



CONSULTANCY TO COMMISSION A LEGISLATIVE DRAFTING CONSULTANT TO DRAFT AMENDMENTS AND REGULATIONS TOUCHING ON THE SALT INDUSTRY UNDER THE MINING ACT, 2016

1.0 Background

The Kenya Association of Manufacturers (KAM) is the leading Business Member Organization in East Africa and is the representative organization for manufacturing value-add industries in Kenya. KAM plays a key advocacy role on behalf of manufacturers in Kenya by providing an essential link for co-operation, dialogue and understanding with the Government and related agencies. KAM has over 1000 members and represents over 40% of Kenya's manufacturing value add industries.

KAM also represents Kenya's manufacturing sector interests in the region and beyond e.g. East Africa Community (EAC). To achieve the core mandate of policy advocacy, KAM promotes trade and investment; upholds standards; and encourages the formulation, enactment and administration of sound policies that facilitate a competitive business environment and reduce the cost of doing business. KAM has fourteen (14) Manufacturing sectors which include the Salt Subsector.

The Salt processing industry in Kenya commenced operations in 1970's in Magarini/Gongoni, now in Kilifi County (previously known as Malindi District). In 1979 the salt works at Gongoni commenced production of raw salt which would be transported to Mombasa for refining, packaging and distribution across the country. The salt industry currently employs over 10,000 people (permanent, casuals and seasonal workers). It is estimated that over 100,000 community members and traders among other stakeholders depend on the salt Industry directly or indirectly for livelihood. By 1995 Kenya was a net salt importer, however, today Kenyan salt industry exports 60% of the salt produced to neighbouring countries hence bringing in foreign exchange.

The Mining Act was enacted in 2016 to give effect to Article 60 of the Constitution of Kenya which provides for the principles of land policy. Article 62(1)(f) provides that all minerals and mineral oils form part of public land and shall vest and be

held by the national government in trust for the people of Kenya. The Act also gives effect to Articles 66(2) which requires Parliament to enact legislation so that investments in property benefit local communities and their economies. The Act was enacted to ensure that implementation/fulfilment of Article 69 of the Constitution which provides for the obligations of the state with respect to the use of the environment in a sustainable manner. Salt is captured in the Act as a mineral falling under the specific and general provisions of the Act.

2.0 Objective of the Consultancy

The objective of the consultancy is to provide legislative drafting services to KAM's SaltSub sector to draft amendments and regulations touching on the salt industry under the Mining Act.

3.0 Scope of work

The scope of the consultancy is to;

- 1) Draft amendments and regulations touching on the salt industry under the Mining Act.
- 2) Present the findings at;
 - Stakeholder meetings for validation purposes with KAM and salt sub sector
 - Meeting with the Ministry of mining

4.0 Expected outputs

The following are the expected outputs;

1. Inception report with key deliverables and a road map.
2. Amendments and Regulations touching on the salt industry under the Mining Act.

In the course of providing the services, the legislative drafter is required to:

1. Report to and provide regular updates to KAM;
2. Consult internally with KAM and the Salt sub sector members on technical policy issues affecting the salt sub sector;
3. Provide advice, where in the opinion of the drafter, laws or amendments may conflict with existing legislation;
4. provide legislative drafting assistance in line with national, technical and procedural requirements;
5. requirements;
6. Make presentations to stakeholders on legislative issues.

5.0 Timeframe and implementation schedule

The consultant will work under the overall supervision of the Kenya Association of Manufacturers, Policy, Research and Advocacy Unit as well and the Salt sub sector.

The consultancy is to be performed over 30 days, starting in the month of August 2019. The proposed timeline excludes the time gap in between relevant meetings between the consultant and stakeholders; as well as time that may be required for KAM to review the output for approval purposes.

Task	No of days	Deliverables	Timeline
Submit an inception report .	2	Inception report	By August 2019
Submit the draft amendments and draft regulations on the salt sub sector under the Mining Act.	7	First drafts of the amendments and regulations	By mid-August 2019
Participate in 3 meetings (internal and external feedback): <ul style="list-style-type: none"> • 1 meeting with KAM technical internal team and Salt sub sector. • 1 Validation meeting • 1 meeting with the Ministry of Mining 	7	2 nd Draft Legislative study with incorporated feedback from the meetings.	By August 2019
Submit a final amendments and regulations on the salt sub sector under the Mining Act.	3	Final amendments and regulations on the salt sub sector under the Mining Act.	By August 2019.
Total number of days	19 days		

6.0 Qualifications of the Consultant

The successful consultant (Individual or Firm) must have extensive experience in legislative research and drafting. In addition, the consultant should:

Educational Qualifications

1. A law degree from a recognised and reputable institution.
2. Be a holder of a Masters qualifications in law. A PhD would be an added advantage.
3. A postgraduate degree in legislative drafting would be an advantage.

Professional Experience

1. Minimum of 10 years' legislative drafting experience.
2. Experience working within an Attorney General's Chambers, Law Reform Commission, Parliament or similar organisation.
3. Demonstrable experience in working with the various arms of Governments related to the subject matter.
4. Experience producing high quality related policies and legislation (including trade and tax -related legislation)
5. Ability to engage with a cross-section of stakeholders in the public and private sectors.
6. Experience working with the national and county levels.
7. In-depth knowledge and understanding of Kenyan laws (Constitutions, statutes, subsidiary laws)
8. Experience in drafting legislation will be an advantage
9. Have excellent writing and research skills.
10. Excellent communication skills as well as the ability to communicate fluently in English (spoken and written);
11. Ability to engage with gender mainstreaming issues
12. Proven ability to work under pressure and meet deadlines.

7.0 Content of the Proposal

1. Technical Component

- i. Description of the firm and the firm's qualifications;
- ii. Copy of Company Certificate of incorporation
- iii. Tax Compliance Certificate (Valid)
- iv. Statutory KRA PIN and VAT certificate copies
- v. Brief description of Understanding of the requirements for services, including assumptions;
- vi. Proposed approach and methodology;
- vii. Proposed team structure;
- viii. Proposed project team members;
- ix. Executive brief of relevant similar projects undertaken in the past 2 years.

2. Financial /Price Component

- i. A summary of the price with breakdown;
- ii. The period of its validity;

NB: Technical proposal and financial proposal should be in different envelopes

8.0 Deadline for Submission

The proposals are to be submitted to **KAM HOUSE, 5th floor, by August 27, 2019, at 4.00 p.m. late submissions will not be opened.**

Please Label the Envelope "**KAM SALT LEGISLATIVE DRAFTING**"

Physical address: KAM Procurement
Kenya Association of
Manufacturers KAM House
Mwanzi Road, Opposite Westgate
Mall P.O Box 30225 -00100
Nairobi

Marginalized groups such as youth, women and persons with disability are encouraged to apply.

