



REPUBLIC OF KENYA

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

Kenya Devolution Support Programme (KDSP)

**TENDER NO. MODP/SDD/KDSP/RFP/9/2016-2017
IFMIS NO. 396280**

**CONSULTANCY SERVICES FOR THE DEVELOPMENT
OF A STRATEGIC PLAN FOR THE STATE
DEPARTMENT OF DEVOLUTION**

CLOSING/OPENING DATE: 30TH JANUARY, 2017

TABLE OF CONTENTS

	Page
INTRODUCTION	3
SECTION I - TENDER NOTICE.....	4
SECTION II - INFORMATION TO CONSULTANTS.....	5
SECTION III - TERMS OF REFERENCE.....	14
SECTION IV - TECHNICAL PROPOSAL.....	15
SECTION V - FINANCIAL PROPOSAL.....	16
SECTION VI - STANDARD CONTRACT FORM.....	17

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.
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 for Results (KDSP)

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

Tender Number	Tender Description	TENDER NOTICE Eligible Category	Closing Date and Time
MODP/SDD/KDSP/RFP/09/2016-2017 IFMIS NO. 396280	Consultancy Services for the Development of a Strategic Plan for the State Department of Devolution	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: <http://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: http://supplier.treasury.go.ke](http://supplier.treasury.go.ke), and click on "link to tenders"

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.

Prices quoted should be net inclusive of all Government taxes and other expenses must remain valid for **150 days** from the closing/opening date of the tender.

Consultants 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

Table of Contents

	Page
2.1 Introduction.....	6
2.2 Clarification and amendments to the RFP documents.....	7
2.3 Preparation of proposals.....	7
2.4 Financial proposal.....	8
2.5 Submission receipt and opening of proposals	9
2.6 Evaluation of proposals (General).....	10
2.7 Evaluation of Technical proposals.....	10
2.8 Opening and evaluation of Financial proposals.....	11
2.9 Negotiations.....	12
2.10 Award of Contract.....	12
2.11 Confidentiality.....	12
2.12 Appendix to Information to Consultants.....	13

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 amend 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 clarifications sought 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 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 particulars 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) For 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 award, 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	20
(ii) Experience related to the assignment	30
(iii) Methodology in response to the TOR	40
(iv) 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:

$$Sf = 100 \times fm/f \text{ where}$$

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

Note 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 Consultants

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

Information To Consultants	Appendix to Information to consultants
2.1 Introduction	<ul style="list-style-type: none"> (i). Request for proposal is open to interested local qualified individual consultant (ii). Consultants are encouraged to familiarize themselves with the detailed term of reference to respond appropriately. (iii). No tender security is required (iv). The Request for proposal closing/opening date is on 30th JANUARY, 2017 at 12.00 noon (East African Time). (v). No Performance security is required (vi). 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.
2.2 Clarification and amendment	<ul style="list-style-type: none"> (i). Tenders MUST be submitted through IFMIS SUPPLIER PORTAL: supplier.treasury.go.ke. (ii). Request for proposal MUST be addressed to, <ul style="list-style-type: none"> Principal Secretary, Ministry of Devolution and Planning, State Department of Devolution, P.O. Box 30004-00100, NAIROBI. Telephone +254-202217475 +254-202215245 (iii). All communication between the consultant and the procuring entity shall be in writing (iv). State Department of Devolution (SDD) may conduct verification/inspection exercise (due diligence) to verify/ascertain authenticity of the information and documents submitted by the consultant. (v). Interested consultant/firm may obtain further information, clarification and peruse Request for proposal document at Head of Supply Chain Management Services office, State Department of Devolution (SDD) at Telposta Towers 1st floor, Wing C, Kenyatta Avenue, Nairobi
2.3 Preparation of Proposals	<ul style="list-style-type: none"> (i). Consultant MUST not modify, substitute, alter/change the STANDARD TENDER DOCUMENT for Request for proposal. Consultants are only required to

	<p>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). Consultant <u>MUST</u> submit detailed CV with detailed work experience, referees among others and relevant copies of the certificates of the <u>ALL</u> the key and support staff to be involved in the consultancy.</p> <p>(iii). Consultant <u>MUST</u> indicate the responsibilities of the staff to be involved in the assignment.</p> <p>(iv). The Consultant <u>MUST</u> meet <u>ALL</u> the mandatory requirements to qualify for technical evaluation.</p> <p>(v). The Consultant <u>MUST</u> submit the necessary and relevant information required as per Terms of Reference (ToR)</p> <p>(vi). The Consultant <u>MUST</u> completely fill, sign and stamp the relevant documents.</p> <p>(vii). The Consultant <u>MUST</u> ensure they comply with <u>ALL</u> the mandatory requirements.</p>
2.4 Financial Proposal	<p>(i). Financial proposal <u>MUST</u> be in Kenya Shillings.</p> <p>(ii). The Request for Proposal <u>MUST</u> be valid for 150 days from closing/opening date and time</p> <p>(iii). The financial proposal <u>MUST</u> include government taxes and all other expenses.</p> <p>(iv). The Consultant <u>MUST</u> submit a detailed schedule of financial proposal indicating the deliverables.</p> <p>(v). The proposal with the highest combined score (technical and financial) shall be recommended for award</p>
2.5 Submission, Receipt and Opening of proposals	<p>(vii). The submission of the Request for Proposal bid document <u>MUST</u> be in TWO separate envelopes, TECHNICAL and FINANCIAL Proposals.</p> <p>viii). 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>(ix). The FINANCIAL 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 FINANCIAL PROPOSAL.</p> <p>(x). Both envelopes of the TECHNICAL AND FINANCIAL PROPOSALS shall be placed in</p>

	<p>an outer envelope and sealed and the envelope shall bear the tender number and name.</p> <p>(xi). 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>(xii). Request for proposal bid documents submitted after the deadline shall NOT be accepted.</p> <p>(xiii). 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>(xiv). Only the TECHNICAL PROPOSAL will be opened on the closing/opening date and time.</p> <p>(xv). Only financial proposals of the consultants who pass technical evaluation shall be opened.</p> <p>(xvi). Those bidders who will not qualify at the technical evaluation level will have their financial bids returned un-opened.</p> <p>(xvii). Bulky Request for proposal bid documents that will not fit in the tender box shall be received at Head of Supply Chain Management Office at State Department of Devolution 1st Floor, Wing C, along Kenyatta Avenue, Nairobi during normal working hours (8am to 1pm and 2pm to 5pm East Africa Time).</p>
<p>2.6 Evaluation of the Proposal (General)</p>	<p>(i). The evaluation shall be carried out as per the detailed Evaluation Criteria set in the Request for Proposal tender documents.</p> <p>(ii). The evaluation will be carried out in three stage evaluation process;</p> <p>(a) Preliminary stage: - Proposal must meet all the mandatory requirements stage to proceed to the next stage.</p> <p>(b) Technical Stage: - Proposal must attain a minimum of 70% score to proceed to the next stage.</p> <p>(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</p>

2.7 Evaluation of Technical Proposals	<p>(i) Evaluation shall be carried out in strict adherence to the Terms of Reference</p> <p>(ii) Evaluation shall be carried out in line with the detailed evaluation criteria set out in the Request for Proposal documents.</p> <p>(iii) Technical Proposal that attain a minimum of 70% score shall be considered responsive and shall proceed to the next stage (financial evaluation).</p>
2.8 Opening and evaluation of financial Proposals	<p>(i) Only Technical Proposal that attained a minimum of 70% score at technical evaluation shall be considered at this stage and their financial proposals will be opened.</p> <p>(ii) Invited Bidders/representative will be free to attend the financial proposal opening exercise.</p> <p>(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</p>
2.9 Negotiations	The consultant with the highest combined (technical and financial) scores 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 <u>MUST</u> not modify, substitute, alter/change the STANDARD TENDER DOCUMENT for Request for proposal.
3.	The consultant <u>MUST</u> submit copies of the identification documents (Identity Card or copy of Passport,
4.	Consultant <u>MUST</u> submit copy of Valid Tax compliance certificate
5.	The Consultant <u>MUST</u> duly fill completely, sign and stamp Anti-corruption declaration commitment/Pledge
6.	Submitted a detailed CV dully signed accompanied with copies of certificates
7.	All pages in the document submitted should be numbered

NB: - Tenderers 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.

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

CONSULTANCY SERVICES FOR THE DEVELOPMENT OF A STRATEGIC PLAN FOR THE STATE DEPARTMENT OF DEVOLUTION

1. Introduction

The Executive order No. 1 of May, 2016 reorganized the Ministry of Devolution and Planning into three state departments. These are; the State Departments of Planning and Statistics, Devolution and Special Programmes. The State Department for Planning and Statistics is charged with national and sectoral development planning; monitoring and evaluation of economic trends and other developmental issues; liaison with Economic Commission for Africa; coordination of implementation of Sustainable Development Goals (SDGs); and coordination of regional development authorities.

The State department for Devolution plays the role of capacity building and technical assistance to county governments; management, monitoring and evaluation of devolution affairs; Development and coordination of the implementation of devolution policy; and Inter-governmental relations,

The State Department for Special Programmes is concerned with special programmes for promotion of socio economic development; community mobilization; relief management and humanitarian responses; and implementation of special programmes for development of Northern Kenya and other arid lands.

For the State Department of Devolution to discharge its mandate in an efficient and coherent manner, it has found it necessary to develop a strategic plan covering the period of 2017/2018-2021/2022 FY. The Strategic plan will give the State Department an overall strategic direction in the management of both internal and external affairs on all issues relating to devolved system of governance.

Arising from the implementation of devolution since 2013, a number of milestones have been realized. At the same time some challenges have been registered, with emerging issues becoming evident and some of them acting as hindrances to effective implementation of devolution.

Against this background, the State Department intends to develop a strategic plan to give direction on how to make devolution work, while focusing on its core functions taking into account all the achievements since the year 2013, key strategic issues, objectives, strategies, and emerging issues, as spelt out in various government policy documents including the policy on devolved system of government.

The State Department of Devolution's strategic plan is intended to deliver on national development goals as envisaged in the Kenya Vision 2030, and its Medium Term Plan II (2013-2017), and the 2030 agenda on Sustainable Development Goals (SDGs). The development of this strategic plan will be led by a consultant with support from a strategic planning committee of technical staff from the state department of Devolution and others from key Ministries, Departments and Agencies of government especially those from the Devolution Sector.

In order to ensure both quality and timely delivery of the strategic plan the State Department of Devolution is intending to contract the services of a highly competent Consultant to lead the process.

2. The Purpose of the Consultancy

The purpose of the consultancy is to support and lead the State Department of Devolution in a technically grounded, consultative and participatory strategic planning process, which include; extensive consultations with public sector partners, the public, the counties, communities, development partners, CBOs, and the private sector.

The output will be a strategic plan for the period 2017/18-2021/2022 in line with the State Department of Devolution mandate as outlined in the Executive Order No.1 of May, 2016, including institutional arrangements, specific activities, proposed programmes, timelines, targets and detailed costing. The consultant will also provide a Monitoring and Evaluation plan as one of the Chapters of the Strategic Plan.

TERMS OF REFERENCE

3. Scope of Work

The consultant will work with the State Department of Devolution Strategic planning committee under the leadership and guidance of the Principal Secretary, Devolution. The consultant will lead and guide the process of developing the strategic plan. This will include:

- i. A review of existing Ministry of Devolution and Planning policy documents/frameworks, laws, as well as national Development plans among other important;
- ii. Development of a sound methodology for development of the strategic plan;
- iii. Collection of primary and where applicable secondary data;
- iv. Stakeholder mapping and consultation;
- v. Situation analysis, including SWOT and PESTEL analysis,
- vi. Plans for new programmes and sector sub-strategies that address the constraints and create the needed support systems and incentives;
- vii. Review of the State Department's vision and mission statements;
- viii. Development, validation, finalization and costing of the strategic plan 2017/18-2021/2022 including a log frame, and a detailed implementation plan
- ix. Monitoring and evaluation framework for devolution sector.

4. Specific Tasks

The Consultant will:

- i. Carry out a desk review of relevant documents including and not limited to the Core five Devolution Legislations, the Constitution of Kenya (2010), Kenya Vision 2030, MoDP Strategic plan 2013/14 – 2017/18 Sectoral Plans, Devolution Policy and any other key documents such as Annual Work plans and Performance Contracting documents ;
- ii. Hold discussions with the staff of the State Department of Devolution and the strategic planning committee to gather information for the assignment;

- iii. Develop a comprehensive methodology and work plan for a participatory process for the development of the strategic plan;
- iv. Hold consultations and facilitate interviews with relevant stakeholders including but not limited to: relevant government departments, development partners, County Governments, private sector organizations, and civil society organizations/NGOs.
- v. Develop an advanced draft strategic plan for discussion with SDD top management and the methodology for a national consultation process which will also include consultations with State Department's staff;
- vi. Conduct national consultations to receive feedback on the draft strategic plan;
- vii. Hold a stakeholders validation workshop and prepare inputs for incorporation into the Strategic Plan;
- viii. Finalize the strategic plan, including a log frame and a detailed implementation plan for 2017/18-2021/22.
- ix. Ensure that the strategic plan is costed and clarity is provided on its implementation including the organizational structure, personnel, resource requirements and Risk Management issues.

5. Deliverables

a) Inception Report within 14 days: Which covers

- ❖ The understanding of the assignment
- ❖ A comprehensive desk review of relevant documents
- ❖ An elaboration of the assignment's methodology/action plan and work plan

- b) First draft Strategic Plan Report for stakeholders Consultations to be submitted within three weeks of signing the contract.
- c) The Draft Report will be presented to Heads of Department for their inputs as well as being subjected to stakeholder consultations at national and county levels
- d) Final Draft Strategic Plan

The final product of the process will be a final draft 2017/18-2021/22 strategic plan for the State Department of Devolution. The final draft will include, among other things:

- ✓ Preface and acknowledgements
- ✓ An executive summary;
- ✓ An overview of the mandate of the SDD and the implications for its organization and relation with other State Departments of MODP;
- ✓ A succinct final Vision and Mission Statements;
- ✓ Situation analysis;
- ✓ Key Strategic Priorities;
- ✓ Resource Mobilization Strategy
- ✓ A detailed implementation plan which will include all implementable strategic priority activities that balance the short term results and long term strategic work that deliver the most results within the capacities and resources and time frames for 2017-2022, and tied to the performance contracting cycle;
- ✓ Summary analysis of principal stakeholders for the successful implementation of the SDD's programme and detailed priorities;

- ✓ Logical Framework for the implementation of the Strategic Plan including objectives, baselines and targets, defined timelines and resource allocations, in both financial and human terms, as well as relevant indicators and regular evaluations of their results and impact;
- ✓ Detailed cost estimation for the implementation of the Strategic Plan, mapped to possible funding options including National Government and funding cycles of development partners;
- ✓ Time-frame for the delivery of each year's strategic objectives
- ✓ Monitoring and Evaluation and reporting of the plan

6. Quality Assurance

The Consultant shall use an evidence-based approach and ensure the highest standards of work and timely delivery at every stage of this assignment. In particular, the Consultant shall ensure:

- clarity of objectives and process during the National Consultative Meetings;
- counter-check all facts and figures cited;
- ensure that the content and format of the Draft Strategic Plan meets highest standards expected; and
- Ensure proper editing and clarity.

7. Qualifications and experience

The following Qualifications and experience are required

- A Master's degree in the fields of economics, business administration, Strategic planning, with a clear understanding of devolved system of Government;
- At least 10 years' experience in the area of strategic planning, of 5 of which are in public sector ;
- strong research and analytical skills;
- Experience in stakeholder management ;
- Experience in program management and understanding of the planning and funding cycles of the public sector;
- Good understanding of National Development plans and policies and sustainable development issues;
- Excellent communication and writing skills;

8. Duration

This assignment is for a total of 60 days after signing of the contract.

9. Consultant's Obligations

The Consultant shall be responsible for the provision of all the personal and technical resources to carry out the services; and shall make own arrangements for transport, accommodation, insurance, utilities, and any other required personal resources and costs necessary for the fulfillment of obligations under the contract.

9. The Client Obligations

The Client shall be responsible for the provision of venues for meetings, desk review materials and any other necessary information to support the carrying out of the contract.

10. Mode of Payment

The Ministry of Devolution and Planning will meet the cost of the consultancy. The Consultant will be paid in three installments upon satisfactory delivery of the indicated outputs of the Strategic Plan;

- ✓ Submission of the inception report 10%
- ✓ Submission of the First draft Strategic plan Report 40%
- ✓ Submission of final Strategic Plan 50%

Timelines and Payment Schedules

The project is expected to take a maximum of 60 days. The payment schedule is as indicated herein.

MILESTONE	DELIVERABLES	TIMELINE	% PAYMENT
Inception	Inception report	14 days	10%
Review of the current strategic plan and submissions from stakeholders	A draft strategic plan	10 days	-40%
Conduct stakeholder consultations	Stakeholders consultation Report	14 days	
Conduct stakeholder validation of the improved draft Strategic Plan	Validation Report	15	
Finalization of the Draft Strategic Plan	Final Strategic Plan	7	50%

11. Supervision and management of the assignment

The Consultant will report to the Principal Secretary of the State Department of Devolution and work with the Strategic Planning Team under the leadership of the Chief Economist (CE).

12. Documents to be provided by the client

The provision of documents shall be restricted to those that are centrally relevant and therefore current to the assignment. These shall be provided immediately the contract is signed. These should include:

1. Policy on Devolved Government
2. The Constitution of Kenya,2010
3. Public Finance Management Act,2012
4. The County Government Act,2012
5. The Inter-Governmental Relations Act,2012
6. Urban Areas and Cities Act, 2011
7. Transition to Devolved Government Act 2012
8. Ministry of Devolution and Planning Strategic plan 2013-2017
9. Vision 2030 and MTPII (2013-2017)
10. State department of Devolution Sector plan and work plans,
11. The Transition Authority Reports,
12. Sustainable Development Goals
13. African Union Agenda 2063,
14. Kenya Devolution Support Programme and other development partners project documents, etc

13. Consultant's Selection Criteria (Technical Evaluation)

No.	Criteria	Weight	Maximum Points
1.	Qualifications	10%	10
	A Master's degree in Economics, Public Policy, strategic planning, project management, business administration		6
	Relevant Professional qualifications		2
	PhD		2
2.	Experience	50%	50
	Experience in strategic planning		15
	Experience in Monitoring and Evaluation		15
	Good understanding of national planning and budgeting processes		10
	Evidence of having undertaken similar assignments, (at least 4)		5
	Good analytical and presentation skills		5
3.	Proposal	30%	
	Understanding of the Terms of Reference		5
	Proposed Methodology		15
	Presentation of a work plan		10
4.	Competences	10%	10
	Analytical skills and Knowledge sharing		5
	Specialized computer software skills		2
	Excellent writing skills		3

ONLY Technical Proposals that attain a minimum of 70% score shall be considered responsive and shall proceed to the next stage (financial evaluation).

Application process:

The consultant is required to submit a CV and other necessary documents and testimonials.

SECTION IV - TECHNICAL PROPOSAL (TP)

Notes on the Preparation of Technical Proposal

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

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
- (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) Any proposed staff to assist in the assignment and their experience
- (f) 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 consultants. 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 COMITMENT/ 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 consultants 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 not later than thirty (30) days following submission by the Consultant of invoices in duplicate to the Coordinator designated in Clause 4 here below. If the Client has delayed payments beyond thirty (30) days after the due date hereof, simple interest shall be paid to the Consultant for each day of delay at a rate three Percentage points above the prevailing Central Bank of Kenya's average rate for base lending.

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

[insert name] 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

Full name _____

Title _____

Signature _____

Date _____

For the Consultant

Full name _____

Title _____

Signature _____

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