



TERMS OF REFERENCE

REQUEST FOR QUOTATION FOR CONSULTANCY SERVICES TO ESTABLISH A MEDIATION CENTRE FOR KENYA ASSOCIATION OF MANUFACTURERS

1.0 Background

Kenya Association of Manufacturers (KAM) is the voice of Kenyan industry with a membership of about 950 within the manufacturing and value add industries. KAM works towards the realization of the best business environment for industry in Kenya in order to improve their competitiveness.

KAM seeks to set up a Mediation Centre to respond to the legal and procedural complexities surrounding formal dispute resolution. Businesses need disputes resolved quickly and efficiently. Thus, a growing need for less formal procedures in dispute resolution.

The Government efforts on alternative dispute resolution have been geared towards the Judiciary. This efforts have impetus from the promulgation of our Constitution in 2010, which provided for a framework to embrace alternative dispute resolution such as arbitration, conciliation, and mediation and pre-trial settlement methodologies.

The notable concern with regard to Conflict management within the industrial sector has been the low uptake and awareness on alternative means of dispute resolution. This has slowed growth in organizations due to limited ability of organizations to manage conflict, high costs and time consuming nature from the use of the formal litigation channels – courts.

KAM has been involved in the Judiciary efforts on alternative dispute resolution through supporting and acting as the secretary to the Business Court Users Committee established under the National Council on Administrative Justice (NCAJ). The Committee has been instrumental in proposing the

said reforms, monitoring its progress and creating awareness on the existence of the initiative to address conflicts in a time saving and efficient manner.

KAM is currently cooperating with the GIZ Kenya Good Governance Programme to implement a oneyear initiative focusing on two key areas: (a) Industrial good governance which seeks to enhance compliance on ethical accountability within companies; and (b) Alternative dispute resolution which seeks to create structures to address alternative dispute resolution specifically, mediation for companies.

In the context of the German Development Cooperation in Kenya GIZ has been commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ) to implement the Good Governance Programme on Promotion of Integrity and Accountability. The programme aims to contribute to solving this problem. It pursues the strategic approach of supporting the entire chain of state and non-state actors – ranging from prevention, to detection and investigation of corruption up to prosecution – both to strengthen the capacity of actors as well as to improve coordination and cooperation. This also includes cooperation with civil society and the private sector.

2.0 Purpose

The overall goal of the centre is to ***support Industrial Ethical Accountability and Alternative Dispute Resolution in Kenya.***

3.0 Objective of assignment

To establish structures within KAM to promote alternative dispute resolution in industry.

4.0 Expected outputs

1. Establishment of a Mediation Centre at KAM.
2. Mediation Awareness Campaigns and trainings.

3. Guidelines for the Mediation Centre developed, ADR Manual, Comprehensive referral scheme and case management policy.

5.0 Terms of Reference for the consultant

The consultant will be expected to engage in the following specific activities;

1. Develop an ADR manual for the center.
2. Develop and design Mediation rules for the center.
3. Develop ADR case Identification guidelines.
4. Develop a comprehensive referral scheme- case intake and case management policy.
5. Develop Monitoring and evaluation guidelines for the mediation center.
6. Conduct trainings for the center staff including specialized training for the case managers, sector officers, chapter and sector chairs.
7. Develop Post Mediation Administration guidelines.

6.0 Qualifications of Consultant

The consultant (Individual, company or institution) should have the following requirements;

1. Demonstrate experience in running or establishing a mediation centre. Most desirably, the lead consultant must be backed by a strong team with ADR experience.
2. Have good knowledge of the policy, legal and regulatory framework in Kenya regarding ADR.
3. Have experience in conducting professional capacity building and trainings on mediation or ADR.
4. Have proven track record, knowledge and experience on private sector dispute resolution environment (manufacturing would be an added advantage)
5. Excellent writing and research skills.
6. Excellent communication and project delivery skills.

The consultant (Individual, company or institution) should have the following academic requirements;

- (i) Be a holder of a Masters qualifications in social sciences, economics, law, international trade, or any other related field (In case of a company/institution, the lead consultant should possess the qualification).
- (ii) Certification in mediation or ADR.

7.0 Reporting Requirements

The consultant will work closely with KAM staff and lead discussions on the aforementioned documents developed and lead the validation process where stakeholders input will be given. Thereafter the consultant will conduct training and sensitization of KAM staff in conceptualizing the documents and assist briefly to ensure smooth implementation of the guidelines and full establishment of the mediation Centre.

8.0 Methodology and Delivery of the project

The methodology of the project is as follows;

1. Consultant shall ensure that this assignment is completed within three months after the date of Commissioning the work.
2. Consultant shall attend to all meetings convened by KAM to discuss matters relating to the successful delivery of a comprehensive study on the subject matter.
3. The Consultant shall incorporate and build the capacity of KAM project staff on mediation issues and global best practices.

4. Consultant shall ensure that methodology developed is precise, innovative and sustainable within the context of the work.
5. The consultant shall submit an Inception Report on the proposed methodology to deliver the work within the first seven days of commission the work. A final Report of the process shall also be a deliverable submitted in two well bound reports and a soft copy submitted to the relevant KAM contact.

9.0 Timeframe

The assignment is expected to be completed within three (3) months after the date of Commissioning of the work.

10.0 Submission of Interest

Interested applicants shall be required to submit the following Basic and Mandatory Documents;

1. Company name and Profile
2. Financial proposal
3. Technical proposal
4. Certified copy of Certificate of Incorporation
5. Certified of PIN & VAT Certificate
6. Relevant Qualifications/ CVs and other relevant qualification certificates

11.0 SUBMISSION CONTACTS

The proposals are to be submitted to **AAM Resources, Purshotam House, Chiromo Lane** (next to Diagnostics Centre), **by close of business on 1st May 2018 at 4.00 pm**. Late submissions will not be opened.

Soft copy email: john.mutitu@kam.co.ke

Only shortlisted candidates will be contacted