



TERMS OF REFERENCE

CONSULTANCY FOR REVIEW AND FINALISATION OF THE DRAFT TRADE DEVELOPMENT BILL

1.0 Background

The Government of Kenya developed the country's first Trade Policy in 2017 adopted by the Cabinet led by His Excellency the President, Uhuru Muigai Kenyatta, EGH. The comprehensive Policy under the theme, "Transforming Kenya into a Competitive Export-Led and Efficient Economy" seeks to strengthen domestic and regional trade.

Trade Sector, as postulated in Vision 2030 holds the key to the transformation of the entire country through market opportunities for agricultural and industrial goods as well as services. This potential is harnessed in the National Trade Policy which the cabinet approved in December 2016. Specifically, the policy aims at stimulating income generation, distribution and poverty reduction throughout the country. This is premised on the reality that a vibrant trade sector impacts positively on the economy by placing and distributing incomes into all the production units in the country, thereby raising the purchasing power of the entire economy.

In order to fulfill the Visions and course of actions set out in the National Trade Policy, it is critical that a legislative process is fast-tracked to give effect to a law upon which standard operating procedures (SOPs) and guidelines can be anchored. The fast-tracking of the Trade Development Bill, that is currently at its initial stages, is therefore of priority to the country and more specifically to the business community. The proposed draft Trade Development Bill seeks to legalize relevant provisions of the Policy and give effects to the development of enabling guidelines to stimulate sectoral specific- growth and provide the necessary safeguards whenever necessary.

The Kenya Association of Manufacturers seeks to host the process by engaging a consultant to support review of the Trade Development Bill to ensure it realizes the aspirations of the Trade Policy, the manufacturing sector and incorporate provisions that will realize best trade practices.

2.0 Objective of the Consultancy

The objective of the consultancy is to:

- 1) Review the Trade Development Bill to ensure implementation of the provisions the National Trade policy in Kenya and international best practices in trade.

- 2) Develop Draft National Licensing Guidelines to provide a uniform approach to licensing procedures in the country.

3.0 Scope of work

The scope of work will cover the following:

- 1) Conduct a desk study of Best Practice Trade Laws and assess comprehensiveness on the Draft Trade Development Bill to ensure synergy and coherence on all aspects of trade including the Kenya Trade Policy.
- 2) Facilitate validation stakeholder consultations on the Draft Trade Development Bill to obtain any input on the revised draft Bill. This includes private sector players through their private associations and non-state actors.
- 3) Present draft Bill to the Technical Team of the Ministry and private sector stakeholders on the contents of the draft revised bill and Licensing guidelines.

4.0 Expected outputs

- 1) Inception Report.
- 2) Desk review of the Kenya Trade policy and international best practices on trade development bills and trade policies.
- 3) Draft revised Trade Development Bill incorporating feedback from the desk study and key stakeholders who include the private sector.
- 4) Draft National Trade Licensing Guidelines

5.0 Timeframe and implementation schedule

The assignment is to be undertaken over a period of 21 working days split as follows:

The assignment will be undertaken between May to June 2021.

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 the State Department to study the output for approval purposes.

Task	No of days	Deliverables
Inception Report upon signature of the Agreement	2	Inception Report
Desk review of the Kenya Trade policy and international best practices on trade development bills and trade licensing.	7	Draft best practice report with proposed provisions to be included in the Trade Development Bill
Incorporate into the Trade development	2	Draft revised Trade Development Bill

Bill the Kenya Trade policy and international best practices on trade development bills and trade policies		
Preparation of the zero Draft on the National Guideline on Trade Licensing	5	Draft Guideline on Trade Licensing
Presentation and incorporation of feedback in a Technical meeting to Review of the proposed best practice and proposed amendments to the Trade Development Bill/ Licensing Guidelines	3	1 st Draft revised Trade Development Bill & Trade Licensing Guidelines
Incorporation of Feedback	2	2 nd Draft Trade Development Bill
Presentation and incorporation of feedback in a Validation Meeting on the Trade Development Bill and Licensing guidelines	2	3 rd Draft Trade Development Bill and Licensing Guidelines
Development of Final process report documenting process of development of the Trade Development Bill & licensing guidelines	7	Final process report on the Trade Development Bill and Trade licensing Guidelines
Total number of days	30 days	

6.0 Qualifications of the Consultant

The consultant must have extensive experience in policy and legislative drafting and a clear understanding of Trade matters in the country and globally as well as the Trade Policy in Kenya. In addition, the consultant should:

Academic Qualification Requirements

- A Trade Economist or Trade Lawyer Expert as the Team Leader, with over 10 years' experience in trade policy and/or trade laws. The expert should be a holder of post graduate degree. If a Trade Economist, they must demonstrate partnership with a Trade Lawyer.
- Be a holder of a master's qualifications in law. A PhD would be an added advantage.

Professional Experience Requirements

- Not less than ten years' experience working on policies and legislation related to trade matters in Kenya or globally.
- Have proven track record, knowledge and experience in addressing trade issues both in Kenya and at an international context.
- In-depth understanding of the Kenyan Governance system.
- Experience working with Government or private sector or similar organization.
- Demonstrable experience in working with the various arms of Governments related to the subject matter.
- Ability to engage with a cross-section of stakeholders in the public and private sectors.
- Experience working with the national and county levels.
- In-depth knowledge and understanding of the Kenyan context on sustainability in the business or manufacturing sector.

- Experience in developing model reports or supporting businesses non-financial reporting will be an advantage.
- Have excellent writing and research skills.
- Excellent communication skills as well as the ability to communicate fluently in English. (spoken and written)
- Proven ability to work under pressure and meet deadlines.
- Have proven track record, knowledge and experience in trade, economics, business and governance in Kenya, regional or global context.
- Have excellent communication and project delivery skills.

7.0 Application for consultancy

Interested consultants are requested to submit both physical and soft (procurement@kam.co.ke) copies of their technical and financial proposals to by **20th May, 2021** stating **““Consultancy – Draft Trade Development Bill””;**

1. Technical proposal

- 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 two (2) years.

2. Financial proposal

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

3. Curriculum Vitae and two recommendations (For a firm should contain CVs for all Consultants involved in the Consultancy)

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

8.0 Payment terms (provisions)

Kenya Association of Manufactures policy is to pay for contractual services based on performance of contractual services rendered.

9.0 Evaluation of proposals

A two-stage procedure will be utilized in evaluating the proposals, with evaluation of the Technical component being completed prior to any price component. Scores will be awarded for the technical proposal.

The price component proposal will be opened only for those firms/ institutions whose technical component meets the requirements for the assignment, as indicated by a score of more than 70%.

Please note only successful candidates will be contacted.