



CALL FOR CONSULTANCY TO CONDUCT AN ASSESMENT OF KENYA'S PUBLIC PROCUREMENT LEGAL FRAMEWORK AND SYSTEM PROMOTING MARKET ACCESS FOR LOCALLY PRODUCED GOODS

1.0 Introduction

The Kenya Association of Manufacturers (KAM) was established in 1959 as a private sector body and has evolved into a dynamic, vibrant, credible, and respected business membership association that unites industrialists and offers a common voice for businesses.

KAM, therefore, seeks to engage a consultant to **assess Kenya's Public Procurement Legal Framework and System Promoting Market Access for Locally Produced Goods**. This is under its sector support programme supported by GIZ Kenya which seeks to promote good governance in selected public sectors.

2.0 Objective of the Consultancy

The objective of the consultancy is to undertake an assessment study of the implementation of the **assess Kenya's Public Procurement Legal Framework and System Promoting Market Access for Locally Produced Goods. This includes measures such as preference and reservations for locally produced goods, and the access to government procurement opportunities (AGPO) program**. This requirement is founded in Kenya's Constitution, 2010 under Article 122 (2) (a) and (b). The Constitution seeks to ensure that the Governments procurement system is mindful of the need to maximize on local opportunities to provide market access to enterprises in the country for sustainable growth as well be cognizant of disfranchised groups in the trade environment such as women, youth, and persons with disabilities.

The study will support to outline the progress Kenya has made in compliance with the constitutional provisions with an aim to explore more possible solutions that could drive meaningful improvement of the public procurement legal framework and system in Kenya at the national level and select county levels. In addition, this initiative will support strengthening county business membership organizations engagements with government on procurement matters through the business membership organization county groups.

3.0 Scope of work

The scope of work will cover the following areas:

1. Conduct research to assess the Kenya's public procurement legal framework and system promoting local market access for goods through research. Specifically, the research will look at

measures such as preference and reservations for locally produced goods including unbundling and the access to government procurement opportunities (AGPO) program.

2. Validation of the findings at the national and select regional forums to enhance the content and findings of the research.
3. Dissemination of the findings.

4.0 Expected outputs.

The following are the expected outputs:

1. An Inception Report detailing understanding of the work, the appropriate methods to be used to develop the research, and a suitable Work Plan – to be prepared after the inception meeting with KAM and a technical stakeholder committee.
2. Desk review of the current policy, legal and regulatory framework on the public procurement system in Kenya at national and county levels that will guide the contents of the publication. The areas of specific focus will be on measures such as preference and reservations for locally produced goods and the access to government procurement opportunities (AGPO) program.
3. A draft Study is developed.
4. Facilitation and presentation at stakeholders’ forums at national and county levels to validate the findings of the research study and disseminate the same.
5. Publishing, and Launch of the final research study assessing the procurement system in Kenya to promote market access of goods.

Timeframe and implementation schedule

The consultant will work under the overall supervision of the Kenya Association of Manufacturers. The consultancy is to be performed for **Thirty-five working (35) days, starting in the month of April 2023.**

The proposed timeline excludes the time gap between relevant meetings between the consultant and stakeholders; as well as the time that may be required for KAM to review the output for approval purposes.

Task/Milestones	No of Days	Deliverables
Submission of an Inception Report	5 days	Inception Report
Assessment study on Kenya’s Public Procurement Legal Framework and System Promoting Market Access for Locally Produced Goods; preference and reservations; AGPO program.	20 days	Draft 1 of the research study Report.
Facilitation and presentation to KAM and technical committee; stakeholders’ validation forums.	5 days	Facilitation and Presentation (power point) Feedback report from forums.
Incorporation of feedback from validation and stakeholders’ forums	3	Draft 2 of the research study incorporating feedback.

Submit a final research study	1	Final research study
Presentation at the Launch to disseminate the study	1	Facilitation and Presentation (power point)
Total number of months	35 days	

5.0 Qualifications of the Consultant

The consultant (Individual or Firm) must have extensive experience in governance, public policy, and research as well as a clear understanding of the Kenyan context.

6.0 Educational Qualifications of Individual/ Lead consultant (s) in the case of a Firm

1. Have a bachelor's degree in economics, law, humanities, governance, public policy or related social science field.
2. Be a holder of a master's qualification. A PhD would be an added advantage.
3. Professional Experience of Individual/ Lead consultant (s) in the case of a Firm
4. Minimum of 10 years' experience in economics, law, governance, or related social science field. Phd will be an added advantage.
5. Experience related to public procurement processes, its governance, assessment among other related areas.
6. Experience in research and development related to the subject matter of this study or related areas in Kenya and globally.
7. Demonstrable experience in working with Government at both national and county levels related to the subject matter of this study or related matters.
8. Ability to engage with a cross-section of stakeholders in the public and private sector.
9. In-depth knowledge and understanding of the public procurement system in Kenya or any other jurisdiction.
10. Have excellent writing and research skills.
11. Excellent communication skills as well as the ability to communicate fluently in English and Swahili. (Spoken and written)
12. Proven ability to work under pressure and meet deadlines.
13. Have proven track record, knowledge, and experience in public policy and governance in Kenya or regionally and global context.
14. Have excellent project delivery skills.

7.0 Application for consultancy

Interested consultants or entities are requested to submit technical and financial proposals to procurement@kam.co.ke by **24th March 2023 stating, "KAM PUBLIC PROCUREMENT STUDY"**.

8.0 Technical proposal

1. Description of the firm and the firm's qualifications.
2. Copy of Company Certificate of incorporation.
3. Tax Compliance Certificate (Valid).
4. Statutory KRA PIN and VAT certificate copies.
5. Brief description of Understanding of the requirements for service, including assumptions.

6. Proposed approach and methodology.
7. Proposed team structure.
8. Proposed project team members.
9. Executive brief of relevant similar projects undertaken in the past two (2) years.

Financial proposal

1. A summary of the price
2. The period of its validity

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

KAM 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 the performance of contractual services rendered.

9.0 Evaluation of proposals

- A two-stage procedure will be utilized in evaluating the proposals, with an 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.