



REPUBLIC OF KENYA

MINISTRY OF DEVOLUTION AND PLANNING

STATE DEPARTMENT OF DEVOLUTION

TERMS OF REFERENCE

PROCUREMENT EXPERT FOR THE KENYA DEVOLUTION SUPPORT PROGRAM

1. Background

The Kenya Devolution Support Program (KDSP) is a USD287 million programme implemented by the Government of Kenya, to support county capacity in Public Finance Management (PFM), Human Resource Management (HRM), planning and Monitoring and Evaluation (M&E), civic education and investment management.

The main components of the KDSP Program are:

1. National government executed capacity building implemented by Ministry of Devolution and Planning (MoDP), the National Treasury [NT], Ministry of Public Service, Youth and Gender Affairs, and the Kenya School of Government [KSG]
2. Performance based grants to counties that meet access conditions, and that can be used for capacity building and for multi-sector investments

In order to support the functions under the KDSP, a small effective dedicated Secretariat will be established under SDD.

The Secretariat will be an important element in the institutional arrangement for the Program, and will support the technical committee in the overall coordination of the implementation of program activities. The Secretariat will report to the Technical Committee and the Joint Steering Committee (JSC) co-chaired by the Council of Governors (CoG) or representatives of participating

counties. The Secretariat is a government function, but will be supported by experts contracted by the SDD. The composition of the contracted experts will be as follows:

1. Intergovernmental fiscal relations/grant operations expert (team leader for the consultant team)
2. Capacity building expert
3. Monitoring & Evaluation expert
4. Public financial management expert, chartered accountant or similar
5. Procurement expert

2. Objectives of the Secretariat

The KDSP Secretariat will provide administrative and technical support to the operation of the Program, and will perform secretariat functions for the KDSP Joint Steering Committee and KDSP Technical Committee.

Key functions include:

- Monitoring Program implementation, and flagging key policy issues to the KDSP JSC as necessary
- Supporting county governments in implementing the Program, including the assessment process, developing capacity building plans, accessing Capacity & Performance (C&P) Based Grants, and using C&P Grants in compliance with the grant conditions and C&P Grant Manual (including reporting on use of grant funds)
- Supporting national government Ministries and KSG in implementing Program activities, including contracting and management of the Annual Capacity & Performance Assessment (ACPA), developing capacity building plans, implementing capacity building activities, monitoring achievement of Program results and Program reporting

3. Tasks of the Secretariat

The KDSP Secretariat coordinates technical assistance and capacity building to counties under the Program in a range of areas including financial management, procurement, and environmental and social management; commissioning and overseeing the independent annual performance assessment; communicating the results of the annual performance assessment to the Bank and obtaining the Bank's verification of it; making public the results of the annual performance assessment and the corresponding grant funds to be disbursed to counties mass media/web-pages; requesting and following up with the NT on the disbursement of funds to counties on time; collecting and

aggregating data from the NT/Controller of Budget (CoB)/counties to track the use of grant funds; and overall management of the Program, including preparing the **Annual Program Report**. On the reporting, further details are provided below.

In fulfilling these responsibilities, the Secretariat will undertake the following tasks:

- *Coordination*. Day-to-day coordination of activities under the Program.
- *Annual capacity & performance assessments*: Management of the entire annual capacity and performance assessment process, including contract holding of the company, training of the annual capacity and performance assessment teams, quality assurance (QA), follow-up, monitoring etc. This will also entail presentation of the annual capacity building plans and budgets, and completion reports and expenditures, of all participating national government entities, reports of the annual capacity and performance assessment to the KDSP Technical Committee as well as the senior management of MoDP, organization of meetings on ACPA, follow-up, etc.
- *Program Management*: Responsible for overall program management as defined in the Program Operational Manual (POM) and for updates, revisions and implementation of issues in the manual and related grant guidelines. Together with the NT, the KDSP Secretariat is responsible for development of and support on regulations, manuals and legal framework related with the new grants. The Secretariat also provides support to the operations of the KDSP Technical Committee for discussions of reports of the ACPA, as well as handling of complaints, etc. and support to the Program Joint Steering Committee.
- *Expenditure framework*: Ensure that annual Program expenditures by national government and under the county grants are consistent with the Program expenditure framework (in the Program Appraisal Document), that annual budget submissions supporting KDSP implementations (as well as expected disbursements) are consolidated across participating national government agencies, and submitted and navigated through the annual budget process. Ensure that KDSP results and actions are included in relevant departmental work plans, budgets, and performance contracts.
- *Coordination of the support on capacity building*: Review of the performance gaps as derived from the ACPA and consolidation of the issues and linkages with capacity building providers in order to ensure linkages between needs assessment and actual capacity building service delivery. The Secretariat will also ensure linkages between the operations

on capacity building under the KDSP and the National Capacity building Framework (NCBF) and its secretariat; Develop and ensure implementation of the capacity building support envisaged from MoDP and other agencies in the program and; Ensure guidance to proper development and implementation of counties' Capacity Building Plans. The Secretariat will prepare cases for verification at the Technical Committee on the Disbursement Linked Indicators (DLIs) related to the capacity building support.

- *Reporting:* Support the M&E on the use of funds from the County Capacity & Performance Grants, including guidance to counties on issues related to investment menu, planning, budgeting and reporting. The Secretariat will also ensure that agreed reports are availed to relevant stakeholders in the GoK as well as to the World Bank and keep track of overview of disbursements and utilization of funds, review and overview of results from the DLIs and the overall M&E framework of the Program as well as the annual progress report from the program encompassing use of funds, reports from counties on outputs and expenditures.
- *Procurement issues:* Procurement tasks related to the procurement of the ACPA, quality assurance, contract management and other activities related to the new grants.
- *Information:* Communication with the public, press, media, etc.
- *Secretariat services:* Establishment of administrative, logistical & secretarial services support for effective operations of the KDSP Joint Steering Committee and Technical Committee and ensuring effective operations of the Steering Committee.
- *Consultancies:* Timely recruitment of the ACPA Consultant, processing of results and allocation of funds. Assist the Ministry in preparation of the KDSP annual budget for adoption.
- *Monitoring:* Monitoring progress in and subsequently supporting implementation by various agencies on the DLIs.
- *System development:* Develop systems and procedures in coordination with relevant agencies where required and provide guidance to counties on procurement, ethics and anti-corruption, environmental and social management system, financial management and reporting and monitoring, evaluation and reporting systems and grant issues related with the eligible investments from the grants.
- *Guidelines and manuals:* Development, publication, dissemination (hard copy, workshops & website download), training, updating of the

Programme Operational Manual (POM) ; monitoring and reporting on implementing agencies compliance with the POM.

- *Procurement*: Securing and disseminating the World Bank Listing of Ineligible Firms & Individuals (debarred list) to all implementing agencies undertaking procurement with KSDP funds every six months (in June and December).
- *Links with World Bank*: Support for and participation in six World Bank monthly supervision missions.
- *Regular reports*: quality control and consolidation of progress and financial reports.

4. Reporting tasks

The KDSP Secretariat will provide the following information to the Technical Committee, Steering Committee and MoDP for onward sharing with the CoG, core GoK agencies and the World Bank:

- Summary and consolidation of the counties' capacity and performance assessment results and the corresponding disbursed amounts based on the formula for the grant. This will be based on the submission of reports by the contracted company, with sufficient QA from the Secretariat and the Technical Committee;
- Overview of the Program's capacity building plan for the centrally driven capacity building support and county level capacity building activities (see formats in the capacity building Manual);
- Progress report on activities executed under the national government capacity building plans and progress reports on the capacity building activities executed by the counties (using formats for reporting from the capacity building Manual);
- Summary of the project expenditures and outputs on counties' service delivery investments (standard formats in the Capacity and Performance Grant Manual (CoB reports)). For outputs this will make use of the form in CIMES system, see Appendix 1 – Capacity and Performance Grant Manual. These reports will be compiled and consolidated by the KDSP Secretariat;
- Review of the progress against the KDSP M&E framework.

Every year the KDSP Secretariat will compile these reports in an **Annual Program Report** within 3 months of the end of each Financial Year (FY).

Program Reporting will encompass the Program M&E, including monitoring of the Program outcome indicators and impact assessment; through the annual

progress reports; requested Financial Monitoring Reports; consulting services for the preparation and review of documents for a KDSP Review; Program Completion Reports and workshops for final evaluation of the Program. Preparation of a follow on support prior to closure of the Program is also envisaged under the Program.

5. Composition of the KDSP Secretariat

The Secretariat will be composed of a small and dedicated team of full time experts. As a minimum this will cover the following positions in addition to the Program Coordinator (who will be from MoDP, GoK).

1. Intergovernmental fiscal relations/grant operations expert (team leader for the consultant team)
2. Capacity building expert
3. M&E expert
4. Public financial management, chartered accountant or similar
5. Procurement expert

6. Specific tasks of the Procurement expert

1. Support MoDP in conducting Program procurement, particularly for the annual contracting of the external ACPA team
2. Support national ministries in procuring goods, works and services to implement capacity building activities, as relevant
3. Support the counties in improving their capacity in areas relating to procurement, contract management and implementation of environmental and social safeguard procedures, by reviewing ACPA results and county capacity building (CB) plans to better identify gaps and activities needed to address them
4. Support national government ministries and KSG in developing CB activities to address county CB needs in the area of procurement and social and environmental safeguards
5. Support county governments in utilizing C&P Grant funds through support to county procurement departments
6. Prepare and/or review the procurement plan for the implementation of program with the support of the secretariat of KDSP
7. Support preparation of procurement documentation and selection and evaluation procedures for KDSP
8. Build procurement capacity in the Procurement KDSP Team and the

beneficiaries through hands-on training

9. In cooperation with the Procurement team of GoK prepare regular procurement reports for the World Bank, secretariat according to pre-determined agreements, and government institutions/organizations.
10. Together with KDSP secretariat, prepare the Project's Annual Procurement Plans, identifying contract packages for goods and services, the estimated cost of each package, the procurement selection methods and processing times till completion of each procurement activity
11. Monitor procurement implementation and update the procurement plans prepared at the beginning of the year, for the procurement of goods, and the procurement of consultancy services, annually and whenever it becomes necessary to do so
12. Advise the evaluation committee members in the evaluation of the bidding documents/technical proposals in accordance with the World Bank standards, and GoK procedures
13. Monitor and ensure timely responses to procurement questions raised by the World Bank, stakeholders and government organizations and institutions
14. Participate and lead as appropriate in county procurement assessments, procurement reform, capacity building activities, use of country systems, governance and anti-corruption activities, and other strategic procurement tasks which are part KDSP fiduciary agenda and as such, may be assigned to the incumbent by the KDSP coordinator and team leader

7. Education

- Post-graduate degree qualification in Supply Chain Management, Statistics, Business Law, Finance, Accounting, Economics or a relevant discipline.
- Bachelors in business related degree, in Supply Chain Management, Statistics, Business Law, Finance, Accounting, Economics or a relevant discipline
- Final diploma from chartered institute of purchasing and supply (CIPS), or final diploma in supply chain management from a recognized institution
- A member of a professional institutional such KISM, or CIPS

8. Work Experience

Qualifications and experience required

- The Procurement Specialist will have not less than 7 years continuous experience in the public sector and demonstrated experience in GoK and donor funded projects and capacity building.
- Experience and knowledge in procurement procedures and legislations of the Government of Kenya will be required. Minimum experience in the last 3 years in procurement and contract management in the public sector for large donor/GoKfunded project.
- Must have good knowledge of procurement policies and procedures of multilateral financial institutions especially the World Bank as well as good knowledge of the institutional, technical, and commercial aspects of procurement in line with the Public Procurement Assets and Disposal Act, 2015 and other relevant legislation, policies, manuals, and guidelines.

9. Competencies

- Proven track record in working effectively within multidisciplinary teams.
- Computer proficiency in standard computer office applications
- Excellent communication, interpersonal and team working skills
- Excellent oral and written skills in English and Kiswahili
- Knowledge and experience in designing and conducting training.

i. Level of effort and time frame

The assignment will be full time for a period of 12 months, with the possibility of extension.

ii. Reporting, accountabilities and location

The Expert will be based at State Department of Devolution and will work under the direct supervision of the Team Leader and report to the KDSP Coordinator.

iii. Obligations of the consultant

The consultant shall be responsible for ensuring his/her availability at all times, in accordance with the contract and supporting ToRs. This is a full-time assignment.

iv. Inputs provided by the Client

The client shall be responsible for the provision of office space and furniture, and supporting office equipment. The client shall include the consultant in all its procurement arrangements concerning field visits and study tours, as applicable. All such inputs shall be approved by the KDSP Co-coordinator. Where travelling individually on programme duties, expenses will be incurred and reimbursed accordingly, in accordance with GOK procedures. All individual travel shall be approved by the KDSP Co-coordinator.

7. Technical Evaluation criteria

PROCUREMENT EXPERT		
ITEM	Weight	Maximum Points
1. Qualification <ul style="list-style-type: none">• Bachelor's degree in relevant field (the 5)• Post graduate diploma in Procurement and related fields• A member of a professional institutional such as KISM, or CIPS• Masters• PhD	25%	10 5 5 3 2
2. Relevant Experience <ul style="list-style-type: none">a) 7 continuous years' experience in SCMb) Training experiencec) Project management experienced) World Bank and development partner funded project experiencee) Experience in Public Sector	65%	20 15 10 10 10
3. Competencies: <ul style="list-style-type: none">a) Knowledge of procurement policies, laws, and regulationsb) Computer proficiency standard computer applications	10%	5 3

c) Interpersonal skills		2
Total		100

Note: Only experts who attain **60 marks** and above shall proceed to the next stage of evaluation (1. Financial Evaluation, 2. Interview and Negotiations)

8. Application Process

Interested and qualified candidates should submit their applications which should include the following:

Detailed Curriculum Vitae with copies of certificates and other relevant testimonials.

Please quote **“PROCUREMENT EXPERT – KDSP PROGRAMME** (on the subject line.)