



REPUBLIC OF KENYA

**MINISTRY OF DEVOLUTION AND PLANNING
STATE DEPARTMENT OF DEVOLUTION**

Kenya Devolution Support Programme (KDSP)

**TENDER NO. MODP/SDD/KDSP/RFP/08/2016-2017
IFMIS TENDER NO. 396268**

**PROCUREMENT EXPERT FOR THE KENYA
DEVOLUTION SUPPORT PROGRAM**

CLOSING/OPENING DATE: 30TH JANUARY, 2017

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INTRODUCTION

1. This standard Request for Proposals for selection of individual professional consultants has been prepared for use by public entities in Kenya. It has been found necessary for selection of individual consultants who are also regulated by their professional institutions or associations as opposed to selection of consultants who could be either individuals or body corporate.
2. This Request for proposals will be used for open tendering, restricted tendering or request for proposals.
3. The general conditions of contract in the Standard contract Form should not be modified and instead the special conditions of the contract may where necessary be modified by the procuring entity, for use, to reflect the unique circumstances of the particular assignment.

SECTION I



REPUBLIC OF KENYA

MINISTRY OF DEVOLUTION AND PLANNING

STATE DEPARTMENT OF DEVOLUTION

Kenya Devolution Support Programme(KDSP)

TENDER NOTICE

The Ministry of Devolution and Planning, State Department of Devolution (SDD) invites tenders from interested, eligible and competent individuals to tender for the following consultancy service: -

Tender Number	Tender Description	Eligible Category	Closing Date and Time
MODP/SDD/KDSP/08/2016-2017 IFMIS TENDER NO. 396268	Procurement Expert for the Kenya Devolution Support Program	Open to ALL bidders	30 th January 2017 at 12.00 Noon

Interested bidders may access and download detailed tender documents and their corresponding Terms of Reference from the:

- i. IFMIS Supplier Portal: <https://supplier.treasury.go.ke> by citing the unique IFMIS Tender numbers for each of the tenders
- ii. The Ministry's Website www.devolutionplanning.go.ke.
- iii. Tender portal: <https://supplier.treasury.go.ke>, and click on "link to tenders" and select the tender

Tenders **MUST** be submitted through IFMIS SUPPLIER PORTAL: supplier.treasury.go.ke. Bidders who may experience challenges in accessing and uploading their tender in the IFMIS Tender Portal should contact the IFMIS Department, Treasury Building on 5th Floor or Supply Chain Management Office on 1st floor, Telposta towers, Wing C, Kenyatta Avenue, for assistance.

Duly completed tender documents (Hard Copy of exact replica of the one submitted in the IFMIS Portal) should be enclosed in a plain sealed envelope clearly marked with

the tender name and tender number should be deposited in the tender box on 1st floor of Telposta Towers, Wing C, Kenyatta Avenue, Nairobi, Kenya during office hours (Weekdays 8.00 am to 5.00 pm) or be addressed to:

**Principal Secretary,
Ministry of Devolution and Planning,
State Department of Devolution,
P. O. Box 30004 – 00100.
NAIROBI, KENYA**

All tenders to be received on or before **30th January, 2017 at 12.00 noon** (East African Time). Bids will be opened immediately thereafter in the presence of the bidders or their representatives who choose to attend at the 6th floor boardroom, Telposta Towers, Kenyatta Avenue, Nairobi.

The financial proposal quoted should be inclusive of all Government taxes.

Tenderers should attach copies of the tax compliance certificates, Identity card or passport

The Government of the Republic of Kenya reserves the right to accept, terminate or reject any tender without assigning reasons for its decision thereof.

Principal Secretary
State Department of Devolution

SECTION II - INFORMATION TO CONSULTANTS

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SECTION II - INFORMATION TO CONSULTANTS

2.1 Introduction

- 2.1.1 The State Department of Devolution will select an individual consultant among those invited to submit proposals or those who respond to the invitation for proposals in accordance with the method of selection detailed under this section and consistent with the regulations.
- 2.1.2 The consultants are invited to submit a technical proposal and a financial proposal for consulting services required for the assignment stated in the letter of invitation (Section I)
- 2.1.3 In the assignment where the procuring entity intends to apply standard conditions of engagement and scales of fees for professional services, which scale of fees, will have been approved by a relevant authority, a technical proposal only may be invited and submitted by the consultants. In such a case the highest ranked individual consultant in the technical proposals shall be invited to negotiate a contract on the basis of the set scale of fees. The technical proposals will be the basis for contract negotiations and ultimately for a signed contract with the selected individual consultant.
- 2.1.4 The consultants must familiarize themselves with local conditions as regards the assignment and take them into account in preparing their proposals. To obtain adequate information on the assignment and on the local conditions, consultants are encouraged to liaise with the procuring entity regarding any information that they may require before submitting a proposal.
- 2.1.5 The client will provide the inputs and services specified in the special conditions of contract needed to assist the individual consultant to carry out the assignment.
- 2.1.6 The cost of preparing the proposal and negotiating the contract including any visit to the procuring entity are not reimbursable as a direct cost of the assignment. The procuring entity is not bound to accept any of the proposals submitted.
- 2.1.7 The procuring entity's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender.

2.2 Clarification and amendment to the RFP documents

- 2.2.1 Individual consultant may request clarification of any of the RFP documents not later than Seven (7) days before the deadline for the submission of the proposals. Any request for clarification must be sent in writing by post, fax or email to the procuring entity's address indicated in the special conditions of contract. The procuring entity will respond by post, fax or email to such requests and will send written copies of the response (including an explanation of the query but without identifying the source of inquiry) to all individual consultants invited to submit proposals.
- 2.2.2 At any time before the deadline for submission of the proposals, the procuring entity may for any reason; either at its own initiative or in response to a clarification requested by an intended individual consultant amends the RFP. Any amendment shall be issued in writing, fax or email to all invited individual consultants and will be binding on them. The procuring entity may at its discretion extend the deadline for the submission of the proposals.
- 2.2.3 Clarification of tenders shall be requested by the tenderer to be received by the procuring entity not later than 7 days prior to the deadline for submission of tenders.
- 2.2.4 The procuring entity shall reply to and seek clarifications by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

2.3 Preparation of proposals

- 2.3.1 The individual consultant's proposal shall be written in English language.
- 2.3.2 In preparing the Technical proposal, the individual consultants are expected to examine the documents consisting of the RFP in detail. Material deficiencies in providing the information requested may result in rejection of a proposal.
- 2.3.3 While preparing the Technical proposal, the individual consultant must give particular attention to the following:
- (a) If an individual consultant considers that he/she does not have all the expertise required for the assignment he/she may suggest in the proposals other individual(s) who will assist in the assignment but they will not be party to the contract for the purpose of the performance of the assignment. An individual consultant will not propose other individual consultants invited to submit proposals for the assignment. Any individual consultant in contravention of this requirement shall automatically be disqualified.

- (b) All the staff who will be involved in the exercise of the proposals to consultant must indicate their responsibility in the assignment and also the staff time as necessary.
- (c) The curriculum vitae (CV) of the staff proposed must be submitted with the proposal.

2.3.4 The Technical proposal shall provide the following information;

- (a) The individual consultants CV and a brief of any recent experience of assignment of a similar nature. For each assignment the brief should indicate the profiles of staff involved, contract amount and the individual consultant's involvement.
- (b) Any comments or suggestions on the Terms of Reference and a list of service and facilities requested to be provided by the procuring entity.
- (c) A description of the methodology and work plan for performing the proposed assignment.
- (d) Any additional information requested in the special conditions of contract.

2.3.5 The Technical proposal shall be separate from the financial proposal and shall not include any financial information.

2.4 **Financial proposal**

2.4.1 In preparing the financial proposal, the individual consultants are expected to take into account the time required in completing the assignment as outlined in the RFP documents. The financial proposal will therefore be quoted in fees per day or month. The financial proposal may also include other costs as necessary, which will be considered as reimbursable.

2.4.2 The Financial proposal should include the payable taxes.

2.4.3 The fees shall be expressed in Kenya Shillings.

2.4.4 The Financial proposal must remain valid for 150 days after the submission date. During this period, the individual consultant is expected to keep available at his own cost any staff proposed for the assignment. The procuring entity will make best efforts to complete negotiations within this period. If the procuring entity wishes to extend the validity period of the proposals, the consultants who do not agree, have the right not to extend the validity of their proposals.

2.4.5 The financial proposal must comply with the law governing the profession of the consultant.

2.5 Submission, Receipt and opening of proposals

- 2.5.1 The technical proposal and the financial proposal (if required) shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the individual consultants. The individual consultant must initial any such corrections.
- 2.5.2 For each proposal the individual consultants shall prepare the proposals in the number of copies indicated in the special conditions of contract. Each Technical proposal and financial proposal shall be marked “ORIGINAL” or “COPY” as appropriate. If there are any discrepancies between the original and the copies of the proposal, the original shall govern.
- 2.5.3 The original and all copies of the Technical proposal shall be placed in a sealed envelope clearly marked “TECHNICAL PROPOSAL”, and the original and all copies of the financial proposal in a sealed envelope duly marked “FINANCIAL PROPOSAL”. Both envelopes shall be placed in an outer envelope and sealed. This outer envelope shall bear the procuring entities address and other information indicated in the appendix to the instructions to consultants and clearly marked “DO NOT OPEN” before **(as indicated in Appendix to Information to consultants)**.
- 2.5.4 The completed Technical and Financial proposals must be delivered at the submission address on or before the time and date of the submission of the proposals indicated in the appendix to the instructions to consultants. Any proposals received later than the closing date for submission of proposals shall be rejected and returned to the individual consultant unopened. For this purpose the inner envelope containing the technical and financial proposals will bear the address of the individual consultant submitting the proposals.
- 2.5.5 After the deadline for submission of proposals the outer envelope and the technical proposals shall be opened immediately by the opening committee. The financial proposals shall be marked with the individual consultants number allocated at the time of opening the outer envelope and the technical proposals but shall remain sealed and in the custody of a responsible officer of the procuring entity up to the time set for opening them.

2.6 Evaluation of the Proposal (General)

- 2.6.1 From the time the proposals are opened to the time of the contract is awarded, if any individual consultant wishes to contact the procuring entity on any matter relating to his/her proposal, he/ she should do so in writing at the address indicated in the appendix to the instructions to consultants. Any effort by an individual consultant to influence the procuring entity’s staff in the evaluation of proposals companion

proposals or awards of contract may result in the rejection of the individual consultant proposal.

2.6.2 The proposal evaluation committee shall have no access to the Financial Proposal, which in any case will remain sealed, until the technical evaluation is concluded or finalized.

2.7 Evaluation of Technical Proposals

2.7.1 The evaluation committee appointed by the procuring entity to evaluate the proposals shall carry out the evaluation of technical proposals following the criteria set out in the terms of reference based on the following points criteria

	<u>CRITERIA</u>	<u>POINTS</u>
(i)	Qualifications of the consultant	25
(ii)	Experience related to the assignment	65
(iii)	Skills and competence	<u>10</u>
	Total points	100

2.7.2 Any proposal which will be examined and found not to comply with all the requirements for submission of the proposals will be declared non responsive. All the proposals found to have complied with all the requirements for submission of proposal shall be declared responsive by the evaluation committee

2.7.3 Each responsive proposal will be given a technical score (ST). Any technical proposal which fails to achieve the total minimum score indicated in the appendix to the information to tenderers shall be rejected at this stage and will not proceed to the next stage of evaluation. The respective financial proposal will be returned to the individual consultant unopened.

2.8 Opening and Evaluation of Financial Proposals

2.8.1 After completion of the evaluation of Technical proposals the procuring entity shall notify the individual consultants whose proposal did not meet the minimum technical score or were declared non responsive to the RFP and terms of reference. The notification will indicate that their financial proposals shall not be opened and will be returned to them unopened after the completion of the selection process and contract award. At the same time, the procuring entity shall simultaneously notify the consultants who have secured the minimum technical score that they have passed the technical qualifications and inform them the date and time set by the procuring entity for opening their financial proposal. They will also be invited to attend the opening ceremony if they wish to do so.

2.8.2 The financial proposals shall be opened by the procuring entity in the presence of the individual consultants who choose to attend the opening. The name of the individual consultant, the technical score and the proposed fees shall be read out aloud and recorded. The evaluation committee shall prepare minutes of the opening of the financial proposals.

2.8.3 The formulae for determining the financial score (SF) unless an alternative formula is indicated in the appendix to the information to tenderers shall be as follows:

$Sf = 100 \times fm/f$ where
Sf is the financial score
Fm is the lowest fees quoted and
F is the fees of the proposal under consideration.

The lowest fees quoted will be allocated the maximum score of 100

2.8.4 The individual consultants proposals will be ranked according to their combined technical score (st) and financial score (sf) using the weights indicated in the appendix to the instructions to consultants. Unless otherwise stated in the appendix to the instructions to consultants the formulae for the combined scores shall be as follows;

$$S = ST \times T\% + SF \times P\%$$

Where

S, is the total combined scores of technical and financial scores

St is the technical score

Sf is the financial score

T is the weight given to the technical proposal and

P is the weight given to the financial proposal

Note P + T will be equal to 100%

The individual consultant achieving the highest combined technical and financial score will be invited for negotiations.

2.9 Negotiations

2.9.1 Negotiations will be held at the same address indicated in the appendix to the information to consultants. The purpose of the negotiations is for the procuring entity and the individual consultant to reach agreements on all points regarding the assignment and sign a contract.

2.9.2 The negotiations will include a discussion on the technical proposals, the proposed methodology and work plan, staff and any suggestions made by the individual consultant to improve the Terms of reference. The agreed work plan and Terms of reference will be incorporated in the description of the service or assignment and form part of the contract.

2.9.3 The negotiations will be concluded with a review of the draft contract. If negotiations fail, the procuring entity will invite the individual consultant whose proposal achieved the second highest score to negotiate a contract.

2.10 Award of Contract

2.10.1 The contract will be awarded after successful negotiations. After negotiations are completed, the procuring entity will promptly notify the other individual consultants that they were unsuccessful and return the financial proposals of the individual consultants who did not pass technical evaluation.

2.10.2 The selected individual consultant is expected to commence the assignment on the date indicated in the appendix to the information to consultants or any other date agreed with the procuring entity.

2.11 Confidentiality

2.11.1 Information relating to evaluation of proposals and recommendations of contract award shall not be disclosed to the individual consultants who submitted the proposal or to other persons not officially concerned with the process, until the winning individual consultant has been notified that he/she has been awarded the contract.

2.12 Appendix to information to consultants

Notes on the Appendix to Information to Consultants

1. The Appendix to information to consultants is intended to assist the State Department of Devolution in providing specific information in relation to corresponding claims in the information to consultants included in Section II and the appendix has to be prepared for each specific consultancy.
2. The State Department of Devolution specify in the Appendix to information to consultant and requirements specific to the circumstances of the State Department of Devolution, the assignment of the consultancy and the proposals evaluation criteria that will apply to the RFP Consultancy.
3. In preparing the appendix, the following aspects have been taken into consideration.
 - (a) The information that specifies or complements provisions of Section II to be incorporated.
 - (b) Amendments of Section II as necessitated by the circumstances of the specific consultancy to be also incorporated
 - (c) Section II should remain unchanged and any changes or amendments should be introduced through the appendix.

2.12.1 Appendix to Information to Consultant

The following information for procurement of consultancy services and selection of consultant shall complement or amend the provisions of the information to consultant, wherever there is a conflict between the provisions of the information to consultant and the provisions of the Appendix to Information to consultant, provisions of the Appendix herein shall prevail over those of the information to consultant.

Information To Consultant	Appendix to Information to consultants
2.1 Introduction	<p>(i). Request for proposal is open to interested local qualified individual consultants.</p> <p>(ii). Consultants are encouraged to familiarize themselves with the detailed term of reference to respond appropriately.</p> <p>(iii). No tender security is required</p> <p>(iv). The Request for proposal closing/opening date is on 30thJANUARY, 2017 at 12.00 Noon (East African Time).</p> <p>(v). No Performance security is required</p> <p>(vi). SOFT COPY:- The Consultant <u>MUST</u> respond through the Integrated Financial Management Information System (IFMIS)</p> <p>NOTE: ONLY CONSULTANTS THAT SUBMIT THROUGH IFMIS WILL BE OPENED AND EVALUATED.</p> <p>(i). The Consultant shall be required to submit hard copies (One original and one copy) of the bid documents which must be exact replica of the soft copy bid submitted through IFMIS.</p> <p>(vii). The Government of the Republic of Kenya reserves the right to accept or reject the tender in whole or part without assigning reasons for its decision thereof.</p>
2.2 Clarification and amendment	<p>(i). Request for proposal <u>MUST</u> be addressed to,</p> <p style="text-align: center;">Principal Secretary, Ministry of Devolution and Planning, State Department of Devolution, P.O. Box 30004-00100, NAIROBI. Telephone +254-202217475 +254-202215245</p> <p>(ii). All communication between the tenderer and the procuring entity shall be in writing</p> <p>(iii). State Department of Devolution (SDD) may</p>

	<p>conduct verification/inspection exercise (due diligence) to verify/ascertain authenticity of the information and documents submitted by the tenderer.</p> <p>(iv). Interested consultant/firm may obtain further information, clarification and peruse Request for proposal document at the Head of Supply Chain Management Services office, State Department of Devolution (SDD) at Telposta Towers 1st floor, Wing C, Kenyatta Avenue, Nairobi</p>
2.3 Preparation of Proposals	<p>(i). The Consultant MUST not modify, substitute, alter/change the STANDARD TENDER DOCUMENT for Request for proposal. Tenderers are only required to attach the necessary documents to the standard tender document.</p> <p>Any modifications, substitution, alterations/change of the STANDARD TENDER DOCUMENT will lead to disqualifications of the bid.</p> <p>(ii). The Consultant MUST submit detailed CV with detailed work experience, referees among others and relevant copies of the certificates of the ALL the key and support staff to be involved in the consultancy.</p> <p>(iii). The Consultant MUST indicate the responsibilities of the staff to be involved in the assignment.</p> <p>(iv). The Consultant MUST meet ALL the mandatory requirements to qualify for technical evaluation.</p> <p>(v). The Consultant MUST submit the necessary and relevant information required as per Terms of Reference (ToR)</p> <p>(vi). The Consultant MUST completely fill, sign and stamp the relevant documents.</p> <p>(vii). The Consultant MUST ensure they comply with ALL the mandatory requirements.</p>
2.4 Financial Proposal	<p>(i). Financial proposal MUST be in Kenya Shillings.</p> <p>(ii). The Request for Proposal MUST be valid for 150 days from closing/opening date and time</p> <p>(iii). The financial proposal MUST include government taxes and all other expenses.</p> <p>(iv). The Consultant MUST submit a detailed schedule of financial proposal indicating the deliverables.</p> <p>(v). The Consultant with the highest combined score (Technical and Financial) will be invited for negotiations.</p>
2.5 Submission, Receipt and opening of	<p>i. The submission of the Request for Proposal bid document MUST be in TWO separate envelopes, TECHNICAL and</p>

proposals	<p>FINANCIAL Proposals.</p> <p>(ii). The TECHNICAL proposal <u>MUST</u> be in Original and Copy. The 'ORIGINAL' and 'COPY' must be marked clearly on the bid documents and must be placed in a sealed envelope clearly marked TECHNICAL PROPOSAL.</p> <p>NB. The STANDARD TENDER DOCUMENT for Request for Proposal must be part of TECHNICAL PROPOSAL.</p> <p>(iii). The FINANCIAL proposal <u>MUST</u> be in Original and Copy. The 'ORIGINAL' and 'COPY' must be <u>marked</u> clearly on the bid documents and <u>must be placed</u> in a sealed envelope clearly <u>marked</u> FINANCIAL PROPOSAL.</p> <p>(iv). Both envelopes of the TECHNICAL AND FINANCIAL PROPOSALS shall be placed in an outer envelope and sealed and the envelope shall bear the tender number and name.</p> <p>(v). The outer envelope bearing TECHNICAL and FINANCIAL PROPOSAL shall be deposited in the State Department of Devolution Tender Box located at Telposta Towers, 1st Floor, Wing C, along Kenyatta Avenue, outside Supply Chain Management offices, during normal working hours (8am to 5pm, East African Time), on or before 30th JANUARY, 2017 at 12.00 Noon (East African Time).</p> <p>(vi). Request for proposal bid documents submitted after the deadline shall NOT be accepted.</p> <p>(vii). Bidders/representatives are free to attend the Request for Proposal bid opening exercise at the State Department of Devolution Board Room No.660 situated at 6th floor, Telposta Towers, along Kenyatta Avenue, Nairobi on the closing/opening date and time.</p> <p>(viii). Only the TECHNICAL PROPOSAL will be opened on the closing/opening date and time.</p> <p>(ix). Only financial proposals of the tenderers who pass technical evaluation shall be opened.</p> <p>(x). Those bidders who will not qualify at the technical evaluation level will have their financial bids returned un-opened.</p> <p>(xi). Bulky Request for proposal bid documents that will not fit in the tender box shall be received at the Head of Supply Chain Management Office at State Department of Devolution 1st Floor, Wing C, along</p>
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	Kenyatta Avenue, Nairobi during normal working hours (8am to 1pm and 2pm to 5pm East African Time).
2.6 Evaluation of the Proposal (General)	<ul style="list-style-type: none"> (i). The evaluation shall be carried out as per the detailed Evaluation Criteria set in the Request for Proposal tender documents. (ii). The evaluation will be carried out in three stage evaluation process; <ul style="list-style-type: none"> (a) Preliminary stage: - Proposal must meet all the mandatory requirements stage to proceed to the next stage. (b) Technical Stage: - Proposal must attain a minimum of 70% score to proceed to the next stage. (c) The formula in the ITC shall be used together with the weights allocated for the financial proposal. The firm with the highest combined score shall be awarded the tender
2.7 Evaluation of technical Proposals	<ul style="list-style-type: none"> (i) Evaluation shall be carried out in strict adherence to the Terms of Reference (ii) Evaluation shall be carried out in line with the detailed evaluation criteria set out in the Request for Proposal documents. (iii) Technical Proposal that attain a minimum of 70% score shall be considered responsive and shall proceed to the next stage.
2.8 Opening and evaluation of financial Proposals	<ul style="list-style-type: none"> (i) Only Technical Proposal that attained a minimum of 70% score at technical evaluation be shall be considered at this stage and opened. (ii) Invited Bidders/representative will be free to attend the financial proposal opening exercise. (iii) The weight allocated to the technical score is 0.7 and 0.3 for the financial score. The firm with the highest combined score shall be awarded the tender
2.9 Negotiations	The consultant with the highest combined score (Technical and Financial) will be invited for negotiations.
2.10 Award of Contract	The consultant will commence the obligation of the contract immediately after negotiations or as may be agreed upon at contract signing.
2.11 Confidentiality	The clients and consultant shall ensure confidentiality during contract period.

2.12.2 MANDATORY REQUIREMENTS

S/No.	REQUIREMENTS
1.	Submission of Request for Proposal document in the right format (Original and Copy format)

2.	Consultant MUST not modify, substitute, alter/change the STANDARD TENDER DOCUMENT for Request for proposal.
3.	The Consultant MUST submit copies of the identification documents (Identity Card or copy of Passport)
4.	Consultant MUST submit copy of Valid Tax compliance Certificate
5.	The Consultant MUST duly fill completely, sign and stamp Anti-corruption declaration commitment/Pledge
6.	All pages in the document submitted should be numbered

NB: - Consultants MUST meet ALL the mandatory requirements to qualify for Detailed Technical Evaluation.

SPECIAL CONDITIONS OF THE CONTRACT

1. The Price quoted **MUST** remain **FIXED** during the contract period
2. The Accounting officer may at any time terminate the procurement proceedings without entering into the contract.
3. The consultant is required to give 30 days' notice if he /she intend to terminate the contract.

SECTION III- TERMS OF REFERENCE (TOR)

Notes on the preparation of the Terms of Reference

The terms of reference are the initial statement to the consultants, of the services to be performed and should therefore be clear and precise and should contain the following sections;

- (a) Background information
- (b) Objectives of the assignment
- (c) Scope of work or services of the assignment
- (d) Training requirements (where applicable)
- (e) Reporting systems and time schedules
- (f) Personnel, facilities and other requirements to be provided by the procuring entity and
- (g) Terms of payment

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 the 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 SCM b) Training experience c) Project management experience d) World Bank and development partner funded project experience e) 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 regulations b) Computer proficiency standard computer applications c) Interpersonal skills 	10%	5 3 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.)

SECTION IV - TECHNICAL PROPOSAL (TP)

Notes on the Preparation of Technical Proposal

The technical proposal shall be prepared and submitted by the consultant.

It shall contain the following:-

- (a) Submission letter
- (b) Particulars of the consultant and ALL support staff including Detailed Curriculum vitae (CV) and copies of the certificates and other testimonials
- (c) Comments and suggestions of the consultant on the terms of reference, personnel, facility, and other requirements to be provided by the procuring entity.
- (d) Description of the methodology and work plan for performing the assignment
- (e) Consultancy services activities time schedule.

SECTION V - FINANCIAL PROPOSAL (FP)

Notes on the Preparation of Financial Proposal

The financial proposal shall be prepared and submitted by the consultant. It shall contain the following.

- (a) Submission letter indicating total fees
- (b) Summary of costs
- (c) Detailed payment schedules and expected completion.
- (d) Breakdown of fees per activity
- (e) Breakdown of reimbursable costs/expenses per activity
- (f) Miscellaneous expenses
- (g) Form of Tender

6.2 CONFIDENTIAL BUSINESS QUESTIONNAIRE

You are requested to give the particular indicated in Part 1 and either Part 2(a), 2(b), or 2(c) Whichever applies to your type of business

You are advised that it is a serious offence to give false information on this Form.

Part _____ General:

BusinessName

Location of business premises

Plot No. Street/Road

Postal Address Tel. No.Fax Email

Nature of business

Registration Certificate No.

Maximum value of business which you can handle at any one time Kshs...

Name of your bankers Branch

Part 2(a) – Sole Proprietor:

Your name in full Age

Nationality Country of origin

Citizenship details.....

Party 2(b) – Partnership

Give details of partners as follows

	Name	Nationality	Citizenship Details	Shares
1.....				
2.....				
3.....				
4.....				
5.....				

Part 2(c) – Registered Company:

Private or public

State the nominal and issued capital of the company –

Nominal Kshs..

Issued Kshs.....

Give details of all directors as follows

	Name	Nationality	Citizenship Details	Shares
1.....				
2.....				
3.....				
4.....				
5.....				

Date.....Signature of Tenderer

If a citizen, indicate under “Citizenship Details” whether by Birth, Naturalization or Registration

6.3 ANTI-CORRUPTION DECLARATION COMMITMENT/ PLEDGE

(Sections 62 of the PPAD Act, 2015)

I/We/Messrs.....

of Street, Building, P O Box.....

.....

Contact

Phone

E mail.....

Declare that Public Procurement is based on a free and fair competitive Tendering process which should not be open to abuse.

I/We

declare that I/We will not offer or facilitate, directly or indirectly, any inducement or reward to any public officer, their relations or business associates, in connection with

Tender/Tender No

for or in the subsequent performance of the contract if I/We am/are successful and I/We am/are not debarred from participating in procurement proceedings.

Authorized Signature.....

Name.....

Title of Signatory.....

6.4 INDIVIDUAL PROFESSIONAL CONSULTANTS

(Lump-sum payment)

The contract form shall be completed by the procuring entity after the award of the contract and negotiation of the contract. It will be signed by both parties pursuant to the information to consultant clause 2.10.2

This Agreement, [hereinafter called “the Contract”) is entered into this _____
_____ [insert starting date of assignment], by and between.

_____ [Insert Client’s name] of [or whose
registered office is situated at] _____ [insert Client’s
address] (hereinafter called “the Client”) of the one part AND

_____ [Insert Consultant’s name] of [or
whose registered office is situated at] _____
_____ [insert Consultants address] (hereinafter called “the Consultant”) of the
other part.

WHEREAS the Client wishes to have the Consultant perform the services
[hereinafter referred to as “the Services”, and

WHEREAS the Consultant is willing to perform the said Services,

NOW THEREFORE THE PARTIES hereby agree as follows:-

1. **Services**
 - (i) The Consultant shall perform the Services Specified in Appendix A, “Terms of Reference and Scope of Service, “which is made an integral part of this Contract.
 - (ii) The Consultant shall provide the personnel listed Appendix B, “Consultant’s Personnel,” to perform the Services.
 - (iii) The Consultant shall submit to the Client the reports in the form and within the time periods

specified in Appendix C, “ Consultant’s Reporting Obligations.”

(Appendices A, B, and C to be prepared as appropriate)

2. **Term** The Consultant shall perform the Services during the period commencing on _____[insert starting date] and through to _____ [insert completion date], or any other period(s) as may be subsequently agreed by the parties in writing.

3. **Payment** A. Ceiling
For Services rendered pursuant to Appendix A, the Client shall pay the Consultant an amount not to Exceed _____ [insert amount]. This amount has been established based on the understanding that it includes all the Consultant’s costs and profits as well as any tax obligation that may be imposed on the Consultant.

B. Schedule of Payments
The schedule of payments is specified below (Modify in order to reflect the output required as described in Appendix C.)

Kshs. _____ upon the Client’s receipt of the Draft report, acceptable to the Client; and

Kshs. _____ upon the Client’s receipt of the Final report, acceptable to the Client.

Kshs. _____ Total

C. Payment Conditions
Payment shall be made in Kenya Shillings unless otherwise specified.

4. **Project Administration** A. Coordinator
The Client designates KDSP Coordinator _____

as Client's Coordinator; the Coordinator will be responsible for the Coordination of activities under this Contract, for acceptance and approval of the reports and of other deliverables, by the Client and for receiving and approving invoices for payment.

B. Reports

The reports listed in Appendix C, "Consultant's Reporting Obligations," shall be submitted in the Course of the assignment and will constitute the basis for the payments to be made under paragraph 3.

- 5 Performance Standards** The Consultant undertakes to perform the Services with the highest standards of professional and ethical competence and integrity. The Consultant shall promptly replace any employees assigned under this Contract that the Client considers unsatisfactory.
- 6. Confidentiality** The Consultant shall not, during the term of this Contract and within two years after its expiration Disclose any proprietary or confidential Information relating to the Services, this Contract Or the Client's business or operations without the Prior written consent of the Client.
- 7. Ownership of Material** Any studies, reports or other material, graphic, software or otherwise prepared by the Consultant for the Client under the Contract shall belong to and remain the property of the Client. The Consultant may retain a copy of such documents and software.
- 8. Consultant Not to be Engaged in certain Activities** The Consultant agrees that during the term of this Contract and after its termination the Consultant and any entity affiliated with the Consultant shall be disqualified from providing goods, works or services (other than the Services and any

continuation thereof) for any project resulting from or closely related to the Services.

9. **Insurance** The Consultant will be responsible for taking out any appropriate insurance coverage.
10. **Assignment** The Consultant shall not assign this Contract or sub-contract any portion of it without the Client's prior written consent.
11. **Law Governing Contract and Language** The Contract shall be governed by the laws of Kenya and the language of the Contract shall be English language
12. **Dispute Resolution** Any dispute arising out of the Contract which cannot be amicably settled between the parties shall be referred by either party to the arbitration and final decision of a person to be agreed between the parties. Failing agreement to concur in the appointment of an Arbitrator, the Arbitrator shall be appointed by the chairman of the Chartered Institute of Arbitrators, Kenya branch, On the request of the applying party.

For the Client

For the Consultant

Full name _____

Full name _____

Title _____

Title _____

Signature _____

Signature _____

Date _____

Date _____

6.5 REQUEST FOR REVIEW FORM

FORM RB 1

**REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (*Procuring Entity*)

Request for review of the decision of the..... (*Name of the Procuring Entity*) of
.....dated the...day of20.....in the matter of Tender No.....of
.....20...

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical
address.....Fax No.....Tel. No.....Email, hereby request the Public
Procurement Administrative Review Board to review the whole/part of the above mentioned
decision on the following grounds , namely:-

- 1.
 - 2.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
 - 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20...

FOR OFFICIAL USE ONLY

Lodged with the Secretary Public Procurement Administrative Review Board on day of
.....20.....

SIGNED
Board Secretary