



CONSOLIDATING GAINS AND DEEPENING DEVOLUTION IN KENYA

TERMS OF REFERENCE

Joint Devolution Programme (JDP) Mid-Term Evaluation Governance Expert

PROJECT SUMMARY TABLE

Project	Consolidating Gains and Deepening Devolution in Kenya Programme
Required	One (1)
Type of Contract	Individual Contract (IC) – National
Reference	KEN/IC/001/2022 - Governance Expert for JDP Mid Term Evaluation
Duration	45 working days within a period of four months
Submission Deadline	Wednesday, 19 January 2022 5.00P.M Kenyan Time (GMT+3.00)
Duty Station	Nairobi with travel to JDP Focus Counties (Turkana, Garissa, Wajir, Lamu, Kilifi, Kajiado, Narok, Samburu, Busia; Mandera; Isiolo; Tana River; Marsabit; West Pokot counties.
Starting Date	01 February 2022

1. Background and Context

1.1. Introduction

Kenya's devolved system of governance, which was instituted with the creation of 47 counties in 2013, offers great promise towards addressing issues related to marginalization, equity, accountability, environment and climate change. The first five years of devolution (2013-2017) provided for the rapid and effective establishment of the county governments. This was followed by the second phase (2018–2022) which focuses on the installation of capacity at national and county levels to address these social, accountability, and environmental issues.

Human development since the advent of devolution has significantly improved. The improvement has been uneven across counties, with the vastly arid and semi-arid northern frontier counties lagging. Poverty rates remain above 80% in these remote, arid and sparsely populated counties where poverty levels adversely affect women, children, marginalized communities and other vulnerable groups.

In order to address the urgent human development challenges of the most marginalized, UNDP, UN Women and UNICEF incepted the Consolidating Gains and Deepening Devolution in Kenya Programme (Joint UNDP-UN Women-UNICEF Devolution Programme) to target 14 of the most marginalized counties directly. The programme has supported the 14 counties to develop and implement policies, plans and strategies that address equity, accountability and environmental issues while at the same time streamlining revenue collection and budgeting processes.

The programme is implemented by National and County Government partners, with one component being implemented by non-state actors, through a national implementation modality (NIM). Some of the partners include the Ministry of Devolution and ASALs (MoDA), State Department for Gender Affairs, Council of Governors (CoG), Kenya School of Government (KSG), the County Assemblies Forum (CAF), Commission on Revenue Allocation, Office of the Auditor General, Office of the Controller of Budget, Kenya Institute of Policy Analysis and Research (KIPPRA) and Kenya National Bureau of Statistics (KNBS).

The programme is founded on the realization that devolution and marginalization are complex issues that are best addressed through a joint programme combining the strengths of multiple UN agencies, national government stakeholders and county government institutions with expertise in key sectors and lead roles in the achievement of Sustainable Development Goals. The Joint programming was also a recommendation for both the mid-term evaluation of the Strengthening Devolved Governance in Kenya project and the terminal evaluation of the Integrated Support to Devolution Project.

1.2.Devolution Programme Outcomes and Outputs

1.2.1. Programme Outcome

UNDAF Outcome 1.2: By 2022 people in Kenya access high-quality services at the devolved level that are well-coordinated, integrated, transparent, equitably resourced and accountable.

1.2.2. Programme Outputs

Output 1.1: Government has strengthened policy, legal and institutional mechanisms for coordinated, inclusive and effective service delivery:

- National and county governments have strengthened inter and intra-governmental structures.
- Governments have harmonized governance policy, legal and institutional frameworks to support devolution.
- Improved county capacities for effective implementation of child protection services and GBV.

Output 1.2: Public finance management institutions have strengthened processes and systems for equitable, efficient and accountable service delivery:

- County capacities strengthened for equitable and inclusive budgeting.
- County capacities improved for revenue projection, generation, collection and reporting.

Output 1.3: County level institutions have strengthened capacity for evidence-based planning, budgeting, implementation, monitoring and evaluation for accountable service delivery:

- Counties have strengthened planning and service delivery mechanisms.
- National and County governments have strengthened monitoring, evaluation, reporting systems.
- National and County systems improved for the generation of disaggregated data (GBV, FGM, VAC, child marriages and marginalized populations including PWDs at county level, including a joint baseline study) for evidence-based decision making at both levels of government.

Output 1.4: People in Kenya have capacity to engage, deepen accountability and transparency in devolution, especially women, youth and persons with disability:

- County governments have established public participation policy, legislation and frameworks.
- County governments have established and operationalized inclusive citizen engagement and accountability mechanisms.
- Increased capacity of NSAs to engage county governments on planning, budgeting and service delivery.

To support the MTE, UNDP seeks to hire an evaluation expert with experience in evaluation governance projects. The expert will work with the team leader and the Governance Evaluation Expert to deliver the MTE as per the terms of reference.

2. Roles and Responsibilities of the Consultancy Team

The evaluation team will undertake the following roles and responsibilities:

- Organizing the work and preparing an evaluation plan for the team;
- Conducting briefing and debriefing; and facilitating productive working relationships with UNDP, PUNOs, IPs and RPs;
- Consulting with MTE Technical Committee and related partners to ensure the progress and the key evaluation questions are covered
- Assuring the draft and final reports are prepared in accordance with the Terms of Reference;
- Facilitating the meeting to present the main findings and recommendations of MTE and discussion of the proposed action plan for implementing the recommendations.

3. Qualifications of the Governance Evaluation Expert

- Advanced degree in Project Management, Strategic Management, Law, public policy, monitoring and evaluation or other relevant disciplines.
- At least 7 years of professional experience in devolved governance, gender, human rights or results-based evaluations.
- At least five years' experience in conducting programmatic evaluations of complex projects in the development sector in developing countries.

- Experience in conducting evaluations for governance and gender and social inclusion programmes/projects.
- Solid understanding of evaluation methodologies, and/or proven expertise of research in fields relevant to the evaluation.
- Demonstrable knowledge of and ability to apply theoretical knowledge in the design, management and evaluation of complex multidisciplinary projects supported by multiple development partners.
- Have a strong understanding of the devolved governance context in Kenya.
- Exposure to the UN system will be an asset.

4. Evaluation Criteria for Governance Evaluation Expert

Criterion	Weight 100%	Max. Points 100
Advanced degree in Project Management, Strategic Management, public policy, monitoring and evaluation, gender or other relevant disciplines	20%	20
At least 7 years of professional experience in devolved governance, gender, human rights or results-based evaluations, with a demonstrable bias to gender and social inclusion	20%	20
At least five years' experience in conducting programmatic evaluations of complex projects in the development sector in developing countries	20%	20
Solid understanding of evaluation methodologies, and/or proven expertise of research in fields relevant to the evaluation	15%	15
Demonstrable knowledge of and ability to apply theoretical knowledge in the design, management and evaluation of complex multidisciplinary projects supported by multiple development partners	10%	10
Have a strong understanding of the devolved governance context in Kenya	10%	10
Exposure to the UN system will be an asset	5%	5

5. Mid-Term Evaluation Ethics

Evaluations in UNDP will be conducted in accordance with the principles outlined in the evaluation policy of UNDP and UNEG 'Ethical Guidelines for Evaluation'. Evaluations of UN activities need to be independent, impartial and rigorous. Each evaluation should clearly contribute to learning and accountability. Hence evaluators must have personal and professional integrity and be guided by propriety in the conduct of their business.

The Evaluation Team will collectively and individually observe the following:

- i. To avoid conflict of interest and undue pressure, evaluators need to be independent, implying that the Evaluators must not have been directly responsible for the policy/programming-setting, design, or overall management of the subject of evaluation, nor expect to be in the near future. Evaluators must have no vested interest and have the full freedom to conduct impartially their evaluative work, without potential negative effects on their career development. They must be able to express their opinion in a free manner.
- ii. Should protect the anonymity and confidentiality of individual participants. They should provide maximum notice, minimize demands on time, and respect people's right not to engage. Evaluators must respect people's right to provide information in confidence and must ensure that sensitive information cannot be traced to its source. Evaluators are not expected to evaluate individuals (not targeted at persons) and must balance an evaluation of management functions with this general principle.
- iii. Evaluations sometimes uncover evidence of wrongdoing. Such cases must be reported discreetly to the appropriate investigative body.
- iv. Should be sensitive to beliefs, manners and customs and act with integrity and honesty in their relations with all stakeholders. In line with the UN Universal Declaration of Human Rights, evaluators must be sensitive to and address issues of discrimination and gender equality. They should avoid offending the dignity and self-respect of those persons with whom they come in contact in the course of the evaluation. Knowing that the evaluation might negatively affect the interests of some stakeholders, evaluators should conduct the evaluation and communicate its purpose and results in a way that clearly respects the stakeholders' dignity and self-worth.
- v. They are responsible for the clear, accurate and fair writing and/or oral presentation of study limitations, evidence-based findings, conclusions, recommendations, and lessons learned. For details on the ethics and independence in evaluation, please see Evaluation Policy of UNDP (<http://web.undp.org/evaluation/policy.shtml>); UNEG Ethical Guidelines and Norms for Evaluation in the UN System (http://www.unevaluation.org/document/detail/102http://www.unevaluation.org/papersandpubs/documentdetail.jsp?doc_id=21).

6. Implementation Arrangements

The evaluator will report to the Joint Devolution Programme M&E Officer. An Evaluation Reference Group will be created and co-chaired between MoDA and UNDP. The Evaluation Technical Committee will provide overall oversight of the MTE and endorsement of the key deliverables (inception report, key tools and methodology and, draft and final report). The Evaluation Reference Group shall meet, at the beginning of the review and during the reporting stage for the report presentation. Other consultation with the Evaluation Technical Committee will be done electronically as required. The Evaluation Technical Committee shall be composed of UNDP Kenya, UN Women, UNICEF, MoDA, COG, CRA, OAG and will also consult with the programme development donors.

7. Consultancy Fees

The Evaluators will be recruited and paid in accordance with UNDP terms and conditions of remuneration for individual consultants. The payments will be pegged on the attainment of deliverables/milestones as per the agreed Work Schedule.

UNDP will cover prior agreed costs related to the MTE services which the consultant will quote inclusive of travel to the 14 JDP counties, logistical and other related expenses. UNDP will directly cover the costs of conferences incidental to this evaluation. The Evaluators fees will be paid in line with the following schedule and upon acceptance of key deliverables:

- Final Inception Report: 20%
- Draft MTE Report: 50%
- Final MTE Report: 30%.

8. Duration of the Work

45 working days within a period of 4 months.

9. Submission of the Financial Proposal

Applicants are instructed to submit their all-inclusive fee proposal in KSH using the financial proposal template provided (Offeror's 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 JDP Focus Counties mentioned, 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

μ = price of the lowest priced proposal

z = price of the proposal being evaluated

Confidentiality and Proprietary interests

The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent.

Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.

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. Offeror’s 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 sent to consultants.ken@undp.org to reach us not later than Wednesday, 19 January 2022 5.00P.M Kenyan Time (GMT+3.00)

Please quote “**KEN/IC/001/2022–Governance Expert for JDP Mid Term Evaluation**” on the subject line.

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

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