



**PERFORMANCE CONTRACT FOR 2020/2021 FINANCIAL YEAR**

**17<sup>TH</sup> CYCLE CORRUPTION PREVENTION GUIDELINES**

This performance indicator aims to combat and prevent bribery, corruption and unethical practices and promote standards and best practices in governance. This is in line with the Ethics and Anti-Corruption Commission Act No. 22 of 2011, the Leadership and Integrity Act of 2012 and the Bribery Act No.47 of 2016.

During the 17<sup>th</sup> Cycle, all MDAs and other public organizations that have signed into the Performance Contract (PC) will be required to implement various prevention activities, and submit quarterly reports in order to comply with the following sub-indicators.

	<b>Key Indicator</b>	<b>Sub-Indicator</b>	<b>Weight</b>	<b>Total weight</b>
1.	Undertake a Corruption Risk Assessment and develop a Corruption Risk Mitigation Plan focusing on the following areas: <b>i.</b> Core Mandate of the Organization; <b>ii.</b> Information Communication Technology (ICT); <b>iii.</b> Payroll Management; and <b>iv.</b> Procurement and Financial Management	Corruption Risk Assessment & Risk Mitigation Plan	20%	45%
2.	Implement measures /strategies emanating from the Corruption Risk Mitigation Plan – as per the implementation matrix.	Implementation progress	25%	
3.	Put in place procedures for prevention of bribery and corruption in line with Part III	Written procedures	20%	45%

	Section 9(1) of the Bribery Act No. 47 of 2016.			
4.	Implement measures for prevention of bribery , as outlined in the documented procedures.	Implementation progress	25%	
5.	Submit quarterly performance reports to EACC using the prescribed reporting format.	comprehensive quarterly report	10%	10%
	<b>Total</b>			<b>100%</b>

## **INSTRUCTION NOTES**

- Public Institutions are expected to undertake Corruption Risk Assessment (CRA) focusing on the following areas and develop a Corruption Risk Mitigation Plan (CRMP) which should be submitted to EACC before the end of the first quarter of FY 2020/ 2021.
  - Core Mandate:** conduct an assessment and develop a plan to mitigate risks and loopholes in the legal and policy environment; regulations, processes, procedures and practices guiding the core mandate of your institution.
    - Measures to address risks and loopholes in the implementation of the core mandate of the institution should include Reviewing Business Processes and procedures through automation and integration of priority Citizen Service;
  - Information Communication Technology:** Conduct an assessment and develop a plan to mitigate risks and loopholes in area of Information Communication Technology (ICT). The risks should include those relating to computerized processes within the government wide systems and other ICT solutions specific to the institution.
  - Payroll Management:** Conduct an assessment and develop a plan to mitigate risks and loopholes in the area of Payroll Management.
  - Procurement and Financial Management:** Conduct an assessment and develop a plan to address risks and loopholes in the support functions of Supply Chain Management (Procurement) and Financial Management.
    - Measures to address procurement related risks should include use of e-procurement module in IFMIS (or a similar automated system where the Institution does not use IFMIS); and Publication of Tenders and Contracts awarded in a quarter.
    - Measures to address payment related loopholes (Financial Management) must include developing a policy requiring payment to suppliers and contractors to be made on a "First Come First Served /Paid basis ", subject to submission and verification of the requisite supporting documents.
- Public institutions that have undertaken Corruption Risk Assessments and developed Risk Mitigation Plans in the previous Financial Years should ensure that the same are reviewed and updated, to develop comprehensive Corruption Risk Assessments and Risk Mitigation Plans to be submitted to EACC in the first quarter.
- The CRA reports and Risk Mitigation Plans submitted to the Commission should clearly and separately identify risks and loopholes in the four areas of focus (Core Mandate, ICT, Payroll

Management and Support functions of Supply Chain Management and Financial Management) and corresponding mitigation measures proposed for every identified risk.

4. In putting in place procedures for prevention of Bribery, the Public Institutions are free to consult EACC for guidance. The MDAS which have already prepared the procedures may submit the same to EACC for review and advice.
5. At the end of every quarter, Public Institutions will be expected to submit progress reports on the implementation of the corruption prevention strategies (outlined in the mitigation plan) together with observed outcomes (changes identified). This report should be accompanied with actual evidence of the implementation of the prevention strategy. The implementation report will be evaluated only on the basis of concrete actions taken and changes identified.
6. At the end of every quarter, Public Institutions will be expected to submit progress reports on the implementation of bribery prevention procedures, as outlined in the documented procedures submitted to EACC in the first quarter. This report should provide actual evidence of the implementation of the procedures.
7. Public Institutions are required to submit quarterly reports within fifteen (15) days following the end of a quarter.
8. Reports to EACC will be in the format(s) which will be posted in the EACC website: [www.eacc.go.ke](http://www.eacc.go.ke). Reports not in conformity with the format will be rejected.

**NB: EACC will conduct spot checks from time to time, to ascertain the accuracy of the reports.**