



Terms of Reference

GENERAL INFORMATION

Services/Work Description:	Consultants to support 14 counties in Performance Management Expertise for Devolved Governance in Kenya and Consolidating Gains and Deepening Devolution in Kenya Projects (UN Joint Programme).
Post Title:	National Individual Consultants (IC)
Number of consultants required:	Five (5)
Duty Station:	Nairobi
Expected Places of Travel:	Field travel to 14 Counties ¹ (target counties)
Duration:	Forty-Five (45) working days spread up to 30 June 2021
Reference:	KEN/IC-2020-048

Application Deadline: 11.59 P.M on Thursday, 24 September 2020 (Kenyan time - GMT+ 3.00)

A) Background

The Constitution of Kenya, 2010 (CoK) created a two-tier system of government Namely: National Government and forty-seven (47) County Governments. The devolved system of governance placed specific functional responsibilities on the national and county governments. Unlike the former Local Authorities, the newly established County Governments have wider responsibilities; hence their contribution in the realization of the Kenya Vision 2030, Big 4 Agenda and the SDGs is much broader.

Over the years, there has been poor performance in the public sector, a factor that has greatly hindered sustainable economic growth since funds allocated were not guided by any planning. As the demand for quality services from citizens increased, the county governments had to initiate reforms to harness efficiency, effectiveness and ethical delivery of services to the counties.

¹ Busia, Garissa, Isiolo, Kajiado, Kilifi, Lamu, Mandera, Marsabit, Narok, Samburu, Tana River, Turkana, Wajir, West Pokot

This led to the introduction of Performance Management System (PMS) at national level and later to the county level. As part of the overall PMS process, county governments have to sign performance contracts where county staff are assigned performance annual targets that they must achieve which are aligned to the County Integrated Development Plan (CIDP) goals. They are evaluated at the end of the contract period against the targets and the breadth of resources allocated to them.

The County Performance management framework (CPMF) was approved by the Council of Governors on 15th August 2016 and launched on 7th March 2017 by H.E President Uhuru Kenyatta during the 4th Annual Devolution Conference. The framework further emphasized the importance on performance contracting in County governments. Further, one of the resolutions of the 6th devolution conference held in Kirinyaga County in March 2019 was that both levels of government shall operationalize the existing Performance Management Frameworks.

Performance contracting will enable Counties to, among others things: focus their resources to the identified priorities; create employment; increase revenue generation and collection; improve service delivery and implementation rate of their activities, projects and programmes; enhance efficiency of their processes and systems; implement specific affirmative actions for marginalized groups; foster savings; stimulate local industries; and promote collaborations and partnerships with the citizens and other stakeholders. In the long run, performance contracting is expected to nurture a self-driving culture of performance in the counties.

The UNDP programmes on: Strengthening Devolved Governance in Kenya and Consolidating Gains and Deepening Devolution in Kenya projects (UN Joint Programme) aims to achieve amongst other deliverables: strengthened policy and legal framework for devolved governance; strengthened and aligned capacities at national and county levels; Enhanced service delivery mechanisms and resilience for disaster risk management, peace building and conflict prevention; Strengthened citizen engagement in devolved governance; and Integrated service delivery demonstrated in select counties. In order to achieve the ideals of devolution, performance contracting remains a key component that all county governments should embrace.

i. Relevance/purpose of the work required and how it is linked to the project context

Efficient and effective implementation of the activities of the two devolution projects. The Consultant will work in collaboration with other UN agencies and implementing, select counties and responsible partners to ensure that the project results are collaboratively achieved.

ii. Project Stakeholders

The main stakeholders of the programme are: (i) implementing partners (IPs) both at national institutions and selected counties. At national level the implementing partners are: Ministry of Devolution and Planning, County of Governors, Kenya School of Government, IBEC and Commission for Revenue Allocation, Office of Auditor General and county governments, County Assemblies Forum, M&E Department, Inter Governmental Relations Technical Committee, Office of Auditor General, and State Department for Youth Affairs. (ii) 14 Targeted County Governments and Regional Economic Blocs, (iii) Development partners – DFID, Governments of Norway and Sweden. (iv) Other UN Agencies.

B) **Objective**

The objective of engaging the technical experts is to provide support to county governments through the full cycle of performance contracting and facilitate cascading of PCs through signing of performance appraisals by other County officers. At the apex, the CECMs sign their PCs with the Governor, followed by Chief Officers signing their PC targets with their CEC members, directors sign their PC targets with Chief Officers followed by sub-county, ward and village administrators in that order.

C. **Scope of Work**

Each consultant is expected to undertake the following functions:

- Support development and negotiation of performance targets amongst the County Executive Committee Members (CECMs), County Chief Officers (CCOs) and Directors in line with the County integrated development plans (CIDPs) and Annual development Plans (ADPs)
- Guide on the assignments of weights to performance criteria in line with performance matrix in the performance contracting guidelines
- Facilitate vetting of performance contracts amongst the CECMs, CCOs and Directors
- Provide period support to county governments in implementation of PCs
- Guide the County governments in performance reporting
- Facilitate mid-year evaluation of performance contract
- Facilitate end year evaluation and release of results of performance contracts.
- Support county governments in the development of Citizen Service delivery charter and facilitate operationalization of citizens' complaints mechanism

The technical experts will work in close collaboration with the performance management team at the Council of Governors and with the UNDP Kenya project team.

i. List the results that the consultants should achieve

- Timely implementation of all activities in the work plan and delivery of budget and results.
- Timely preparation of county reports and share with both counties and devolution project team

ii. Location, Contacts and Information

The Contractors will work with Devolution Project Implementing Partners and supported counties. She will work with the contacts persons of these IPs and Counties to ensure the activities are implemented in a timely manner, outputs and outcomes generated and training reports prepared. The Contractor will be provided with all program documents including the: Project Document, Programme and county reports.

D. Duration of the Work

The Contractor will be engaged on for a period of **45 working days spread up to 30th June 2021** to support any of the 14 target counties.

E. Duty Station

The Contractors will be based in Nairobi with travels to any of the below select counties to support them in Performance Management: **Busia, Garissa, Isiolo, Kajiado, Kilifi, Lamu, Mandera, Marsabit, Narok, Samburu, Tana River, Turkana, Wajir, West Pokot.**

F. Deliverables: The selected consultants will deliver the following within the 45 working days spread up to 30th June 2021 :

Key Deliverables	Report Required	Duration	Payment Schedule
<ul style="list-style-type: none">After successfully completion of writing of an inception meeting with the select county and development of joint plan for the support	An Inception Report	5 Days	20 %
<ul style="list-style-type: none">Support to the select county government on performance target setting and vetting	A report on Performance target setting and vetting	5 Days	15%
<ul style="list-style-type: none">Support to the select county government in performance negotiations	A report on performance negotiations	5 Days	15%
<ul style="list-style-type: none">Support to the select county government on performance contract signing	A report on Performance contract signing	5 Days	10%
<ul style="list-style-type: none">Mid-term evaluation of performance contracts for the select county	A report on Mid-term evaluation of performance contracts	10 days	10%
<ul style="list-style-type: none">End of year performance evaluation and ranking for the select county	A report on End of year performance evaluation and ranking	10 days	10%
<ul style="list-style-type: none">Submission of final report on the support for the select county	A Final report	5 days	20%

G. Qualifications of the Successful PMS expert

Education:

Master's Degree in Public Policy, Political Science, Business Administration, management and information systems, Economics, Public Administration, Human Resource Management or related field. **(20 Marks)**

Experience:

- Public Sector and devolution related experience **(20 marks)**
Experience in working on performance management systems and performance contracting in public sector **(20 marks)**
- Knowledge of GoK performance contracting (PC) cycle and PC guidelines **(10 marks)**
- Experience in working on county integrated development plans and annual development plans **(10 marks)**
- Ability to write quality Reports **(10 marks)**
- Good presentation and communication skills. **(10 marks)**

Language Requirements:

Excellent proven written and spoken English.
Excellent proven written and spoken Swahili.
Strong oral and written communication skills.

G. Evaluation

Only candidates obtaining a minimum (70%) on technical evaluation will be considered for the Financial Evaluation.

Evaluation criteria:

Criteria	Weight	Max. Point
	100%	100
Master's Degree in Public Policy, Political Science, Business Administration, Economics, Public Administration, Human Resource Management or related field	20%	20
Public Sector and devolution related experience	20%	20
Experience in working on performance management systems and performance contracting in public sector	20%	20
Knowledge of GoK performance contracting (PC) cycle and PC guidelines	10%	10
Experience in working on county integrated development plans and annual development plans	10%	10
Ability to write quality Reports	10%	10

Criteria	Weight	Max. Point
	100%	100
Good presentation and communication skills.	10%	10
Total (Maximum obtainable points)	100%	100

H. Payment

The Consultant is expected to complete the assignment in **45 working days** and will be paid on deliverable basis, upon timely certification and acceptance of deliverables including a detailed Report of completed work.

I. Institutional Arrangements

The Contractor will Report to the Programme Manager, Devolution. He/she will work with and support devolution project implementing partners and responsible parties including target counties. This may involve logistical and coordination support as well as training reports.

Submission of the Financial Proposal

Applicants are instructed to submit their all-inclusive fee proposal in Kenya Shillings using the financial proposal template provided (Offerors letter to UNDP). The financial proposal should be all-inclusive and include a breakdown. The term ‘all-inclusive’ implies that all costs **(professional fees, travel related expenses to the 14 counties for the 45 days that he/she will be required to complete the assignment, accommodation, communications, utilities, consumables, insurance, etc.)** that could possibly be incurred by the Contractor are already factored into the financial proposal.

J. Financial evaluation (maximum 30 points):

The following formula will be used to evaluate financial proposal:

$p = y (\mu/z)$, where

p = points for the financial proposal being evaluated

y = maximum number of points for the financial proposal

μ = price of the lowest priced proposal

z = price of the proposal being evaluated

Application process.

Interested and qualified candidates should submit their applications which should include the following:

1. Detailed Curriculum Vitae
2. Proposal for implementing the assignment - template provided
3. Offerors letter to UNDP- template provided

Note: The successful applicant will be required to complete a UNDP Personal History Form (P11) form prior to contracting.

Applications should be received through the UNDP e Tendering Portal on or before Thursday, 24 September 2020 11:59 PM (GMT+3.00)

Firms are not eligible for this consultancy assignment. Open to national individual consultants only.

Incomplete applications will be disqualified automatically.

All applications should be submitted through the UNDP eTendering portal.

- If already registered, please go to <https://etendering.partneragencies.org> and sign in using your username and password, and search for the **event**:

Business Unit: **UNDP1**

Event ID:

- If you do not remember your password, please use the “Forgotten password” link. Do not create a new profile.
- If you have never registered in the system before, please complete a one-time registration process first by visiting <https://etendering.partneragencies.org> and using the below generic credentials:

Username: **event.guest**

Password: **why2change**

Detailed user guide on how to register in the system and submit the proposal can be found at:

<https://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notice/resources/>

Email submission of applications will not be accepted. Queries about the position can be directed to undp.kenya.procurement@undp.org