



## **TERMS OF REFERENCE FOR CONSULTANCY SERVICES**

### **NATIONAL INDIVIDUAL CONSULTANT - DRAFTING OF COUNCIL OF LEGAL EDUCATION PARALEGAL EDUCATION LEGISLATIVE FRAMEWORK**

Location:	Nairobi, Kenya
Type of Contract:	Consultant
Languages Required:	English
Expected Duration of Assignment:	36 Working Days
Reference:	KEN/IC/2020/051

#### **BACKGROUND INFORMATION**

The Council of Legal Education is established under by Legal Education Act, No. 27 of 2012 of the Laws of Kenya (hereinafter the Council). The core functions of the Council are to regulate, license and supervise legal education providers and programs, advice the Government on matters relating to legal education and training, equate and recognize foreign qualifications and administer, the ATP Examinations.

#### **OBJECTIVE OF THE ASSIGNMENT**

Objective of this consultancy is to develop the Legislative framework for licensing paralegal education provides in Kenya.

The Consultant shall receive the legislation portrait from the Council of Legal Education and develop the Council of Legal Education policy on paralegal education, the Legal Education (Paralegal Training) Regulations 2020, the Criteria for Evaluation of Paralegal Education programmes and the Monitoring, Evaluation and Learning Framework for the Programme. The Consultant shall present the documents for discussion and adoption by the Council of Legal Education.

#### **SCOPE OF WORK**

##### **a) General**

Specifically, the Consultant shall develop the Regulatory Framework for Licensing and supervision of paralegal education providers in Kenya and submit the documents for evaluation and adoption.

## **b) Specific Objective and Scope of works**

The specific objectives of this assignment are to, in constant consultation with the Council of Legal Education

1. Hold initial meeting with top management of CLE with a view of articulating the consultants understanding of the Mandate and scope of business of Council of Legal Education, the methodology and work plan for undertaking the assignment;
2. Develop draft policy Regulations, Evaluation Criteria and ME&L framework on licensing of Paralegal Education Programmes in line with the legislation portrait and Recommendations of the Council of Legal Education. These proposals should be in modern day legislative drafting practices;
3. Work closely with the Council of Legal Education, and other experts to ensure that any gaps or concerns in are properly captured and addressed in the draft Policy, Regulations, Evaluation Criteria and ME&L framework and
4. Present the draft policy Regulations, Evaluation Criteria and ME&L framework at stakeholder and validation meetings as required.

## **DELIVERABLES AND IMPLEMENTING ARRANGEMENTS**

The Consultant shall:

1. Within three (3) days of commencement of the engagement, submit a proposed inception report detailing the consultant's understanding of the Terms of Reference and the strategy towards accomplishing them.
2. Hold an initial meeting with CLE to discuss and agree on the scope of the assignment
3. Within thirty-six (36) days of receipt of instructions on the engagement, submit the following documents to CLE;
  - a. a draft CLE policy on licencing and supervision of paralegal education providers
  - b. a draft of the Legal Education (Paralegal Education) Regulations 2020
  - c. a draft Paralegal Education Evaluation Criteria
  - d. a draft Monitoring, Evaluation & Learning Framework for the Paralegal Education Programmes.
4. Present the draft documents at one CLE Council retreat and one (1) stakeholders' engagement and validation meeting
5. Within five (5) days of the stakeholders' engagement, edit and revise the works as required and submit the revised drafts to CLE.

	<b>Deliverables</b>	<b>No. of Days</b>
1	The Policy on Licensing of Paralegal Programmes	7
2.	The Regulations to License Paralegal programmes	15
3	The Criteria for Licensing Paralegal Programmes	7
4.	Monitoring Evaluation & Learning Framework for the Paralegal Education Programme	7

### **PAYMENT**

The Consultant is expected to complete the assignment in 36 working days. The Consultant will be paid, upon timely submission and acceptance of deliverables above. The disbursement schedule for this consultancy will be as follows:

<b>Key Delivery</b>	<b>Payment Schedule</b>
The Policy on Licensing of Paralegal Programmes	20%
The Regulations to License Paralegal programmes	30%
The Criteria for Licensing Paralegal Programmes	20%
Monitoring Evaluation & Learning Framework for the Paralegal Education Programme	30%

### **INSTITUTIONAL ARRANGEMENTS**

The consultant will report directly to the Secretary/Chief Executive officer of the Council of Legal Education. The Council shall avail all relevant documents to facilitate the assignment and coordinate meetings.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES OF COUNCIL OF LEGAL EDUCATION**

The Council will prepare and present a legislative portrait to enable the consultant to undertake the assignment;

In addition, CLE will:

1. Provide copies of the Constitution of Kenya 2010, the Legal Education Act 2012, the Legislation Portrait and the attendant Regulations;
2. Nominate a liaison officer who will maintain regular contact with the consultant on matters regarding this consultancy;
3. Organize through partnerships to meet the cost of stakeholders' workshop for presentation of the report of the Paralegal Education legislative framework.
4. Review reports/documents submitted by the consultant and give feedback to the consultant accordingly as provided for in the TORs; and
5. Provide the consultant with any other relevant assistance that may be required during the execution of the contract.

## **ESSENTIAL DUTIES AND RESPONSIBILITIES OF THE CONSULTANT**

The consultant will:

1. Operate from his/her offices other than in exceptional situations and provide own manpower, work facilities, equipment, stationery, supplies and all operational requirements to carry out the assignment and provide the services required;
2. Deliver high quality service;
3. Liaise with the CLE on a regular basis to report progress;
4. Communicate, in writing, to the CLE any issues and/or concerns that may affect performance of the consultancy in the course of the assignment; and
5. Produce and submit acceptable reports to the CLE and perform activities mentioned in the TOR within the agreed timelines.

## **COMPETENCE AND EXPERTISE REQUIREMENTS**

### **a) Academic Qualifications**

The consultant should;

1. Be an advocate of the High Court of at least ten (10) years and in good standing;
2. Hold a certificate of at least three (3) weeks training in legislative drafting;
3. Hold a degree in law, Masters in law is an added advantage;
4. At least three (3) years' experience on legislative drafting or has carried out at least five (5) similar assignments;
5. Be well versed with paralegal training in Kenya and
6. Demonstrate experience in working with government partners and other stakeholders in the public sector.

### **b) Skills and competencies**

1. High levels of written and oral communication skills
2. Excellent interpersonal skills
3. Ability to work under pressure and deliver within the stipulated timelines
4. Skills in facilitation of stakeholder engagement/workshops and
5. A Team player.

## EVALUATION CRITERIA

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

### Evaluation criteria:

Criteria:	Criteria Weight:	Max Point: 100%
Be an advocate of the High Court of at least ten (10) years and in good standing	30%	30%
Hold a certificate of at least three (3) weeks training in legislative drafting	10%	10%
Hold a degree in law, Masters in law is an added advantage	10%	10%
At least three (3) years' experience on legislative drafting or has carried out at least five (5) similar assignments;	30%	30%
Be well versed with paralegal training in Kenya and Demonstrate experience in working with government partners and other stakeholders in the public sector	20%	20%
<b>Total Maximum obtainable points</b>		<b>100%</b>

## 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 accommodation, communications, utilities, consumables, insurance, etc.) that could possibly be incurred by the Contractor are already factored into the financial proposal.

### 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

$\mu$  = 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 5.00 P.M on Wednesday, 28 October 2020.**

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](mailto:undp.kenya.procurement@undp.org)