, Kenya Rural Roads Authority and Kenya Urban Roads Authority, were formed to replace Roads Department, DRCs and LA's. The new Authorities are expected to be functional in FY 2009/2010 but the existing agencies may continue delivering services in the transition period until the new authorities are fully operational.

The proposed funding summary for FY 2009/2010 to be disbursed to the Road Agencies is shown in Table 3.2.1 below

**Table 3.2.1: Allocation of Funds**

	<b>Agency/Sub-agency</b>	<b>FY 2008/2009</b>	<b>FY 2009/2010</b>	<b>FY 2010/2011</b>
1	KRB Operations KeRRA: Constituency	372,800,000	392,500,000	412,125,000
2	Roads	3,728,000,000	3,925,000,000	4,121,250,000
3	KeRRA: Districts	3,032,800,000	2,874,615,502	2,472,750,000
4	KeRRA: Agricultural Cess	70,000,000	75,000,000	80,000,000
5	KURA: MOLG	2,000,000,000	2,424,134,498	3,090,937,500
6	KWS	186,400,000	196,250,000	206,062,500
7	KeNHA: Roads Department: RMLF	7,456,000,000	7,850,000,000	8,245,500,000
	Roads Dept.: Transit Tolls	290,000,000	300,000,000	314,000,000
	Sub-total	7,746,000,000	8,150,000,000	8,556,500,000
8	Additional 10% of RMLF Allocated By KRB	1,864,000,000	1,962,500,000	2,060,625,000
<b>TOTAL KRBF</b>		<b>19,000,000,000</b>	<b>20,000,000,000</b>	<b>21,000,250,000</b>

#### **4.0 IMPLEMENTING THE FINANCIAL YEAR 2009/2010 APRP**

##### **4.1 Assumptions Made**

The APRP is based on the following assumptions:

- (i) Revenue estimates from RMLF and Transit Toll collections will be realized.
- (ii) The macro economic and political environment will remain stable.
- (iii) Stability in the monetary and fiscal policies will be maintained.
- (vi) Stakeholder support to the Road Sector will continue.
- (v) Revenue collections will accrue steadily to facilitate regular disbursements.
- (vi) Normal weather conditions will prevail.
- vii) The operationalization of the Roads authorities will translate to improved efficiencies

##### **4.2 Constraints to the APRP**

The following constraints are faced by KRB in fulfilling its mandate and the budget objectives:

- (i) Insufficient RMLF and Transit Toll collections.
- (ii) Insufficient Development funds forcing KRB Funds to be used for major Rehabilitation and Reconstruction works
- (iii) Institutional Capacity of the Road Agencies.
- (iv) Kenya's low consulting/contracting capacity.
- (v) Large Project portfolio.

The need to develop mechanisms for capacity building of local contractors and consultants cannot be overstated. Deliberate efforts must also be made by all stakeholders to train professional and technical staff in both public and private sectors.

The enactment of the Kenya Roads Act No. 2 of 2007 will greatly enhance delivery of road works in Kenya.

#### **4.3 Implementation of the APRP**

KRB expects the Road Agencies to be accountable, transparent and to operate within their indicated ceilings and to adhere to budgetary discipline, transparent procurement processes and applicable Standards and Specifications. At the same time they will be expected to follow KRB's rules, regulations, procedures and guidelines (RRPG) as recently developed especially on requiring concurrence from KRB before initiating new KRBF projects and Variation Orders.

#### **4.4 APRP Performance Evaluation**

Monthly returns received from road agencies and sub-agencies as they carry out works contained in this APRP will be used to evaluate their performance. KRB has developed simple returns format that reviews works accomplished against indicated budget line items, financial expenditure against indicated line items and labour resource employment. The need to receive returns on labour resource employment will help towards identifying the contribution of the disbursed funds towards poverty reduction in rural areas.

In addition to the regular accomplishment and financial returns, KRB will;

- (i) carry out regular Technical Compliance, Performance and Financial Audits in accordance with good audit practice; and,
- (ii) Circulate Audit Reports for action to the appropriate authority for the necessary corrective action against the Road Agency.

### **5.0 OVERALL FUNDING OF THE APRP PROGRAMME IN FY 2009/2010**

#### **5.1 Total Proposed RMLF Funding as per Criteria contained in the KRB Act**

The Table 3.2.1 above shows the funding to various road agencies and categories of roads as per the Kenya Roads Board Act 1999 as amended by the Kenya Roads Act 2007. The details of each category are described below.

#### **5.2 Kenya National Highways Authority– KeNHA**

##### **5.2.1 KeNHA – Funding**

The projected ceiling indicated for managing this network is **Ksh. 8,150,000,000**.

This is composed of **Ksh. 7,850,000,000** being 40% of RMLF and **Ksh. 300,000,000** to be obtained from Transit Toll collections.

Since collections of Transit Tolls is realized on the Northern corridor, it should all be ploughed back to maintain the corridor.

Out of these funds, **Ksh 320 million** has been allocated to KeNHA for its administrative and operational costs.

The budget was prepared and submitted by KeNHA.

### **5.2.2 Prioritization of maintenance intervention measures**

The broad priorities on classes A, B, and C Roads are:

- (i) Carrying out Routine and Periodic Maintenance on all maintainable roads.
- (ii) Completion of on going projects.
- (iii) Rehabilitation of deteriorated sections of the network to bring them back to maintainable standards.
- (iv) Upgrading highly trafficked sections of the network to bitumen or gravel standards. Most of the upgrading is normally funded from the Development Vote.

Underlying the priorities mentioned above, KeNHA is expected to identify and prioritize roads for maintenance intervention on the basis of economics, and cost benefit analysis.

### **5.3 KeRRA -Maintenance on classes D, E and other Roads**

During the FY 2009/2010, a total of Ksh. 6,874,615,502 has been allocated for maintenance of D,E, others category as part of 12% and 20% of RMLF. The details of the Work Programmes were prepared by the DRCs and have been adopted by KeRRA.

#### **5.3.1 Equitable Allocation Portion of 12% of the RMLF**

During the FY 2009/2010, a sum of **Ksh. 2,874,615,502** has been allocated for the equitable portion of RMLF for maintenance of class D, E, SP and other roads. **Ksh 2.0 billion** has been allocated equitably to 138 districts as shown in Annex 3 while the balance will be utilized for on-going road contracts under D,E, Others and the operational and administrative costs of KeRRA.

The basis of equitable allocation includes factors such as the district area, population served, road kilometer length in the district, economic activities among others

KeRRA will coordinate the implementation of works in the districts.

#### **5.3.2 Maintenance of Roads in Constituencies**

The KRB Act, as amended by the Kenya Roads Act No. 2 of 2007 indicates that 20% of the RMLF should be allocated equally to all 210 constituencies, for road works in the constituencies. These funds are managed by the District Roads Committees with coordination of KeRRA.

The 20% portion of the RMLF for Constituency Roads in FY 2009/2010 amounts to **Ksh 3,925,000,000**. The 210 constituencies will receive a total of **KShs. 3.780 billion** with each getting an equal amount of **KShs. 18 million**. The balance of **KShs. 145 million** will be set aside for emergency road works within the constituencies and districts.

The implementation of the 20% constituency budget will be carried out by the **KeRRA** - in consultation with the DRCs. The Regional Manger, KeRRA will be the Secretary to the DRC.

The following criteria are used for prioritizing roads to be maintained in the constituencies:

- (i) All the maintainable roads are given first priority for routine maintenance in order to protect the investment.
- (ii) Roads connecting administrative, market and social centers and the classified road network, including security roads, are attended to next.
- (iii) Any remaining funds are then used to improve accessibility through spot improvement.

#### **5.4 Kenya Urban Roads Authority (KURA)- (Maintenance of Urban Roads)**

KRB will fund maintenance of urban roads from the 15% portion of the RMLF. During the Financial Year 2009/2010, a total of **Ksh 2,424,134,498** has been set aside for these activities. Out of these, **Ksh. 2.1 billion** been allocated to works in the local authorities and UDD while the balance of **Ksh. 324 million** is allocated to other works and for administrative and operational costs for KURA.

The funds shall be utilized to implement road works in local authorities as well as on-going contracts under the Urban Development Department. KURA will coordinate the work programmes under Urban Development Department of Office of the Deputy Prime Minister and Ministry of Local Government and 134 Local Authorities. The work programmes were prepared by individual local authorities before the creation of KURA but have been adopted by KURA.

#### **5.5 Maintenance of Roads in National Parks and Game Reserves**

The KRB Act (amended) recognizes Kenya Wildlife Services (KWS) as a road agency with the responsibility of maintaining approach roads and roads within National Parks and Game reserves. KWS is allocated 1%. For the 2009/2010 financial year, the allocation is **KShs. 196,250,000**.

The road agency is expected to carry out maintenance (routine and periodic) and utilize some of the funds for administrative purposes.

The utilization of these funds for administration and routine maintenance is indicated in Annex 5

#### **5.6 10% Allocations based on Roads Sub-sector Investment Programme (RSIP)**

The KRB Act as amended in the Kenya Roads Act 2007, provides for allocation of funds based on a five year RSIP. In the absence of an approved RSIP KRB has approved that the 10% (Ksh. 1,962,500,000) be allocated for the following activities which are critical for the functioning roads sub-sector,

**Table 5.1 – Allocations of 10% RMLF Un-allocated funds**

<b>Activity</b>	<b>Allocations Ksh.</b>
Emergency Funding	500,000,000
Authority Start up Activities	100,000,000
Collaborative Research with other Agencies	100,000,000
Research (Materials and Research Department	100,000,000
Training (KIHBT)	100,000,000
Road Safety	100,000,000
Road Sector Improvements	962,500,000
<b>Total 10% RMLF Allocations</b>	<b>1,962,500,000</b>

### **5.7 Roads 2000 Strategy**

KRB strongly recommends that the Roads 2000 (R2000) Maintenance Strategy be applied for Routine Maintenance on all categories of roads. This is a strategy for sustainable maintenance which focuses on the network as a whole and promotes the use of local resources and labour where these are cost effective. This approach contributes towards the Economic Recovery Strategy for Employment and Wealth Creation through employment of labour in local communities.

In March 2007, the Minister for Roads and Public Works launched the R2000 Strategic Plan.

Several Development Partners are already supporting the R2000 Strategy. These include SIDA, KfW, AfDB EU and AFD. A programme covering Western Province Districts is currently being negotiated and it is expected that KRB will be the executing agency. The EU programme is also expected to expand into a phase III to include some districts of Central Province under EDF 10. Those districts not supported by a Development Partner will be expected to use the R2000 strategy in implementing works funded from the Kenya Roads Board Fund.

To coordinate the development of the R2000 Strategy and its implementation countrywide, a R2000 management structure which is composed of a National Steering Committee (NSC) chaired by PS MoR and a National coordination Committee (NCC) chaired by the Executive Director, KRB.

The draft R2000 Strategic Plan has been developed, adopted and was launched in early March 2007. The strategy is being implemented countrywide.

The R2000 National Coordination Committee has developed several technical documentations including routine maintenance operations manual, small scale contracting operations and contract manuals and a small scale contractor training programme. All road agencies and sub-agencies are encouraged to use these in the delivery of road works using small scale contractors.

KRB has recently assisted KeRRA to harmonize the small works contract document for Levels 1 and 2 contracts to bring order to the sector.