



REPUBLIC OF KENYA

MINISTRY OF DEVOLUTION AND PLANNING

TENDER NOTICE

REQUEST FOR EXPRESSION OF INTEREST

Tender No: MODP/KDSP/01/2015-2016

Country: Kenya

Project: Kenya Devolution Support Program (KDSP)

CONSULTING SERVICES-CONSULTING FIRMS

Title: ANNUAL COUNTY AND PERFORMANCE ASSESSMENT

The Government of Kenya, together with Development Partners, has developed a National Capacity Building Framework (NCBF) to frame efforts to build capacity around the new devolved governance arrangements. The NCBF covers both national and county capacity. The government is now developing a Medium-Term Implementation program to implement the National Capacity Building Framework.

The Government intends to provide support to counties in Kenya in terms of capacity building, improved systems and procedures and performance-based funding for development investments over a period of 5 years starting from January 2016 under a new Program with the name: Kenya Devolution Support Program (KSDP) to be supported by the World Bank. The Program will include the introduction of a Capacity & Performance-Based Grant – named **Capacity & Performance Grants (CPG)** to counties to provide additional incentives for improved county performance in five core results areas: 1) Public Financial Management (PFM), 2) Human Resource Management (HRM), 3) Planning, and M&E/Accountability, 4) Civic education and participation and 5) Implementation/service delivery progress.

Objectives of the Assignment

The objective of the assignment is to provide highly professional, objective and credible **assessment results of counties' performance**. The assessment will be conducted on a number of indicators (minimum access conditions, minimum performance conditions and performance measures) that will be identified and communicated to counties in advance of the assessment. The indicators will **relate to a number of core minimum access conditions (for access to grants)**, minimum performance conditions and performance measures, which are more qualitative measures for the counties' performance. **The Capacity and Performance Assessment Manual provides a full overview of the conditions and measures**. The results of the MACs, MPCs and PMs will be used to identify counties, which can get access to the grants and the size of these grants. Assessment of the performance measures will also be applied to provide incentives for counties to improve performance identify capacity development gaps and provide lessons learned on areas in needs of attention and support.

The Ministry of Devolution And Planning (State Department of Devolution) now invites eligible firms to indicate their interest in providing the above services by submitting an **expression of interest**.

Interested and eligible consultants/consortiums is required to submit their application in English language with the following specific information

- Experience in similar assignments
- Availability of appropriate key staff to be involved in the assignment
- A brief profile of the firm including description of the firm/consortium members, incorporation details, joint venture details etc

Interested consultants may obtain further information from the Ministry's website www.devolutionplanning.go.ke or at Capacity Building and Technical Assistance Department, Ministry of Devolution and Planning (State Department of Devolution), Cianda House, 4th Floor, Koinange Street, Nairobi, Kenya during office hours (8 am to 5 pm).

- The attention of interested consultants is drawn to paragraph 1.9 of the world Bank's guidelines selection and employment of consultants under IBRD loans and IDA credits and Grants by world bank borrowers January 2011 (consultants guidelines setting forth the WB policy on conflict of interest
- Consultants may associate with other firms in the form of joint venture or a sub consultancy to enhance their qualification

- A consultant will be selected in accordance with quality and cost based selection (QCBS) selection method as set out in the consultants guidelines

Expressions of Interest in plain sealed envelopes clearly marked "Expression of Interest for "the Annual Capacity & Performance Assessment (TENDER NO: MODP/KDSP/01/2015-2016) should be addressed to:

Principal Secretary,
Ministry of Devolution and Planning (State Department of Devolution),
P. O. Box 30004 – 00100.

NAIROBI, KENYA

Applications may also be deposited in the **Tender Box** located at **Teleposta Towers, 1st Floor, Kenyatta Avenue, Nairobi** between 0800hrs and 1700hrs (East Africa Time), **on or before 3rd June 2016 at 10.00 am (East Africa Time)**.

Applications will be opened immediately thereafter **at the conference room of Teleposta towers on 6th Floor**, in the presence of tenderers' or their representatives who choose to attend.

- NB:** i. Applications through email shall not be accepted.
ii. Late submissions will not be accepted.

Head, Supply Chain Management Services.

FOR: PRINCIPAL SECRETARY.

ToR for the Annual Capacity & Performance Assessment of 47 Counties in Kenya for the Assessments Starting in September 2016

Definitions and concepts applied in the ToR:

- Annual Capacity & Performance Assessment (ACPA): Is the annual assessment of the performance/capacity of the counties. The first full ACPA, which will be covered by this TOR, will start from September/October 2016.
- The Client: The Ministry of Devolution and Planning (MoDP)
- KDSP– Secretariat: Is a secretariat under the MoDP, with the task to coordinate and support the organization and management of the capacity & performance grants and related tasks.

- **KDSP Technical Committee:** Is an inter-governmental body to be formed by representatives from MoDP, National Treasury, CRA, PPOA, IGFRS, CoG and to coordinate activities under the KDSP and all issues related with the capacity & performance grants (CPG). The Committee also verifies the final results from the ACPA.
- **Consultant:** The consultant to be contracted to conduct the annual capacity & performance assessment.
- **Contract duration:** From September 2016- March 2017.
- **Kenya Devolution Support Program (KDSP) (a Program for Results)** is a Program implemented by the GoK, MoDP and supported by the World Bank.

Background

The Government of Kenya, together with Development Partners, has developed a National Capacity Building Framework (NCBF) to frame efforts to build capacity around the new devolved governance arrangements. The NCBF covers both national and county capacity. The government is now developing a Medium-Term Implementation program to implement the National Capacity Building Framework.

The Government will provide support to counties in Kenya in terms of capacity building, improved systems and procedures and performance-based funding for development investments over a period of 5 years starting from January 2016 under a new Program with the name: Kenya Devolution Support Program (KSDP) to be supported by the World Bank. The Program will include the introduction of a Capacity & Performance-Based Grant – named **Capacity & Performance Grants (CPG)** to counties to provide additional incentives for improved county performance in five core results areas: 1) Public Financial Management (PFM), 2) Human Resource Management (HRM), 3) Planning, and M&E/Accountability, 4) Civic education and participation and 5) Implementation/service delivery progress.

The new CPGs will be provided to counties, to provide incentives for improved performance and accelerated capacity development. The access to the grants will depend on first the “level 1 minimum access conditions”, which will open access to funding of capacity building (CB) activities, and the minimum performance conditions, which will open for access to larger size of capacity & performance grant allocations, which can be used for both CB activities and sectoral investments. The number of counties, which comply with the minimum access conditions and the minimum performance conditions will be determined in the Annual Capacity & Performance Assessments (ACPAs), and the size of the grants will in the future depend on the performance on a set of Performance Measures (PMs) starting in the next Fiscal Year.

The ACPAs will be contracted out to a neutral and professional private company on an annual basis to ensure sufficient capacity, timeliness and objectivity in the annual results, which should be ready prior to the counties' planning and budgeting process.

The company contracted will ensure that all counties are assessed in due time following the time-plan and guidelines in this ToR as well as in the Performance Assessment Manual, currently under development. The Manual will be ready at the time for the first full ACPA, starting in September/October 2016 (a first limited ACPA will be conducted in 2015, but will not be covered by this TOR). The final assessment results shall be ready by February 2017 and before the start of the county planning and budgeting process for FY 2017/18 and will provide inputs to the Budget Policy Statements and the Division of Revenue Act (DORA) and the County Allocation Revenue Act (CARA).

The specific **objectives** of the annual capacity & performance assessments (ACPAs) are to:

- Verify compliance of the counties with key provisions of the laws and national guidelines and manuals especially the Public Financial Management Act, 2012, the County Act and other legal documents;

- Verify whether the audit reports of the OAG of the counties follow the agreements under the KDSP, which is important for the use of findings in the ACPA;
- Measure capacity of county governments to achieve performance criteria derived from the core areas of the NBCF;
- Use the system to support determination of whether counties have sufficient safeguards in place to manage discretionary development funds and are therefore eligible to access various grants, such as the new CPG. Although the system is developed for the CPG, it is expected that the results over time may inform other (conditional) grants as well;
- Promote incentives and good practice in administration, resource management and service delivery through show-casing the good examples and identifying areas which need improvements;
- Assist the counties to identify functional capacity gaps and needs. This is expected to serve as a major input in institutional development / strengthening activities and to focus and direct the Capacity Building support to be provided by the central level under the NBCF
- Provide counties with a management tool to review their performance, and to learn from other counties, as well as focusing on performance enhancements in general;
- Enhance downwards, horizontal and upward accountability.
- Encourage and facilitate closer coordination and integration of development activities at the county level, especially through:
 - Sharing of assessment results and
 - Joint deliberations on the cause of the results and ways and means to improve;
- Contribute to the general monitoring and evaluation (M&E) system for counties and sharing of information about counties' operations.

To support this, the GoK seeks to engage a highly professional and independent company to conduct the **external annual capacity & performance assessment** of 47 counties. The ACPA, covered by this TOR, will start from September/October 2016. This assessment will primarily focus on performance relating to FY 2015/16, however in the case of some performance measures the consultant will review performance as at the point of time of the assessment. The quality of the assessment results is pertinent as they will impact on the actual grant allocations in FY 2017/18 for some of the measures and for others will be of importance for the established baselines as well as for targeting of the CB support to needed areas of performance.

As the timeliness of the audit reports is important for the ACPA, as well as to the disbursement of funds to counties under the Capacity & Performance Grants, the consultant will review both:

- The dates of the submission of each county's financial statements to the Office of the Auditor General (OAG);

- The timing of the finalization, submission (to National and county legislatures) and publication of the audit report by OAG for each county.

The assessment conducted by the private company will undergo a strong external Quality Assurance (QA) under the management of the MoDP/KDSP Secretariat¹. This Quality Assurance will also ensure that the results are highly professional, neutral and with a high level of integrity. The consultant will be required to review and address issues raised by this QA function throughout the duration of the work. Finally the Technical Committee will verify the results.

Objectives of the Assignment

The objective of the assignment is to provide highly professional, objective and credible **assessment results of counties' performance**. The assessment will be conducted on a number of indicators (minimum access conditions, minimum performance conditions and performance measures) that will be identified and communicated to counties in advance of the assessment. The indicators will relate to a number of core minimum access conditions (for access to grants), minimum performance conditions and performance measures, which are more qualitative measures for the counties' performance. **The Capacity and Performance Assessment Manual provides a full overview of the conditions and measures**. The results of the MACs, MPCs and PMs will be used to identify counties, which can get access to the grants and the size of these grants. Assessment of the performance measures will also be applied to provide incentives for counties to improve performance, identify capacity development gaps and provide lessons learned on areas in needs of attention and support.

Scope of Work

¹ For the access to the CPG, the World Bank will also verify the results as they will impact on the disbursement from the World Bank to the Government of Kenya.

The consultant will be contracted to performance the full first annual capacity & performance assessment starting from September/October 2016.

The performance assessment will cover the counties' compliance with a set of minimum access conditions (MACs) for access to grants (MCs), a set of minimum performance conditions (MPCs) and set of defined performance measures (PMs), which are be outlined in the Capacity & Performance Assessment Manual (PAM) and which will be available for the consultants prior to the start of the ACPA. **Annex 1** provides examples of the type of MACs, MPCs and PMs to be reviewed, but these may be adjusted prior to the actual assessment. The MACs will determine access to the first level of the CPG, the MPC to the second level of grants and the PMs will impact on the actual size of the allocation. The consultant will also review of the completion and publication of the county audit reports by the OAG against the conditions and agreements in the KDSP Program Operational Manual.

The consultant will strictly follow the CPAM, in terms of both procedures and content, including use of indicators, reporting formats, scoring, etc. Although not all the conditions and performance measures will impact on the actual allocation of funds to the counties in the first full assessment, the procedures for the future ACPA will be applied to provide a realistic baseline, and to ensure that performance gaps are targeted in the CB support to be provided.

The ACPA should involve minimal "judgment" on the part of the consultant, and the results will be based on clear professional, objective review of facts compared with the stated benchmarks and requirements. It should as far as possible, be "evidence" based – i.e., performance achieved is assessed on the basis of identifiable (documentary) evidence. The Consultant should be able to provide evidence that conclusively and indisputably supports the assessment results².

The consultant will be required to strictly adhere to the work plan agreed with the Client in initial phase of the work. This is important because the ACPA is an input to the process of deciding on allocation of funds, which has a fixed time-plan, see the time-table below.

A detailed work-plan will be developed in collaboration between the consultant and the client in the end of the training/internalization session in September, detailing: dates of field visit, dates for introductory briefing and presentation of the performance assessment to country representatives, date for delivery of draft reports, draft final reports and final reports. The consultant will also be ready throughout the assignment to clarify issues and comments from the QA function under the MoDP as well as to provide additional information in areas where scoring may be less clear or missing.

² It should also be noted that the quality of the results will impact in the evaluation of the opportunities to get new contracts on the ACPA. It is expected that the ACPA will continue on an annual basis in the coming years.

The consultant will participate in a two-days training session organized by MoDP, where the system and procedures will be internalized and views from the assessors harmonized, and questions to the indicators clarified.

The Consultant will, together with any other necessary actions, review the documents mentioned in annexes to the CPAM which will be availed to the consultant minimum one month before the actual assessment.

In terms of the actual execution of the ACPA, the contracted consultant will collect data at the central level (e.g. from CoB, OAG, NT and MoDP) as well as the county level, and conduct field-work in each of the counties to be assessed.

The assessors (minimum 3 assessors (of which one is the Team Leader) to be working in each county) will collect information from national government level agencies, consult the relevant ministries and oversight agencies, and stay minimum 3 days in each county (field-visit). The team will have 2 additional days for reporting and one day on average per county for travel between counties. Therefore the consultant should plan that the teams will use on average 6 days per county.

At the end of the assessment in each county, the consultant will **debrief** the county executive level on the preliminary findings and issues derived from the assessment (Note: At this stage the consultant should not share the final results with the counties).

During the ACPA the Consultant will carry out the ACPA exercise with team members: meeting relevant county officials; securing documents as evidence of performance achieved; carrying out inspections and investigation through visits to a small sample of sub-project sites to verify the authenticity of the performance as necessary; requesting and documenting reasons or justification for specific under/over performance; meeting together internally as a team to check/integrate results and coordinate activities; and preparing the preliminary ACPA report for the county.

The consultant will produce draft county assessment reports as well as a synthesis report (which is an overview of the performance of all counties, with comparison of their performance and including simulations of allocations against the scores). The consultant will also calculate the amounts of funds to each county using the results from the scores as well as the allocation formula applied for the grant (to be provided by MoDP/KDSP Secretariat prior to the assignment), which will be submitted to the client: MoDP³.

³ At the same time a copy of these draft report will be submitted to the World Bank for review.

The Quality Assurance function in the MoDP (under the KDSP Secretariat) will provide comments on the reports submitted. The consultant will respond to the issues raised by Quality Assurance Function under the MoDP⁴, and incorporate these in the draft final reports. The draft final reports will again be reviewed and verified by the Technical Committee under KDSP and the World Bank. During this process, the Technical Committee consisting of representatives from the MoDP, NT, CoG, CRA and others will provide guidance on the process and results to MoDP, see below and under the time-plan/process, and make final decisions on the results after review and verification.

Based on comments received to the draft final reports the consultant will then produce a final assessment report encompassing the country assessments and the synthesis report (with an overview of the findings and comparison of performance across the counties) following standards and formats in the CPAM, and submit this to the MoDP-KDSP Secretariat and the World Bank. The consultant may also be called to meetings with the MoDP and the other agencies to explain and present results from the assessment.

As the timeliness of the audit reports from OAG is important for the counties' access to the grants under the KDSP, the consultant will also review the timing of submission of the annual financial statements from the counties to OAG, the dates of receipts of these statements by OAG, and the dates of the finalization, submission and publication of the audit report (final report with audit opinion for the audit of financial statements for county executives and assemblies) for each of the 47 counties involved.

Timing of the Assignment

The performance assessment will follow the schedule outlined in the CPAM, 2016. The provisional timeline, to be confirmed in the CPAM, is provided in table 1 below. Activities with involvement of the contracted assessment team are marked with bold.

Table 1 Action Plan, Timing and Division of Tasks*

Activities	Timing	Who	Comments
Contracting processes of the consultant starts with Expression of Interest (Eoi)	March	MoDP	
Dissemination of the Capacity & Performance Assessment	August	KDSP Secretariat	

⁴ And from the World Bank Review.

Activities	Timing	Who	Comments
Manual (CPAM) to the counties involved			
Awareness raising and support to counties to prepare for the assessments	August	KDSP Secretariat	The Manual will be introduced and ready for utilization by the counties.
Internal assessment by the counties (if possible)	August	Counties are being requested to perform their own internal assessments based on the CPAM and informed about the timing of the external APA.	The first year, this will be a simple review by counties, as the time for this assessment is short.
Assessment company (consultant) contracted	September	Consultant (with 6 assessment teams on board)	
Training of the assessment teams (consultant)	September (second part/first part of October depending on completion of contract)	KDSP Secretariat supports the organization jointly with support from the KDSP Technical Committee	To ensure a standardized approach to assessments.
Collection of central data and materials	September	Consultant	To ensure that data is generated before going to the field.
Annual Capacity & Performance Assessments	October-November (8 weeks)	Consultant	Field-work will be coordinated to ensure that areas are accessible.
Preliminary feed- back on overall results to	November	Consultant	Exit conferences/ meetings at the

Activities	Timing	Who	Comments
counties			county levels.
<u>Draft county and synthesis report on assessment results including grant allocations based on the formula provided</u>	1 week of December	Consultant	Submission to the MoDP/KDSP Secretariat with copy to the World Bank simultaneously
Quality assurance of the assessment results	December	QA team under MoDP/KDSP Secretariat (and with support from the Technical Committee) and feed back to consultant	
OAG submits reports on audit of financial statements of county executives and assemblies ⁵	January (this may later due to delays of audit report, and the consultants should be available for this)	OAG. The consultant will check the timing of submission of annual financial statements by the county to OAG, dates of receipts and dates of finalization of the audit report for each county.	These reports will be incorporated in the ACPA results by the consultant. The consultant will provide an overview of the submission of annual financial statements as well as production of final audit reports for each county.
Draft Final county report and synthesis report on the	1 week of January	Consultant	Incorporate the audit report in the results and grant

⁵ Note as this is the first ACPA and audit procedure under this Program, the AOG reports may be delayed, and the ACPA team will follow-up on this, and note the timing of the finalisation, which may be later, e.g. in February or March 2017.

Activities	Timing	Who	Comments
assessment results			calculations and other comments received to draft report. ⁶ Submission to the MoDP – KDSP Secretariat with copy to the World Bank ⁷ (simultaneously) Final review.
Technical Decision on ACPA results	January	KDSP Secretariat under MoDP	
Review and Endorsement of provisional results	January	KDSP Technical Committee (verification)	
Final reports are issued by Consultant	January	Consultant	Comments from QA incorporated.
Decision on the results	January	Technical Committee after review by the World Bank, based on final review of the results.	
Communication of provisional ACPA results to the counties after meeting in with the ACPA Technical Committee	January	MoDP	
Period for complaints and grace period (2	February	Counties KDSP	Review of complaints by the KDSP

⁶ Note: That if the audit reports are delayed, the results will be incorporated as soon as they are available.

⁷ The World Bank makes a review of the finding including sample spot-checks. As a result of the discussions, QA results will be incorporated in the ACPA during the finalisation stage.

Activities	Timing	Who	Comments
weeks)		Secretariat submit final results with explanation for any proposed amendments on results to the Technical Committee	Secretariat under MoDP. Consultant may be asked to explain results and findings.
Final endorsement and decision	February	Technical Committee approves (verifies) final results submitted by KDSP Secretariat after review by the World Bank ⁸	Final decision based on final review.
Communication to the counties and to the public	February	MoDP	Short notice in news, + other means.
Implications of the results on the allocations	Next FY and if severe audit findings follow-up on these for ongoing year	NT allocations after information about amounts from the MoDP	Assessment impact on the grant for next FY (the two installments)

The assignment will be carried out from September – February (with actual field work in October-November), but some introductory training planned for September prior to the annual assessment.

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Input and Degree of Expertise and Experiences

⁸ World Bank makes a review and verifies the quality of the assessment results.

The description of the Consultant's team, provided below, is indicative. The firms invited to submit proposals should propose their own team structure, composition and staffing levels, based on their own evaluation of the TOR's requirements and assessment, however with the minimum requirement in place. It is expected that the team as a minimum will include 3 experts/assessors per team:

- Expert number one: Expertise in governance, HRM, M&E and Planning
- Expert number two: Public financial management and revenue mobilization
- Expert number three: Expertise in Local Government/county procurement, infrastructure delivery and contract management.

One of the team members should be identified as the **team leader** for each team. Additionally an overall coordinator for the assignment should be identified. This may be one of the team members, or a dedicated coordinator.

The team members will be experienced experts (minimum 3-5 years of experience), and have experiences from reviews, assessments and/or audits of LGs. One of the experts (with more experience) will be the team leader for the assessment. The assessment can be attended by interested parties after agreement between the consultant and MoDP/KDSP Secretariat.

It should be noted that if/and when additional performance measures, which require more technical skills are added, the team composition may also be reviewed and expanded under mutual agreement between the client and the consultant to be contracted.

Table 2: Skill Requirements for the ACPA Team

Position	Educational Requirements	Experience required
Team Member: Expertise in governance, HRM, M&E and Planning	A minimum of a Master Degree or Bachelor degree and relevant professional certification / accreditation or similar in Economics, Political Science, Public Administration, PFM, Management or related relevant areas.	A minimum of 5 years work experience out of which 3 years on issues related to sub-national governments, expertise in governance, HR, M&E and planning
Team member: Public financial	A minimum of master	A minimum of 5 years

management and revenue mobilization	degree or Bachelor degree and relevant professional certification / accreditation or similar in Economics, Public Administration, PFM, accounting, etc.	work experience out of which 3 years in subjects related to local government. Expertise in PFM and sub-national government revenue mobilization
Team member: Expertise in Local Government/county procurement, execution, infrastructure delivery and contract management	A minimum of Master Degree or Bachelor degree and relevant professional certification / accreditation or similar in engineering, planning or related relevant areas.	A minimum of 5 years work experience out of which 3 years in subjects related to sub-national government, including in engineering and procurement.

All team members provided should have a solid professional background in the areas to be addressed in the performance assessment, which apart from the specific expertise described in the previous paragraph, would include performance assessment and evaluation, and program/project management.

The team leader shall have very strong interpersonal, analytic, writing and communication skills. In addition, the team member should have substantial expertise in data collection, application and presentation.

The following performance assessment teams will be required in order to complete the assessment within 2 months:

- **6 teams** of three assessors will cover a total of 47 counties, divided in the following way:
 - 1 assessment team will cover 7 counties
 - 5 assessment teams will each cover 8 counties.

Each team will have a minimum of 3 assessors, hence a total of at least 18 assessors will be required, see below for further details.

During the first week of the assignment, a time-plan will be agreed with the plan on how to divide the counties, but a proposal on this should be included in the Technical Proposal.

Input in terms of man-days

It is expected that the teams will use 3 full days in each county and use 1 full day per county for travel to/from + 2 days for reporting = 6 days per county per assessment.

With 3 assessors per county, this mean that a total of 18 days @ 47 counties or about **846 man-days**. All days are including preparation, transport, field-work and reporting. In addition the consultant should budget for a few days for the training. The consultant should also budget for follow-up and administration particularly for the 6 team leaders and the assessment coordinator as well as some days for review of the submission of annual financial statements and overview of the audit reports (timeliness of production of final audit reports), attending meetings with the KDSP Secretariat and responding to issues raised by the KDSP Secretariat, KDSP Technical Committee or by counties (during the complaints / grace period).

Other inputs

In addition to the man-power, the consultant is expected to organize all transport and logistics for the assessment.

Outputs and deliverables

The consultancy company will have to submit the following reports for the annual performance assessment:

- A short Inception Report, within one (1) week of commencing the assignment giving a brief outline of the methodology, detailed work plan and activity schedule, arrangements for the orientation workshop, team composition, reporting schedule and any other key issues regarding the execution of the assignment;
- A detailed draft Assessment Report for each county assessed following the time-plan mentioned above and the formats and standards in the CPAM, 2015, see annexes 1-7 in this CPAM. This should be delivered:
 - To the KDSP Secretariat (in MoDP) and the World Bank by the end of the first week of December each year, immediately following completion of field-visits;
- A draft Overall Assessment Report (National Synthesis Report) summarizing the outcome of the process and indicating the performance status of each county and the provisional allocation of grants to be received by counties, subject to the findings of the annual county audit report. The Overall Assessment Report shall include a matrix tabulation of all of the individual assessment scores following the structure to be detailed in the CPAM, 2015 and in accordance with standards and formats. The synthesis report will be due by end of first week of December and should follow the formats defined in the CPAM, 2015. The report should be submitted to the KDSP Secretariat in the MoDP and the World Bank.

- Draft Final reports of the county assessments and the synthesis report with incorporation of the audit report findings when available. The target for final submission is the first week of January each year, subject to timely publication of county audit reports by OAG⁹. The final reports must also incorporate comments from the QA function under the MoDP/WB. The results will incorporate the calculations of grant amounts, based on the formula availed to the team. This report will also include an overview of the status of the audit report (dates of submission of annual financial statements from counties, dates of receipts of these reports by OAG, and dates of production of the final county audit reports from OAG).
- Final report with incorporation of the final comments to the draft final reports.

The consultant shall submit a soft copy and ten (10) hard copies of each report.

Institutional set-up of the Assignment

The Consultant shall undertake the assignment under the overall supervision of the KDSP Secretariat under the MoDP and the KDSP Technical Committee.

The KDSP Secretariat will review all results from the consultants and check that the CPAM has been applied and that the assignment is completed. The KDSP Secretariat will also ensure that the Quality Assurance function is operationalized, and conduct sample checks of results (by a neutral team). This Quality Assurance function / system, which will operate in addition to the system applied by the contracted company to ensure full objectivity of the annual performance assessments, will be fully detailed in the CPAM, 2016. Consultants will be requested to respond and follow-up on issues raised by the QA function under the KDSP. As the results impact on the relationship between the GoK and the World Bank under the KDSP, the World Bank will also get a copy of the draft as well as final reports for review.

⁹ As this report may be delayed in this first ACPA, reports may be submitted without the results from the OAG with later incorporation of these results, when available.

The consultants will on a day-to-day basis report to the **Program Coordinator in the KDSP Secretariat under the MoDP**. The work of the consultants will be technically overseen and guided by the **KDSP Secretariat** and the KDSP Technical Committee, which will have representatives from MoDP, NT, NEMA, CRA, PPOA, COG and others. All results and outputs will be reviewed by these groups as well as by the World Bank review function.

Technical Proposal Evaluation Criteria

Below is an overview of the technical proposal evaluation criteria.

Technical Proposal Scoring Criteria		Points
1	Consultant's experience, specific and relevant for the performance assessment	20
2	Approach to and methodology for Annual Performance Assessment	30
2.1	Approach and Methodology	10
2.2	Work Plan	10
2.3	Organization	10
3	Consultant's team (CVs)	50
3.1	Overall coordinator of the assessment	15
3.2	Team Leader (s)	15
3.3	Team member (s)	10
3.4	Team member(s)	10
Total		100

The weights given to the Technical and Financial Proposals are: Technical = 0.80 and Financial = 0.20 of the 1.0 (or 100 %). Note that the scores of the 6 teams will be weighted together.

Proposed Payment Schedule

The budget of the consultancy company will be divided in three parts (each year should be budgeted separately) and for each year, the payment will be as follows:

1. Fifteen (15) per cent of the Contract Price shall be paid on signing the Contract.

2. Twenty (45) per cent of the Contract Price shall be paid upon submission of satisfactory draft assessment reports and draft synthesis reports with grant calculations.

3. Thirty (40) per cent of the Contract Price upon submission of detailed final Assessment Reports for each of the assessed counties and the final synthesis report acceptable to the Client

Support Provided by the Client

The client will organize the training/internalization of the performance assessment manual of the assessment team members prior to the annual performance assessment. The client will also support the team in organizing the first introductory meetings with the state and county representatives through submission of prior notice and accompanying letters. The client will also support the team in getting access to core documents at the central government level such as budget progress reports, audit reports, guidelines and regulations etc.

References and Documents

- Constitution of Kenya, 2010
- County Act, 2012
- Public Financial Management Act, 2012
- Procurement and Disposal Act, 2005 (amended in 2014) and Procurement Regulations.
- The Urban Areas and Cities Act, 2011
- Transition to Devolved Government Act, 2012
- County Financial Accounting and Reporting Manual, March 2015
- KDPS Program Operational Manual with Appendixes 1-3.

Overview of the Minimum Access Conditions (MAC), Minimum Performance Conditions (MPCs) and the Performance Measures (PMs).

Below is a list of indicative areas to be finally decided prior to the actual assessment. The final Capacity & Performance Assessment Manual with the MACs, MPGs and PMs to be assessed in the ACPA will be available for the consultant minimum one month prior to the actual performance assessment. It will contain approximately maximum 5-7 Minimum Access Conditions, 10-15 Minimum Conditions and maximum 30-40 Performance Measures (with some sub-indicators) in the areas mentioned below, where examples are outlined to provide guidance on estimated work-load for the teams.

Examples of MAC/MPG/PMs:

A. Examples of Minimum Access Conditions for the Capacity & Performance Grant (related with capacity building activities only)

1. County sign to commit that they are part of the Program
2. CB plan developed
3. Compliance with investment menu of the grant
4. Implementation of CB plan