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All CEO's, National Road Agencies
All County Secretaries, County Governments

**GUIDELINES FOR VERIFICATION AND APPROVAL OF PROPRIETARY
PRODUCTS AND TECHNOLOGIES FOR ROAD CONSTRUCTION**

1.0 Introduction

1.1 Background

This circular is a follow up to the Roads Standard Circular No. 1/2016 dated 15th June, 2016 on the use of proprietary products for construction and maintenance of public roads.

The 2016 circular highlighted the following Ministry's observations:

- i) That County Governments and National Road Agencies were receiving proposals for financing, construction and maintenance of public roads using systems or standards other than those approved which were mostly limited to stabilisation of soils for pavements using proprietary products;
- ii) That there had been no evidence of national approval of any of these products from the respective Countries of manufacture or origin; and,
- iii) That based on the verification trials carried out on the soil stabilisers that had been submitted to the Ministry, the products were not as effective as claimed by the promoters and were mostly very expensive compared to conventional construction.

Consequently, and in order to safeguard against loss of public resources, the circular directed as follows:

- i) Use of only approved standards provided by the Ministry;
- ii) Employment of qualified and competent staff, consultants and contractors in accordance with existing statutes and regulations;
- iii) Approval by the Ministry of any departures from the approved standards.

The technologies approved for road pavement construction are included in the following standards published by the Ministry:

- i) Road Design Manual Part III - Materials and Pavement Design for New Roads, August 1987;
- ii) Standard Specification for Road and Bridge Construction, 1986;
- iii) Pavement Design Guideline (PDG-1) for Low Volume Sealed Roads, April 2017; and,
- iv) The respective renewed and updated road design manuals and standards when issued by the Ministry.

1.2 Objectives

This circular has been issued by the Ministry pursuant to Section 18(c) of the Constitution which assigns to the National Government the functions and powers of setting standards for the construction and maintenance of public roads.

The purpose of this circular is to provide guidelines for verification and approval of proprietary products and technologies proposed for construction and maintenance of public roads with the following objectives:

- i) To establish a clear approval system for promoters and Road Implementing Agencies;
- ii) To establish a system that safeguards the public and the environment from exposure to hazardous materials; and,
- iii) To safeguard against loss of public resources by misrepresentation of facts in order to influence procurement in contravention of Section 66 of the Public Procurement and Asset Disposal Act 2015.

1.3 Scope

This guideline provides for six (6) stages for verification, approval and certification of proprietary products proposed for use in road construction, which are not provided for in the Road Design Manual, Design Guidelines and Standards Specification for Road and Bridge Construction as follows:

- Stage 1 - Application for Product Verification and Approval
- Stage 2 - Laboratory Testing
- Stage 3 - Installation Trial/Field Demonstration
- Stage 4 - Production Quality Assurance Evaluation
- Stage 5 - Performance Trial
- Stage 6 - Approval and Certification

The approval process shall be coordinated by Materials Testing and Research Directorate (MTRD). At each of the first five stages, the Ministry, through Materials Testing and Research Directorate shall prepare an evaluation report with a recommendation for either termination of the process or approval to move to the next stage.

After stage five, MTRD shall submit a final evaluation report to the Ministry to consider approval and certification. The report shall include data generated from stages one to five.

2.0 Application for Product Approval (STAGE 1)

2.1 Appointment of an Agent

A promoter of a proprietary product or technology shall appoint or engage a person who is technically competent in a field relevant to the particular product or technology being promoted with experience in the construction industry to act as an agent through the six stages of product assessment.

2.2 Submission of Application for Product Approval

Application for verification and approval of the proprietary products proposed for use in road construction shall be made in writing to the Chief Engineer (Materials), State Department for Roads through the following address:

Chief Engineer (Materials)
Materials Testing & Research Directorate
Machakos Road, Industrial Area
P.O. Box 11873 - 00400
NAIROBI

2.3 Information and Documents to be Submitted

The application shall include the following information and documents:

- i) Applicant's/Promoter's particulars i.e. name, nationality, physical address, postal address, e-mail address and telephone numbers;
- ii) Product description including:

- Product/Technology name, name of manufacturer,
 - Manufacturer statement or certificate of product efficacy; and,
 - Manufacturer's certification of product chemical composition and physical properties.
- iii) Manufacturer's authorization where applicable;
- iv) Information on location of all production plants, production quality control, production standards, sample data relating to type testing and factory production control and factory production certificate from a national accrediting agency;
- v) Manufacturer's Materials Safety Data Sheets (MSDS) providing information on the potential hazards (health, fire, reactivity and environmental), handling and disposal and certification by the National Environmental Safety Agency/Authority of the country of manufacture;
- vi) Letter of no objection from the National Environmental Management Authority (NEMA) of Kenya;
- vii) Product application, testing protocols and applicable standards;
- viii) Product verification or approval certificates provided by a competent national agency of the country of manufacture;
- ix) A letter from a road agency of the country of manufacture certifying that the product has been used in the construction of a public road, including a brief description of the road, scope of works and a copy of a completion certificate; and,
- x) Cost analysis of construction using the product/technology compared to conventional methods.

2.4 Oral Presentation

The promoter or manufacturer shall be required to make an oral presentation of his application to MTRD after the written submission.

3.0 Laboratory Verification Tests (STAGE 2)

Laboratory verification tests shall be carried out by MTRD on behalf of the Ministry. The promoter shall provide sufficient samples of the proprietary products and shall be responsible for the cost of the trials. The objectives of the verification tests shall include:

- i) Verification of product compliance to the manufacturer's provided chemical composition and physical properties;
- ii) Verification of the claimed efficacy of the product;

- iii) Verification of stated effects due to environmental factors that may affect product's performance i.e. effects of temperature and moisture levels; and,
- iv) Comparative analysis of the product/technology performance against Kenya standards.

4.0 Installation Trial/Field Demonstration (STAGE 3)

4.1 Products for Modifying Road Pavement and Surfacing Materials

This includes products for treatment of soils, gravels, crushed aggregates, modification of bitumen and bitumen mixes and cement additives.

The promoter shall construct a demonstration section with the participation of MTRD, Road Agencies and other stakeholders. The length of the demonstration section shall not be less than one hundred (100) metres, covering the full carriageway, to enable sufficient sampling by MTRD for laboratory tests.

The monitoring period for the field demonstration shall be 3 years. The promoter shall be responsible for the full cost of the demonstration section.

4.2 Finished Factory Products for Direct Installation

This includes ready to install products such as drainage products, road signages, geomembranes, etc.

The promoter shall install the products in at least three distinct locations representing different topographical, climatic and traffic scenarios with the participation of MTRD, Road Agencies and other stakeholders.

The monitoring period for the field demonstration shall be 1 year. The promoter shall be responsible for the full cost of the demonstration section.

5.0 Product Production Quality Assurance (STAGE 4)

The promoter shall provide manufacturers production quality assurance documentation for assessment.

The assessment may include audit visits to one or more production locations to confirm the production quality assurance system. Assessment of the quality control system will form the basis for subsequent surveillance visits.

The audit visits shall be arranged and funded by the promoter.

6.0 Performance Trial (STAGE 5)

6.1 Design and Construction of Pilot Section

After successful laboratory trials and installation of trial/field demonstration, a pilot section shall be implemented by a National Road Agency or a County Government with prior approval of the Ministry to enable:

- i) Assessment of compliance with the set construction/installation specifications;
- ii) Baseline evaluation to establish baseline performance monitoring data;
- iii) Performance monitoring and evaluation to confirm the design and construction/installation assumptions; and,
- iv) Performance and cost comparison with conventional product/technology.

The pilot shall be on a complete road link and of a trial length not less than three hundred meters (300 m) for pavement materials modifiers or within lengths/sections of the road identified and jointly agreed with a road agency for the other products. The pilot shall also include a control section based on approved Kenyan standards to enable performance and cost comparison.

The Ministry through MTRD shall carry out quality control oversight at both design and construction phases of the pilot section and the Promoter/Manufacturer may also appoint a representative to participate.

The Ministry shall meet the cost of design, construction and performance monitoring of the pilot section through the implementing Roads Agency and the County Governments.

6.2 Monitoring and Evaluation of the Pilot

Baseline evaluation and monitoring of the pilot shall be carried out by MTRD upon completion of the construction which shall form part of the submissions to be considered for interim product approval.

The pilot shall be monitored for a period to be determined at design stage, in consideration of the road design life, the indicated proprietary product life and the expected performance, after which a final production and performance evaluation shall be carried out for consideration of final product approval.

7.0 Product Approval and Certification (STAGE 6)

After each of the first five stages, MTRD shall prepare a report with recommendations for either termination of the process or approval to move to the next stage.

The following assessment reports shall be prepared by MTRD and submitted to the Ministry to inform product approval considerations:

- i) Laboratory Verification Tests Report
- ii) Installation Trial/ Field Demonstration report
- iii) Production Quality Assurance Report
- iv) Performance Trial / Pilot Construction Report
- v) Performance Trial Baseline Evaluation Report
- vi) Performance Trial Monitoring Report.

After substantial completion of the performance trial and MTRD submission of baseline evaluation reports, the Ministry will constitute a Technical Advisory Committee which may include representatives from:

- i) Ministry's technical departments;
- ii) National Roads Authorities and other Road Agencies;
- iii) County Governments Roads Departments through the Council of Governors;
- iv) The Kenya Bureau of Standards (KeBS);
- v) The Institution of Engineers of Kenya (IEK);
- vii) Associations of Consulting Engineers of Kenya (ACEK);
- vii) Roads and Civil Engineering Contractors Association (RACECA);
and,
- viii) Academia.

The committee will consider the promoter's submission, all MTRD's assessment reports and inputs of invited experts' and other stakeholders including inputs from the public where necessary.

If the committee recommends approval of the product, an interim approval certificate will be drawn up and circulated to the nominating bodies above for final comments before the Ministry's approval and issuance of an interim certificate.

A final certificate shall be issued after performance monitoring. Upon issuance of the final certificate, the product will be entered into an annually published list of products approved by the Ministry.

The Ministry's list of approved products shall form part of the acceptable products included in the standard specifications.

To ensure that the product manufacturer's specification and performance is maintained, the Ministry shall conduct a three-yearly review to the end of a road's design life, which include factory surveillance visit and review of the product's performance in use. The factory surveillance visits and product reviews shall be financed by the promoter/manufacturer.

Yours *Sincerely,*


Davis Chirchir, EGH
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