TARGETING PLEAD GRANTEES: OUTCOME HARVESTING AND DEVELOPMENT OF DIGITAL KNOWLEDGE PRODUCTS ON ACCESS TO JUSTICE AND LEGAL AID IN KENYA

TERMS OF REFERENCE

<table>
<thead>
<tr>
<th>Programme Unit</th>
<th>Governance and Inclusive Growth (GIG) UNDP Kenya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Amkeni Wakenya II</td>
</tr>
<tr>
<td>Type of Contract</td>
<td>Individual Contract (IC) – National</td>
</tr>
<tr>
<td>Duration</td>
<td>30 working days spread over 2 months</td>
</tr>
<tr>
<td>Reference</td>
<td>KEN/IC/044/2022 – Outcome Harvesting and Development of Digital Knowledge Products on Access to Justice and Legal Aid in Kenya</td>
</tr>
<tr>
<td>Submission Deadline</td>
<td>Wednesday, 10 August 2022 on or before 5.00 P.M (GMT+3.00)</td>
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<tr>
<td>Duty Station</td>
<td>Nairobi with travel to the 12 PLEAD pilot counties (Marsabit, Isiolo, Mandera, Wajir, Garissa, Tana River, Lamu, Mombasa, Nairobi, Kisumu, Nakuru and Kisumu)</td>
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<tr>
<td>Starting Date</td>
<td>Immediately after concluding the Contract Agreement</td>
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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 in January 2015 and ending in December 2022. The main objective of the project is to provide technical and financial support to CSOs that work in the democratic governance sector (e.g., access to justice, human rights, gender justice, & 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.

The facility received generous support from the European Union Delegation in Kenya (EU) and UNDP in its current phase to support the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD). Currently PLEAD is supporting CSOs in 12 counties to implement innovative access to justice initiatives within these counties. Under this support, Amkeni Wakenya issued PLEAD Call 3, Call 3 Repeat, Call 4 and Call 6 grants to 31 Civil Society Organizations. Some of the grants issued have covered multi-year access
to justice projects that are soon completed while additional support has been provided for short-term annual grants. The nature of support extended to civil society organizations by Amkeni Wakenya is through grantmaking, capacity development, and learning and knowledge management.

2. Purpose of the Outcome Harvesting

Access to justice is not only a basic human right under domestic and international law but also etched as SDG 16 to be achieved by 2030. In Kenya, the Constitution provides under Art. 48 the right to access to justice for all persons imposing a duty on the State to provide accused persons with legal counsel in circumstances where substantial injustice might occur. To give full effect to the aforesaid constitutional guarantee, Parliament enacted the Legal Aid Act of 2016, which provided the elaborate provisions and created the National Legal Aid Service (NLAS) to administer a State-backed legal aid scheme and regulate legal aid service providers. Additionally, the recently launched AJS Baseline Policy and Framework in conformity to the Constitution article 159 and supporting legislation to art 48, provides for a pluralistic system of justice where both customary systems and statutory laws can be applied to offer flexibility for many Kenyans’ experiencing the multifaceted challenges impeding their access to justice.

The foregoing continues to provide a working engagement for Amkeni Wakenya's mandate to promote access to justice for the poor and marginalized. In 2017 UNDP signed a $10.49 million funding agreement with the European Union Delegation in Kenya, towards the implementation of the access to justice promotion project under the Programme for Legal Empowerment and Aid Delivery (PLEAD) in Kenya. Under this project, Amkeni Wakenya has provided three-year grants (varying from $50,000-$100,000 per year) to 24 civil society organizations in the 12 target counties to undertake three years of interventions focused on promoting legal awareness, legal aid, and advocacy toward removal of barriers to access to justice. In addition, Amkeni Wakenya has also provided short-term grants to 11 CSOs to undertake focused legal aid interventions and advocacy initiatives aimed at enhancing access to justice, particularly for the special interest groups (women, youth, minorities, prisoners, children in conflict with the law and refugees) within the PLEAD focal counties. Finally, Amkeni awarded grants to the Paralegal Support Network (PASUNE) and the Law Society of Kenya (LSK) to build the capacities of paralegals and lawyers respectively in the provision of legal aid and undertake advocacy interventions aimed at accelerating the full implementation of the Legal Aid Act of 2016.

3. Tasks/Duties of the Consultant

The consultant will work under the supervision of the Amkeni Wakenya Project Manager and directly with the M&E Specialist to harvest outcomes to support real-time learning, inform program adjustments in the next phase of PLEAD, communicate progress and results, and develop digital knowledge products on the most significant stories of change (MSSC) based on the best practices taken up by the PLEAD CSO projects with photos to tell these stories. These MSSC should be gathered through field visits in the 12 PLEAD pilot counties and documented in an agreed format/template in consultation with Amkeni PMU, UNDP Kenya Country Office (KCO) Communications team, and Gender Officer.
In collaboration with the Amkeni PMU and to fulfill these objectives, the consultant will engage with the team and relevant stakeholders on the following tasks:

- Design the outcome harvesting methodology and draft the theory of change for the next phase of the access to justice programming.
- Review Amkeni and PLEAD grantees’ activity reports, success stories, monitoring, and evaluation data, and other secondary sources to assist in drafting preliminary outcomes and survey questions for respondents who could speak to these outcomes.
- Collect information on positive and negative outcomes, both intended and unintended, that result from activity interventions; as well as collect lessons learned and best practices.
- Conduct key informant interviews and focus groups with both men, women, and special interest groups including children in conflict with the law in the communities who directly benefitted from project activities, as well as stakeholders (including duty bearers, women led organizations) in key positions-to relate to changes that might have occurred due to the projects’ interventions.
- Conduct the situational analysis with a sharp focus on gender (support the beneficiary analysis with sex-disaggregated data) and interpretation of data as well as report writing.
- Collect sex-disaggregated data and qualitative analytical information on gender issues in the context of the project, from the key project partners while identifying challenges and opportunities for gender responsive engagement of stakeholders and beneficiaries.
- Identify gender priorities addressed by PLEAD grantees and focus on ‘change stories’ to highlight shifts in gender relations on the ground and as evidence of results from programming. Document stories from gender champions in at least one key partner institution/CSO to profile achievements within the first phase of PLEAD- these will spotlight the gender issues relevant throughout the next phase of PLEAD.
- Develop a standard presentation and organize events to share the outcome harvest through a gender lens with other stakeholders, and development partners at learning events and through other outreach materials.
- Substantiate selected outcomes for additional credibility and review and make sense of the outcome information.

The Outcome Harvest will specifically look at intended and unintended outcomes (both positive and negative) of the testing and the level of contribution of the project to these outcomes against the outcomes stipulated in the results matrix in the Amkeni Programme Document. The process is intended for both learning and accountability purposes. It is expected to generate relevant findings, lessons learned, and recommendations that will be shared across all PLEAD stakeholders.

**3.1 Methodology:**

The outcome harvesting is expected to be conducted in a mixed methods approach to facilitate both qualitative and quantitative data collection to provide critical analysis of the project’s contribution and provide evidence for the outcomes.
The approach to harvesting should allow for a representative sample to ensure the inclusion of the direct project beneficiaries and stakeholders. This will also be instrumental in developing the stories of change to provide insight into the processes contributing to the outcomes, and the relevance of the outcomes from the perspectives of the beneficiaries. The documentation of stories should use gender-sensitive language, imagery, and media element of the report should support women and girls in non-traditional roles, as active participants, and decision-makers as much as possible.

3.2 Expected Deliverables

a) **An inception report** - process and criteria for selecting participants to be part of the outcome harvesting, sample size, full methodological approach taking into consideration the objective of the assignment, and the timeline for implementing the agreed methodology.

b) **A compendium** of the most significant stories of change (MSSC) with pictures and digital knowledge products highlighting the good practices and lessons learned for wider dissemination.

c) **A PowerPoint presentation** with the process, main findings, lessons learned, conclusions, and recommendations on the next phase of PLEAD for dissemination and debriefing purposes.

d) **Final consultancy report** to include methodology, context, results, analysis of findings, recommendations, and conclusion.

4. **Required Skills and Competencies**

- A master’s degree in law, public policy, social sciences, gender, statistics, monitoring, and evaluation, or any other related field.

- At least 3 years of experience in the use and facilitation of outcome mapping and/or outcome harvesting; with at least 5 years of research/ policy analysis experience on issues related to democratic governance.

- Experience in working in multicultural contexts.

- Excellent facilitation, assessment, monitoring, evaluation, and report writing skills.

- Experience working with multi-sectoral groups and coalition-building processes is not required but will be strongly considered.

5. **Evaluation Criteria for the Research Expert**

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<tr>
<th>Criterion</th>
<th>Weight 100%</th>
<th>Criterion Max. 100 Points</th>
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<tr>
<td>At least 3 years of documented experience of using and facilitating outcome mapping and/or outcome harvesting</td>
<td>35%</td>
<td>35</td>
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<tr>
<td>At least 5 years of documented research/ policy analysis</td>
<td>40%</td>
<td>40</td>
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5.1 Outcome Harvesting Timelines (Timelines to be agreed with selected consultant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>15%</th>
<th>10%</th>
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<tr>
<td>Identification of expert/team of experts</td>
<td></td>
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<tr>
<td>Finalizing contracting process</td>
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<td></td>
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<tr>
<td>Agreement upon proposed research plan &amp; methodology</td>
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<td></td>
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<tr>
<td>Inception Report</td>
<td></td>
<td></td>
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<tr>
<td>Implementing the research according to the agreed plan &amp; methodology</td>
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<tr>
<td>Draft consultancy report and draft knowledge product</td>
<td></td>
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<tr>
<td>PowerPoint Presentation, with the Final Consultancy Report and Final Knowledge Product</td>
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6. Roles and Responsibilities

*Roles of the Expert (Consultant)*

- Develop the methodology of the outcome harvest and propose the theory of change for the next phase of the access to justice programming.
- Conduct the research according to the agreed research plan, which will also include a calendar of activities.
- Identification and formulation of lessons learned from the outcome harvesting and studies to be integrated into the final report.
- Assess the quality of the data available from a gender perspective, i.e., identify the data that are disaggregated by sex and the corresponding analysis from a gender perspective, and other previous gender analyses conducted in the project context.
- Coordinating with Amkeni Wakenya and gender-focal person in preparation and planning of study indicators, study tools/data collecting instruments, sampling strategy (if any), and plan for data analysis and reporting.
• Ensuring that globally endorsed methodologies are applied to complete the study. It is therefore important to share all relevant information in time, including information on the methodology, the listing exercise (including a list of people interviewed/approached), questionnaire design, the training report, the preliminary analysis, the draft and final analysis, and reports and the database (reports referred and notes prepared)

• Maintain a gender lens in each aspect of the harvesting of outcomes.

• Respect the deadlines established in this ToR – end of August 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 resulting from this assignment.

7. **Reporting Arrangements**

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

8. **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.

The Evaluators fees will be paid in line with the following schedule and upon acceptance of key deliverables:

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Duration</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Inception report</td>
<td>5 days</td>
<td>20%</td>
</tr>
<tr>
<td>Design of the outcome harvesting methodology and synthesis of results</td>
<td>15 days</td>
<td>20%</td>
</tr>
<tr>
<td>Draft MSC, digital KPs including photos, and draft report</td>
<td>5 days</td>
<td>30%</td>
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9. 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 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:

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

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.

10. Duration of the Work

30 working days spread over 2 months.

11. 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/044/2022 – Outcome Harvesting and Development of Digital Knowledge Products on Access to Justice and Legal Aid 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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