

**HIGHLIGHTS KENYA COORDINATING MECHANISM FOR GLOBAL FUND
MINUTES OF THE SPECIAL KCM MEETING HELD ON 7TH NOVEMBER, 2019 AT
AFYA ANNEX ROOM 302**

Present

1. Ms. Susan Mochache, CBS	Principal Secretary/Chair
2. Ms. Faith Ndung'u	Member/Vice Chair
3. Dr. Nduku Kilonzo	Member/Government
4. Dr. Bernard Ogutu	Member/Government
5. Ms. Lucy Chesire	Member/PLWD-TB
6. Ms. Maureen Murenga	Member/PLWD-HIV
7. Ms. Rosemary Kasiba	Member/KP
8. Ms. Joyce Auma	Member/AYP
9. Dr. Jonathan Kiliko	Member/FBO
10. Mr. John Kihui	Member/Informal Sector
11. Mr. John Bernon	Member/DP-BL
12. Dr. Mehdi Tsehau	Member/DP-ML
13. Dr. Peter Kamunyo	Member/Formal Private Sector
14. Mr. Samuel Muia	KCM Coordinator

In attendance

1. Mr. Philip Nyakwana	Alternate/PLWD-TB
2. Ms. Zilpha Samoei	Alternate/FBO
3. Dr. Dan Koros	PEPFAR
4. Dr. Benard Langat	PR/AMREF
5. Mr. George Muia	PR/KRCS
6. Mr. Gordon Aomo	PR/KRCS
7. Dr. Carolyn Olwande	UNAIDS
8. Dr. Joseph Kibachio	MOH/DSPHP
9. Mr. Jonathan Mbului	Consultant
10. Ms. Christine Awuor	KCM Secretariat
11. Ms. Margaret Mundia	KCM Secretariat
12. Mr. Kevin Ogollah	KCM Secretariat
13. Dr Rabera Kenyanya	PS Office
14. Ms. Elizabeth Ochanda	PS Office

Absent with apology

1. Dr. Rudi Eggers	ML/WHO
2. Mr. Edward Mwangi	PLWD/Malaria
3. Dr Lenai Kamario	Gov-County

Agenda

1. Introduction and Apologies
2. Welcome Remarks
3. Declaration of conflict of interest
4. Review and confirmation of previous minutes:
 - i. Meeting of 13th June, 2019
 - ii. Meeting of 24th July, 2019
5. Presentation - Oversight Committee Report
6. Presentation - Management Committee Report
7. Presentation and Endorsement of SR Selection Guidelines
8. Update on the Process of defining implementation arrangements of Global Fund in Counties – Chair of Adhoc Committee
9. Preparatory arrangements for the next funding request application
10. A.O.B

Min 1/1/11/2019 – Introduction/Apologies

Members were given an opportunity to introduce themselves

Apologies were presented by the Coordinator as above.

Min 2/1/11/2019 - Welcome Remarks by Chair/PS Health

The KCM Chair acknowledged the Global, KCM Members and other partners for the continued support in the fight against HIV, TB and Malaria in Kenya. The KCM Chair informed members that Global Funds absorption rate for programmatic activities had greatly improved between March 2019 and October 2019, though the overall funds absorption rate was low due to huge budgets to be expended after delivery and payment of contracted commodities. To ensure improved funds absorption in Procurement of Commodities, the KCM Chair instructed all Heads of Programs and KEMSA to prioritize on Procurement and payment of Global Fund Commodities, further improvement in the overall fund absorption rate was expected in the coming months. To ensure adequate stock level of antimalarial commodities, the KCM Chair followed up with the

National Treasury and a waiver for Presidential Malaria Initiative (PMI) commodities was granted. She informed the meeting that the Ministry of Health together with County Governments and Partners responded swiftly during the upsurge of malaria cases in Baringo County and the situation was contained. A strong surveillance and response team to monitor closely the trend of malaria cases in all Counties during this rainy season had been established. The KCM Chair informed members that the Cabinet Secretary Ministry of Health, lead the Kenyan delegation during the 6th Global Fund Replenishment Conference held in France on 9th and 10th October,2019. The Government of Kenya pledged US\$ 6million, an increment of 20% pledged during the 5th replenishment Conference.

Min 3/1/11/2019 - Declaration of conflict of Interest

None was declared.

Min 4//1/11/2019 - Review and confirmation of previous minutes of the

(i) Meeting of 13th June, 2019

The Minutes had been circulated earlier to members for their review. The member from the informal sector, informed the meeting that his Alternate, Patricia Mwendu be added as participant in the meeting.

The meeting then confirmed the Minutes as

Proposed by: John Kihiu

Seconded by: Jonathan Kiliko

Matters Arising and Update of Previous Meetings KCM Recommendation

The Coordinator gave an update on status of recommendations made by the KCM in the meeting of June 12&13 and July 24th 2019. He outlined the completed activities and ongoing: The ongoing/pending ones include: (i) Strengthening of Commodity management both at County and National level to ensure adequate stock levels of HIV, TB and Malaria commodities. Status so far, is that a Commodity Security Committee was in place, and held monthly meetings. (ii) Transition of GF supported staff and take over payment of stipends for CHVs by 1st July, 2020- special technical team had been set up by MOH on 29th August,2019 to prepare reports and

recommendations to Public Service Commission for transition of Global Fund and PEPFAR supported staff. So far, Five Counties: Busia, Siaya, Bungoma, Kisumu and Vihiga had taken up payment of stipend for CHVs. Efforts were being made for the remaining counties to take up stipend payment as well.

Loss of HIV Test kits in Murang'a County Hospital - Follow up to ensure that the loss is accounted for as per the Global Fund Grant Regulations. The matter had been escalated to the MOH Legal Unit.

Follow up on Court case on non-lab staff conducting medical tests to ensure that diagnosis of HIV, TB and Malaria is not affected. He informed the meeting, MOH had initiated dialogue to address this issue and an update will be provided to members during the next meeting.

Discussion and Way Forward

Members present deliberated on the issue of the Malaria Constituency representation. While the KCM Constitution is silent on whether rotation of seats within a constituency is allowed. Member unanimously resolved that there is need for other people or organizations /networks to serve as members. Therefore, the proposal by the Malaria Constituency was rejected, and the Constituency was requested to select a new Member and Alternate to the KCM.

(ii) Meeting of 24th July, 2019

The meeting was called for the KCM to receive the County engagement report from the Global Fund Country Team. The meeting Minutes had been circulated earlier to members for the review and comments.

The meeting therefore confirmed the Minutes as:

Proposed by: Lucy Chesire

Seconded by: Rosemary Kasiba

Min 5/1/11/2019 - Presentation - Oversight Committee Chair

The Oversight Committee Chair presented the Grant performance update as presented to the Committee by the ICCs for upto and including the period ending June (P6). The update was presented as: PR/National Treasury – HIV Grant rating A2, Absorption 19%; TB has a Grant Rating of B1, with an absorption of 71%, while Malaria has a Rating of B1, with an absorption of 18%. For Non State Actors, the report was: PR/KRCS/HIV has a rating of B1, with an absorption of 60%. PR/AMREF-TB Grant is at B1 rating with an absorption of 78%; while Malaria has a B1 rating with an absorption of 72%.

The Oversight Committee noted that following implementation of acceleration plans by PRs as recommended by the KCM, there has been an improvement in funds absorption rate for programmatic activities between March 2019 (P5) to September 2019. For example, NACC had upped from 29% to 120%, NASCOP from 48% to 120%, TB Programme from 70% to 156%, and National Malaria Programme from 30% to 221%.

However, there is still a big challenge occasioned by delays in Procurement of Commodities and there is need to FastTrack call downs and payment of all invoices.

The OC therefore recommended to the KCM, that PRs should among other things: (i) Fast track call downs and delivery of GF supported commodities/ payment of all pending invoices to avert stock outs; (ii) Explore the possibility of using air transportation to reduce the freight time; (iii) KCM Oversight Committee to conduct an oversight visit to all PRs/KEMSA with a view to discuss a sustainable solution.

The OC further recommended that (v) KCM to approves Reallocation of USD 2.4m from ACT Co-payment to procurement of medicines and test kits for the Malaria programme; (vi) Budget for procurement of LLINs be moved to 2020/2021, the expected time to expend this budget. This is currently affecting the overall absorption rate for the malaria grant; (vii) the Ministry of Health to find an amicable solution for the Court case by Laboratory board as this is affecting service Delivery-Meanwhile CHVs to refer suspected cases of malaria to link facilities instead of testing

and treating; (viii) MOH, PRs, Counties to fast-track the process of finalizing transition plan for all staffs/CHVs supported through Global Fund; (ix) leverage /expansion of Community Health Engagement for UHC through reallocation of savings towards establishment of new community units, informed by savings by counties that have taken up CHV stipends; (x) KCM/OC members to familiarize themselves with the funding application process for the period 2020-2022 and finally, (xi) Informal sector to participate actively during the next funding request application process and be considered for implementation of GF Grants.

The Committee's next steps are: (i) Conduct Oversight Field visit on the week of 18th to 22nd November, 2019. The proposed sites being Kilifi and Kiambu Counties as well as visit all PRs, NACC, NMCP, NASCOP, DNTLLD and KEMSA.

Discussion

The Chair raised concern over the low funds absorption on HIV/AIDS (11.1%) and Malaria (31.4%) as at 30th June. The meeting was informed, that there had been progress made since the last dashboard report. For instance, HIV had made commitments, meaning once payments were effected, then the absorption would increase. At the same time, MOH held a meeting with KEMSA and suppliers to ensure efficiency in delivery of commodities especially Niverapine and Rifampicin. The KCM Chair promised to follow up the matter with KEMSA to ensure completeness /timeliness in delivery and payment of all contracted commodities.

The Representative of AYP informed the meeting that there were issues with the Adolescent programs, and everything was not as presented by the KRCS. She informed the meeting that AYP constituency members were not getting adequate support from the PR, and its causing low implementation of activities on the ground.

In response to this, The Oversight Committee Chair confirmed that the upcoming visits are purpose driven/targeted, and the issue of AYPs in Kilifi will be looked at and a report made to the KCM.

The representative of PLWD/HIV informed the meeting that GF is keen to see increased Domestic Fund, for example, the gaps left by PEPFAR, is Government taking up. She informed the meeting

that in the next country allocations whose outcome will be known in December 2019, will be considering areas like, Absorption, Additional Resources by countries/co-funding and Extent to demonstrate inclusivity. On a positive note, she informed the meeting that there was going to be a likely 5% increase in allocation, after the successful GF replenishment.

The CEO-NACC noted that absorption is a key issue in Global Fund considerations for funding ceilings and therefore critical to address expeditiously. The CEO thanked the Principal Secretary, Health for expeditious availability of funds which is reflected in increased absorption.

The representative from FBOs/MEDS advised that the Oversight Committee to follow up and ensure the cause delay in procurement are addressed objectively. KCM stands between 3 areas, Kenyan population (patients) non performing grants and GF'S expectations.

Dr. Koros – PEPFAR asked the meeting to be cautious in putting blame solely on KEMSA, and requested the KCM to look deeply into the whole process, identify the areas that may be causing delays. He advised that the issue of inadequate stock levels or stock out should be addressed in totality to give a full picture, upon which remedial action can be taken.

The member from the Bilateral Constituency, John Bernon informed the meeting that there was a problem with availability of GF supported ARVs, which had been delayed, and USAID was called upon to provide a stop gap measure.

The member from the Private Sector/Formal, said there was need to do a deep dive on challenges around procurement. Product availability from local manufacturer should be explored. He felt that this is where the strength of the Private Sector should be felt.,

In response, the Head of Strategic Programs/Ministry of Health, Dr. Kibachio noted the concerns, and informed the meeting that the buck does not just stop with KEMSA. He informed the meeting that Ministry of Health had taken action and is reviewing stock status for commodities weekly. The Programs (NAS COP, TB & Malaria) were working on improving procurement processes. He

cited external factors like Tax Exemption process, lack of API ingredients for Nevirapine and Rifampicin needed a joint solution and not purely MOH or KEMSA.

He requested the KCM to co-opt the Ministry of Health Stock Managers in the Oversight Committee.

AMREF – gave a brief update on CHV Transition, which included, Siaya, Bungoma, Vihiga, Busia and Kisumu. Others which have demonstrated intention to transition include, Kisii, H/Bay, Migori and Kakamega.

The Manager, NASCOP Manager requested the Oversight committee to look deeply into the issue of stock security. Where is the bottleneck in the whole procurement process? She confirmed that much as suppliers had been contracted, there was still a delay in supplies. It was therefore time to find a sustainable solution for the problem.

Recommendation/Way Forward

The upcoming Oversight Visit to KEMSA and the programs should be able to establish the root cause and understand the issues therein, and matters brought up to the KCM to recommend a sustainable solution. The findings from the Oversight Visit was to inform the need to engage technical support to strengthen procurement and supply systems, this will go a long way in improving Funds absorption in future.

Min 6/1/11/2019 - Management Committee Report

The Chair of the Management Committee presented to the KCM a report from the committee meeting held on 24th October, 2019. The brief included: GF Replenishment which took place in Lyon France, and she informed members that Kenya had participated and pledged USD 6million a 20% increase from the 5th replenishment. The committee had reviewed draft SR selection guidelines to be discussed as a substantive Agenda No. 7/1/11/2019). The draft had also been shared with the KCM and the Country Team for comments and these were incorporated in the presentation to made to the full assembly.

During the 24th October Meeting, the committee had also deliberated on the issue of Proposal on Defining Implementation Arrangements of Global Fund Grants in Counties. This was also to be discussed as a (substantive agenda No. 8/1/11/2019)

On the matter of KCM Eligibility Criteria No. 3, the committee informed the member that this is key, as the country prepares for the next funding request, fulfillment by the KCM in all eligibility areas is mandatory. The NGO, Private Sector, PLWD/HIV had completed their election/selection processes and new members accepted by the KCM. The AYP, PLWD-TB, KPs, Private Sector Informal Constituencies were in the process, while FBO were due in 2020. The PLWD/Malaria which had been sent back to the Constituency for further consideration was presented afresh to the KCM. The members deliberated on the matter, and declined the request by the Constituency to rotate the same members, as they had fully served two terms in the capacity of Member and Alternate.

The committee also updated the meeting on implementation of KCM Workplan as of end October. The activities were on schedule. However, there was a concern with a delay in GF submitting funds for the 2019/2020 period due to delays in Finalizing and signing KCM/KRCS MOU. The MOU was in process, and had been sent to the office of the Solicitor General, but was awaiting a No Objection communication from PS/Treasury.

The Committee then requested the KCM to consider allowing the funds be remitted through National Treasury as we await the *finalization of the MOU process*.

Discussion and Way forward

1. The MOU between the KCM and KRC should be fast-tracked for now because so that the process is finalized according to the KCM desire.
2. If by next KCM meeting (10th December,2019) the MOU is not finalized, the National Treasury will be requested to receive funds for the first year.

Finally, the committee presented to the committee a request by IGAD who have secured a new regional grant from the Global Fund amounting to US\$ 7.5 million to be implemented in IGAD Region between April 2019 and March 2022 to partner with KCM on matters of Oversight. The purpose of the grant is to strengthen capacity for TB and MDR –TB diagnosis and TB (TB/HIV) service provision in refugee camps in Kenya, Ethiopia, Uganda, South Sudan, Somalia, Djibouti. In this new grant, IGAD is considering conducting joint Oversight Visits with Country Coordinating Mechanisms - US\$ 10,500 per year is available for this activity-IGAD/KCM/OC to hold a joint meeting to plan for the upcoming joint oversight.

Next Steps for the Committee include: facilitating among others: An Ordinary KCM meeting 10thDecember,2019; Orientation/Induction KCM members and alternate 22nd January,2018 and Funding Request, Country Dialogue and Constituency Feedback Meetings -February to April 2020

Presentation on Status and Update on OIG Agreed Management Actions

The OIG review of 2018 required some action to be taken in specific areas where there were seen to be gaps. The actions had different timelines by which milestones had to be reached, and communication/evidence sent to the Country Team. The pending areas with submissions dates for November and December 31st 2019 include:

(i)PR/National Treasury was required to (a) Develop an action plan for implementation of the TB strategic initiatives, including; (b) Implement arrangements for expansion of TB case detection and reporting in the private sector; (c) Have in place, Interventions for improving and monitoring active case findings at facility and communities; and finally (d) A challenge fund to pay for performance initiatives.

Annex 2 find detailed report on implementation of OIG audit recommendations.

Discussion/Way Forward

All activities are on-going and are scheduled to be completed by 31st December 2019.

Min 7/1/11/2019 - Endorsement of SR Selection Guidelines by Consultant

The GF, through the findings of the OIG Audit report for Kenya, (Nov. 2018) indicated delays in engaging sub recipients for the grants managed by the civil society PRs (9 months on av. to complete) delaying implementation of some activities. To this end, the OIG had recommended that the KCM, develops guidelines for timely selection of SRS at the start of new implementation periods.

The Specific objectives for the assignment were: undertake review of best Country/Regional practices on SR selection in line with Global Fund and in country Procurement guidelines; review existing in country selection processes and tools; undertake stakeholder consultations with stakeholders and develop SR selection guidelines and Present to ICC and KCM for approval. Methodology and approach for the review process included, collection of Primary data to inform the through Key Informant Interviews. Among those targeted included KCM members, the three heads of the National disease programs and sampled development partners.

The T/A identified the following as the major causes of delay in SR selection: (i) lack of clarity and standardization of the method of SR selection as well as; (ii) the appointment of TRC members and their availability. Other factors related to applying organisations include: majority the organizations lacking the mandatory documents and therefore disqualified at the preliminary stage, in some instances leading to lack of organisations that qualify to implement. Other factors relate to the process of endorsement, of reports of the TRC committees by the Health Sector Working Committees (HSWCs) and KCM. Also, in some cases, lack of quorum and the scheduling of meetings at the HSWCs and KCM also contribute to the delays.

The T/A proposed a step by step process of achieving desired outcomes in the process as: (i) Appointment of TRC by KCM to be done immediately after receipt of the Grants Allocation Letter from GF. (ii) Advertisement for Request for Proposals be done in the Dailies by PRs within 3 months after the submission of the Funding Request to GF; (iii) Proposal submission by SRs and opening of the tender by SRs, TRC,&PRs be done within 14 days after the advert; (iv) Proposal Reviews (Administrative & Technical) by the TRC to end 14 days after Tender opening process;

(v) Capacity assessment and report writing by TRC not to last more than 28 days after the opening of the tender; (vi) Endorsement by relevant HSWC to be done within 7 days of TRC report, bringing process so far to 35 days from tender opening. Finally, the document is to be presented by the HSWCS Chair to the KCM for consideration/endorsement within 7 days. This would then mean process to be done, within 42 days.

This process should then be followed by the feedback to SRs, by the respective PR within 7 days. Feedback/ Appeals by organisations to be completed within 14 days, Appeals be reviewed in 14 days, and presentation by Appeals committee be done 28 days after the closure of the Appeals Window. Thereafter, if need be, a New Call for proposals is made 7 days after the KCM report.

The KCM with support from UNAIDS had enlisted the support of a T/A to support KCM develop guidelines that would assist in mitigating the process of securing SR through a consultative process. In the current grant, SR selection process has been noted as one of the cause of low funds absorption by Non State SRs.

The Consultant presented his findings and recommendations as highlighted above.

Discussion

The representative from FBO/MEDS asked for clarity in how envisaged problems would be addressed in the process. He expected that the key proposal in SR selection guidelines would be to bring in competitiveness in the process, as well as clear some of the envisaged challenges.

Recommendations and Way Forward

- Preference for best performing SRs: the meeting recommended Open tender, this will ensure fairness and openness in selection, however the Selection criteria need to be adjusted to include a score for best performing SRs. Past experience on desk review a point of consideration.

NB: The Meeting Endorsed the SR Selection Guidelines with amendments. All the proposals made during the meeting should be incorporated, and final draft sent back to the KCM before finalization.

Min 8/1/11/2019 - Update on the Process of defining implementation arrangements of Global Fund in Counties

The KCM set up a committee to after the July 24th 2019 meeting to look into what GF recommended. The issue was that GF had asked the KCM to propose other options of sending money to the counties, and not under Conditional Grants as earlier thought. The committee is Chaired by a representative from the COG, and Co-Chaired by the National Treasury.

The Committee Chair was expected to make a presentation, but this did not take place.

Discussion and Way Forward

The KCM recommended that the Chair communicates to the Chief Executive Officer of the COG, and Principal Secretary/National Treasury and ask what action needs to be taken to take the process forward, and report to GF by 31st December 2019.

Min 9/1/11/2019 - Preparatory arrangements for the next funding request application Presentation on Funding Request

The KCM Secretariat presented to the KCM the specific tasks to be accomplished to ensure timeliness in submission of a sound funding request application. These activities include: KCM meeting discuss preparatory arrangements for the Funding Request Application Process; Assessment of Country Strategic Plans and readiness for Funding Request and addendum to Country Strategic Plans; Orientation of KCM members on Funding Request; Sensitization of ICCs/TWGs (HIV, TB, Malaria); Endorsement of Disease Specific Splits/ funding Request Development Roadmap/ TORs for Writing Teams/Identification and mobilization of resources for Funding request; Nomination of writing Team. /small and lean secretariat / **Separation of duties**

writing, reviewing and endorsing; Nominate Organizations to undertake documentation; Identification and recruitment of T/As as necessary; Country Dialogue/Prioritization/Documentation of funding request process; KCM Eligibility Performance Assessment/Selection of PRs; Stakeholder endorsement of Funding request in National forum (with County Rep), and finally Endorsement of Funding request by ICC and subsequently, KCM. Thereafter, Submission Funding request to Global.

Required of KCM during the process, is the fulfilling of Eligibility requirements. The six eligibility requirements with which CCMs must comply remain unchanged for the 2020-2022 funding cycle. However, for eligibility requirement number six, an additional indicator (and two minimum standard indicators) was added, covering the need to enforce the Global Fund's Code of Ethical Conduct and apply the CCM's Conflict of Interest Policy throughout the life of Global Fund grants.

See print out for details [FR Application Process, key tasks.docx](#)

The request to KCM was to make a decision on: (i) FR Submission window; (ii) Establishment of funding request secretariat; (iii) Funding Request Secretariat/ ICCs /HSWGs to develop costed road map for endorsement by the KCM. Costed road map to guide KCM/ Partners in mobilizing resources to support the process; (iv) Establishment of Independent Technical Review Committee to guide PR Selection Process /TORs/Budget

Discussion and Way Forward

The meeting recommended that the country goes for the August 31st Application Window since the current Grant runs up to 30th June 2021.

A funding Request Core Team was set up composing 3 members from the Government (NACC/MOH-Strategic Programs Head and COG) and 3 members from Non-State. The names for NSAs to be presented by the week of 11th November.

The Core Team was tasked to prepare a Concept Note and Roadmap for the process, and present to the KCM by the next KCM meeting.