

**TO: Prospective Applicants**

**ISSUE DATE: March 24, 2020**

**SUBJECT: RFA NO. RFA- LC-CLEAR-2020**

**REQUEST FOR APPLICATIONS: PREQUALIFICATION OF LEGAL CONSULTANTS FOR CLEAR PROGRAM**

<b>REQUEST FOR APPLICATION (RFA)</b>	
<b>RFA NUMBER:</b> RFA No. RFA-LC-CLEAR-2020	<b>ISSUE DATE:</b> <b>March 24, 2020</b>
<b>CLIENT:</b> Global Communities	<b>PROGRAM:</b> Cooperatives Leadership Engagement Advocacy and Research (CLEAR)
<b>PREQUALIFICATION OF BUSINESS SERVICE PROVIDERS</b>	
<b>ISSUED BY:</b> Global Communities Kyuna Close off Shanzu Lane, Spring Valley PO Box 1661 Sarit Centre Nairobi 00606, Kenya <a href="http://www.globalcommunitieskenya.org">www.globalcommunitieskenya.org</a>	<b>APPLICATION DUE DATE:</b> <b>April 3, 2020</b>  <b>QUESTIONS DEADLINE:</b> <b>March 31, 2020</b>
<b>This Request for Application contains the following sections:</b>	
Part 1	Instructions to Applicants
Part 2	Evaluation Factors
Part 3	Statement of Work
Part 4 Annexes	Annex A – Prequalification application form

## **Background**

Cooperatives Leadership Engagement Advocacy and Research (CLEAR) is a USAID funded program implemented by Global Communities in Kenya. The program aims to build on the successes achieved through the Global Communities USAID/CDP EMIRGE Kenya pilot program. The USAID/CLEAR Program has three main pillars built on the foundation of a stronger, more connected Kenyan cooperative sector:

- a) Promote the adoption and implementation of cooperative legislation and policies that support and strengthen CBEs in 25 counties.
- b) Strengthen the business acumen and performance of Cooperative Business Enterprises (CBE's) while integrating and empowering youth and women within CBE structures in targeted urban and peri-urban markets to increase economic participation and county revenue growth.
- c) Improve understanding of the psychosocial behavioral impacts associated with membership in CBEs and determine whether those behaviors contribute positively to household and community resilience strategies.

Pillar I is committed to providing technical assistance to at least 25 Counties in the area of cooperative policy and legislative affairs leading to adoption and enactment respectively by 2023 through extensive collaboration, learning and adaptation. Given this ambitious target, it is imperative to have a strategy with which to achieve the intended objectives. One such design is to ensure that the Pillar's operations occur simultaneously and strategically. There is need to ensure that critical inputs are availed to ensure timely delivery. To this extent, USAID/CLEAR seeks to engage a pool of pre-qualified policy and legislative drafting consultants who will enable the program to simultaneously support counties in the drafting process and deliver tier-specific results. The consultants will be taken through a rigorous knowledge Transfer workshop as part of the on-boarding process to ensure continuity and standardization of the drafting approach. They will thereafter be taken through the key outcomes of the County Cooperatives Officials' Public Policy Making Process (PPMP) training course.

The purpose of this RFA is therefore to invite qualifying firms/individual consultant(s) desirous to provide legal consulting services to submit their application for prequalification.

Interested firms should submit their applications electronically in accordance with the language of the solicitation to the address specified. The Applications must be received no later than **April 3, 2020**.

Responding firms are advised that this solicitation does not in any way obligate Global Communities to compensate the responding firms/individual consultants for any costs associated with the preparation and submission of their applications.

Any questions or requests for information should be addressed in writing by no later than **March 31, 2020**, to [procurementke@globalcommunities.org](mailto:procurementke@globalcommunities.org) and cc to [keconsultancy@globalcommunities.org](mailto:keconsultancy@globalcommunities.org)

Any information given to one prospective applicant concerning this solicitation will be furnished to all such applicants as an amendment of the solicitation.

Please e-mail Global Communities at [procurementke@globalcommunities.org](mailto:procurementke@globalcommunities.org) of your intent to propose at the earliest practicable date, so that we may anticipate the number of applications to be evaluated and also to enable Global communities to share with you on any subsequent correspondences regarding this RFA.

This RFA is open to interested applicants who meet the following mandatory requirements:

- a) Registered to do business in Kenya as a private entity or individual.
- b) Registered with Kenya Revenue Authority as individual or organization.
- c) Minimum of 5 years of work experience in legal drafting and consulting services.
- d) Advocate of the High Court of Kenya with a current, valid practicing certificate;

## **Part 1: Instructions to Applicants**

- a) Applicants are requested to submit an application for prequalification directly responsive to the terms, conditions, and clauses of this RFA and strictly in accordance to the Prequalification application form (Annex A). Applications not conforming to this format may be categorized as unacceptable, thereby eliminating them from further consideration.
- b) Applications must remain valid for a period at least **12 months** from the date of submission.
- c) Applications should be submitted electronically - Internet email with up to 2 attachments (2MB limit) per email compatible with PDF,MS WORD, and Adobe Acrobat in a MS Windows environment to: [procurementke@globalcommunities.org](mailto:procurementke@globalcommunities.org) and cc [keconsultancy@globalcommunities.org](mailto:keconsultancy@globalcommunities.org)

- d) All applications received in response to this solicitation will be reviewed strictly as submitted and in accordance with the evaluation criteria specified in Part 2, Evaluation Factors.
- e) The person signing the application form must have the authority to commit the applicant to all the provisions listed in the application.
- f) Global Communities is not obligated to pay for any costs incurred by the applicant in preparation of an application in response hereto.
- g) Applicants are informed that Global Communities complies with U.S. Sanctions and Embargo laws and Regulations including Executive Order 13224 on Terrorist Financing, which effectively prohibit transactions with persons or entities that commit, threaten to commit or support terrorism. Any person or entity that participates in this bidding process, either as a prime or sub to the prime, must certify as part of the bid that he or it is not on the U.S. Department of Treasury Office of Foreign Assets Control (OFAC) Specially Designated Nationals (SDN) List and is eligible to participate. Global Communities shall disqualify any bid received from a person or entity that is found to be on the List or otherwise ineligible.
- h) Firms or individuals that are included on the Excluded Parties List System ([www.epls.gov](http://www.epls.gov)) shall not be eligible for financing and shall not be used to provide any commodities or services contemplated by this RFA.

**Part 2: Evaluation Factors**

- a. The evaluation factors presented below will serve as the basis upon which Applications will be evaluated. The relative weight accorded to each factor is expressed in points up to 100 points. (60% Technical strength and 40 % Cost competitiveness and reasonableness) The prequalification cut-off mark is 50% on the overall score with at least 50% in the technical Score).
- b. Global Communities will evaluate all applications received based on the above evaluation criteria. This review may include follow-up questions as well as face to face interviews and further negotiation on the cost.
- c. Application Evaluation Matrix per service category.

<b>A. Criteria</b>		<b>Maximum Score/Points</b>
Technical Application	Technical understanding	15
	Team Composition and Qualifications	10
	Organizational/Individual Specialized competency	15

<b>A. Criteria</b>		<b>Maximum Score/Points</b>
	Past Experience/Performance/proposed value addition	20
Fee Structure	Cost competitiveness and reasonableness and justifications	40
Total Maximum Score		100

- d. Global Communities will rank the applicants on the overall points obtained i.e. technical and financial score.

### **Part 3: Statement of Work**

#### **1. Background**

Cooperatives Leadership Engagement Advocacy and Research (CLEAR) is a USAID funded program implemented by Global Communities in Kenya. The program aims to build on the successes achieved through the Global Communities USAID/CDP EMIRGE Kenya pilot program. The USAID/CLEAR Program has three main pillars built on the foundation of a stronger, more connected Kenyan cooperative sector:

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to ensure timely delivery. To this extent, USAID/CLEAR seeks to engage a pool of pre-qualified policy and legislative drafting consultants who will enable the program to simultaneously support counties in the drafting process and deliver tier-specific results.

The consultants will be taken through a rigorous knowledge Transfer workshop as part of the on-boarding process to ensure continuity and standardization of the drafting approach. They will thereafter be taken through the key outcomes of the County Cooperatives Officials' Public Policy Making Process (PPMP) training course.

The initial county governments to be engaged include: **Bomet, Bungoma, Homa Bay, Kajiado, Kericho, Kiambu, Kilifi, Kisumu, Laikipia, Makueni, Mandera, Meru, Nakuru, Nandi, Narok, Nyeri, Siaya, Taita Taveta, Tana River, Tharaka Nithi, Uasin Gishu and Vihiga.**

## **2. Objective**

The engagement is guided by the following general objectives:

- a) To collaboratively assess and draft the County Cooperatives Policy, Bill, Regulations and Rules with the County Cooperative Development Departments and Technical Committees of the County Assembly on Cooperatives while ensuring to capture the aspirations and dreams for the growth and development of co-operatives in the counties;
- b) Provide legal guidance to County Governments on the policy formulation process and the legislation procedure to enable fast-tracking of the approval process. This shall include provision of legal guidance on other program activities on need basis.
- c) To build capacity of the Cooperative Business Enterprises (CBEs) supported by the USAID/CLEAR Program in matters governance, registration of societies and drafting of by-laws.

## **3. Consultant Responsibilities and Deliverables**

The consultants will have the following responsibilities:

- a) Facilitate extensive discussions on the salient clauses of the model cooperative policy and bill to get consensus with the county cooperative officials;
- b) Facilitate technical consultative forums with the counties' legal teams and other departments in the event that a policy or legislative proposal impacts on the

- department's legislation, or where a policy or legislative proposal involves policy considerations for which another department is responsible;
- c) Propose recommendations to resolve any problems that may arise out of the policy recommendations and harmonize any departmental conflicts in content and policy;
  - d) Draft and incorporate any amendments agreed upon at various approval stages and certify that the assent copies are accurate as debated and passed;
  - e) Ensure that the draft legislative instrument conforms to the letter and spirit of the Constitution of Kenya, 2010;
  - f) Prepare and submit to Global Communities an end of assignment report that should indicate what was done, any challenges faced, lessons learnt and recommendations as applicable.
  - g) Participation on CLEAR program activities on need basis. These include learning exchange forums, County cooperatives forum, review of national cooperatives policies and legislation, among others.
  - h) Support cooperative business enterprises to understand, design and advance their by-laws and legal structures to optimize the cooperative business model.

#### **4. Responsibility for Global Communities**

- a) Provide linkage between the consultants and the County Governments' legal and cooperative teams;
- b) Directly book for accommodation and travel arrangements of the consultants to and from any workshop venues;
- c) Where necessary, provide technical input through participation in the workshops as well as review of the report submitted by the consultants;
- d) Directly pay the contracted fees to the legal consultants; (Payment will factor the income tax requirements relating to withholding tax).
- e) Review the end of assignment report as submitted by the consultants.

#### **5. Minimum qualifications required**

- f) Advocate of the High Court of Kenya with a current, valid practicing certificate;
- g) Minimum of 5 years' demonstrated experience in public policy and legislative drafting;
- h) Fluency in spoken and written English and Kiswahili;

- i) Experience in designing, implementing and documenting high quality public policy and legislative drafting workshops;
- j) Strong leadership and capacity building skills;
- k) Experience in co-designing and co-creating policy and legislative learning materials;
- l) Experience working with donor-funded programs. Experience working with USAID-funded Programs will be an added advantage.
- m) General experience of working with the County Governments. Experience supporting County Government policy and legislative drafting is added advantage.
- n) Operational knowledge of the National and County policy and legislative environment in the Kenyan Cooperative sector shall also be added advantage.

**-END OF RFA-**