1. Background

Amkeni Wakenya is a UNDP Civil Society Democratic Governance facility that was established in 2008. The project is currently in phase II of implementation, beginning January 2015. The main objective of the project is to provide technical and financial support to CSOs that work in the governance sector (e.g. justice, human rights, & devolution) in Kenya. It also enhances citizens’ participation in governance and reforms. Amkeni Wakenya phase II is focusing on four strategic outcomes: 1) access to justice and realization of human rights; 2) entrenching human rights-centered and accountable devolved governance; 3) promoting an enabling environment for CSOs; and 4) building the capacity of CSOs to effectively respond to contemporary governance issues.

Amkeni Wakenya has received support from The Embassy of the Kingdom of Netherlands to implement the project on Strengthening Civil Society and Citizen Voice for Realization of Sustainable Development Goals-SDGs in Kenya. The project seeks to strengthen the role of civil society in making meaningful contribution towards achieving sustainable development goals (SDGs) and in particular promoting ability of civil society organizations (CSOs) in holding governments and the private sector accountable for the realization of SDGs. The project seeks to contribute further to addressing the constrained environment within which CSOs operate to advocate for human rights and governance issues that are pertinent to realization of SDGs. The project principally contributes to realization of SDG 16 which promotes peaceful and inclusive societies for sustainable development, with a focus on access to justice, citizen participation and adoption of non-discriminatory laws. The project is to be implemented across four counties Kilifi, Kwale, Kitui & Turkana. Thus far Amkeni Wakenya has conducted scoping missions across the four counties and documented issues of concern regarding public participation.

1.1. Project Scope

The facility initially focused on the five priority reform areas of

- Governance reforms
- Human rights reforms
- Justice reforms
- Reform oriented capacity building
Amkeni Wakenya seeks to promote democratic governance reforms through supporting civil society organizations. The nature of support extended to civil society organizations by Amkeni Wakenya is through: Grant making, capacity development and learning and knowledge management. Since the start of the second phase, Amkeni has managed to provide grants to CSOs and CBOs country wide through successive calls for proposals. So far Amkeni has published seven calls for proposals and supported over 65 civil society organizations to undertake democratic governance reform initiatives mainly in the rural areas.

Through the Strengthening Civil Society and Citizen Voice for Realization of Sustainable Development Goals-SDGs in Kenya project, Amkeni Wakenya aims at enhancing an accountable and inclusive democratic system of governance underpinned by vibrant civic space, respect for rule of law and human rights compliance contributing to realization of SDG agenda. With support from The Embassy of Netherlands, Amkeni Wakenya aims to achieve the following results;

a) Regulation of civic space aligned with the Constitution of Kenya 2010.
b) Inclusive platforms for public participation and civic engagement strengthened at County and national levels.
c) Lobbying, advocacy and organizational sustainability capacities of civic actors enhanced.

2. Purpose of the Research Study

The centrality of public participation in governance systems is unimpeachable. This principle has been observed to have contributed to a more transparent and accountable governance, better public service delivery, and better trust between the government and the citizens. While some countries have established legislative frameworks providing legal requirements and practical, accessible mechanisms to enable participation from the public, others are falling behind in providing regulatory framework to enhance public participation for instance here in Kenya despite this being a constitutional requirement.

A meaningful, systematic engagement towards expanding the space for public participation in the governance especially in legislative and budgetary process can start from having supportive legal and regulatory frameworks, which can provide opportunities for participation in a more systematic and comprehensive manner. Thus, this research study aims,

(1) to analyze the legal and policy frameworks concerning public participation in governance processes both at National and County levels including within the budgetary process, and

(2) to identify specific existing civic spaces in the four focal counties and at national level for such participation, including the participation in county integrated development planning process, budgetary preparation, adoption, and the execution of the county and national budgets. The three questions that will guide this research are: (1) to what extent have the existing legal and policy frameworks provided opportunities for public engagement in governance processes? and (2) what could be done to enhance CSOs engagement to increase potential opportunities for advancing public participation in governance processes? (3) What could be done to strengthen gender mainstreaming, and enhance gender-responsive and inclusive public participation processes against the minimum standards?

3. Tasks/Duties of the Consultant

The consultant will work under supervision of the Amkeni Wakenya Project Manager and directly with the M&E Specialist, UNDP Gender Officer and will be responsible to conduct research study on CSO public participation initiatives. More specifically, the consultant will;
a) Provide a detailed review and report of public participation policy and legislative frameworks existing nationally and specifically in Turkana, Kilifi, Kitui and Kwale counties.
b) Provide a detailed report on the effectiveness of the public participation frameworks in governance within the four counties.
c) Provide a detailed report on the context analysis, existing gaps including a gender analysis and the status of gender mainstreaming in implementing public participation frameworks at the National level and at the county levels.
d) Provide sex-disaggregated data and qualitative analytical information on gender issues in the context of public participation in Governance System
e) Provide a detailed report on the strategic engagement with the national and focus county governments including gender machineries in collaboration with UNDP can address the gaps in the existing public participation frameworks with the involvement of the CSOs.

4. Methodology

The study will utilize a mixed method approach to collect both qualitative and quantitative data where both in-depth interviews and surveys with key relevant stakeholders and desktop research on public participation is expected.

5. Expected Deliverables:

a) Research plan and proposed methodology which should include process and criteria for selecting participants to be part of the research, sample size, full methodological approach taking into consideration the objective of the assignment, timeline for implementing the agreed methodology.
b) Data sets to include: database of participants (including sex disaggregated data) included in the research together with contact details, quantitative data received through surveys/questionnaires, qualitative data received through interviews and focus groups (recordings/transcripts if available in English).
c) Draft report to include: localization of public participation legislation, regulatory frameworks and guidelines which are in existence nationally and in particular within Turkana, Kilifi, Kitui and Kwale counties; the effectiveness of these frameworks in the four counties in ensuring deepened engagement of communities as required by the Constitution of Kenya, relevant laws and guidelines; the existing gaps in the current frameworks and; how the county and national Governments in collaboration with UNDP can address the gaps with the involvement of the CSOs.
d) A PowerPoint presentation on main findings, conclusions, and recommendations of the research study for dissemination and debriefing purposes.
e) Final report to include: methodology, context, results, analysis of findings, recommendations and conclusion.
f) Gender priorities to be addressed by the ongoing EKN supported project inclusion of grantees.

6. Required Skills and Competencies

- A master’s degree in social sciences, Development Studies, Public Policy, or any other related field.
- At least 5 years of research / policy analysis experience;
- At least 3 year of research/ policy analysis experience on issues related to Public Participation;

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1 Constitution of Kenya 2010; Public Finance Management Act; the County Governments Act; Public Procurement and Disposal Act 2015; and Urban Areas and Cities Act Sections 21 and 22
• Experience of working in multicultural contexts;
• Excellent research, policy analysis and report writing skills.

6.1 Evaluation Criteria for the Research Expert

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Weight 100%</th>
<th>Criterion Max. 100 Points</th>
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<tbody>
<tr>
<td>Solid experience, minimum 5 year, of documented research / policy analysis experience in the area of governance</td>
<td>40%</td>
<td>40</td>
</tr>
<tr>
<td>Extensive knowledge and experience of research/policy analysis related to Public Participation and citizen engagement in multilevel governance.</td>
<td>35%</td>
<td>35</td>
</tr>
<tr>
<td>Documented, excellent research, policy analysis and report writing skills</td>
<td>15%</td>
<td>15</td>
</tr>
<tr>
<td>Documented experience of working in multicultural contexts</td>
<td>10%</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total for Research Expert</strong></td>
<td><strong>100%</strong></td>
<td><strong>100</strong></td>
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7. Research Study Timelines

a) Activity

- Identification of expert/ team of experts
- Finalizing contracting process
- Agreement upon proposed research plan & methodology
- Inception Report
- Implementing the research according to the agreed plan & methodology
- Draft consultancy report and draft knowledge product
- PowerPoint Presentation, with the Final Consultancy Report and Final Knowledge Product

8. Roles and Responsibilities

Roles of the Expert (Consultant)

- Develop the methodology of the research;
- Conduct the research according to the agreed research plan, which will include a calendar of activities.
- Respect the deadlines established in this ToR – mid- September for submitting the final report.

Roles for Amkeni Project Team

- Cover the expert’s/ team of experts’ travel and accommodation expenses related to the implementation of the field research in the region (*Consultant to include it in the financial proposal*)
- Support the expert/ team of experts with necessary background documents and information about the Amkeni project (including contacts of participants);
• Provide feedback on the documents resulted from this assignment.

9. Reporting Arrangements

The Researcher will report to Amkeni Wakenya Project Manager. The consultant will work closely with the Amkeni Wakenya Monitoring and Evaluation Specialist, UNDP Gender Officer as well as Amkeni Wakenya Project Management Unit for effective Programme delivery.

10. Consultancy Fees

The Research Expert 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.

The financial proposal should include the professional fee and cost of travel to the Amkeni Wakenya Project target counties mentioned above, logistical, and other related expenses. UNDP will not make any payments on behalf of the selected consultant.

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Duration</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Inception report</td>
<td>5 days</td>
<td>20%</td>
</tr>
<tr>
<td>Design of Research Methodology and Conducting Research Study</td>
<td>10 days</td>
<td>30%</td>
</tr>
<tr>
<td>Draft report</td>
<td>10 days</td>
<td>30%</td>
</tr>
<tr>
<td>Final report and dissemination presentation deck</td>
<td>5 days</td>
<td>20%</td>
</tr>
</tbody>
</table>

11. Submission of the Financial Proposal

Applicants are instructed to submit their all-inclusive fee proposal in Kenya Shillings 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, communications, utilities, consumables, insurance, etc.) that could possibly be incurred by the Contractor will be factored into the financial proposal.

Financial evaluation (maximum 30 points):

The following formula will be used to evaluate the financial proposal:

\[ p = y \times \left( \frac{\mu}{z} \right) \]

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

12. Duration of the Work

30 working days spread over a period of 2 months.
13. 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:** Email attachments must not exceed 5MB. Please split files if they exceed this size.

**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, 10 August 2022 on or before 5.00 P.M (GMT+3.00)

Please quote - KEN/IC/043/2022 – Research Study on Public Participation in Kenya on the subject line.

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

For any clarifications, please write to undp.kenya.procurement@undp.org

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