NDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 7th September 2022

Country: Kenya

Reference Number: KEN/IC/0049/2022

Description of the assignment: Researcher on the Human Rights Risks of Japanese Companies, their suppliers and partners in Kenya (Consultant)

Project name: JSB project

Period of assignment/services (if applicable): Maximum of 35 day(s) within two months

Proposal should be submitted at the following email address consultants.ken@undp.org no later than 4:00 PM GMT +3 (Kenyan Time) on 16th September 2022.

With your submission; kindly, Reference KEN/IC/0049/2022

Any request for clarification must be sent in writing, or by standard electronic communication to the following email address undp.kenya.procurement@undp.org . UNDP Kenya will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

1. BACKGROUND

The United Nations Guiding Principles on Business and Human Rights (UNGPs), adopted by the UN Human Rights Council in 2011, are the most authoritative guidelines on how to "prevent and address human rights abuses in business operations." As part of its overall work on human rights, UNDP has supported the implementation of UNGPs by countries and corporations worldwide. The Business and Human Right (B+HR) program was first piloted in Asia in 2016, where UNDP was soon recognized as the convener on B+HR discourse through its peer learning activities, including its annual regional B+HR forums for Asia.
UNDP has since scaled up its work by creating a Global Initiative on Business and Human Rights. As part of this process, UNDP is cooperating with the Government of Japan on the JSB project.

Funded by the Japanese Supplementary Budget (JSB) approved in 2021, the JSB project's outcome is to promote a just recovery while identifying human rights risks with which Japanese companies may be associated in 17 target countries, including Kenya. The project will strengthen responsible business practices in Japan and in Kenya through improving the ability and understanding of Kenyan authorities, Japanese businesses and corporations from other countries, suppliers and partners to carry out Human Rights Due Diligence.

Critical to achieving this objective will be an undertaking of an in-depth analysis and research of the human rights challenges facing Japanese companies and their supply chain partners. Accordingly, UNDP Kenya intends to recruit an individual consultant or an institution to conduct a detailed study, which will contain industry-specifc risk profiles, of Japanese companies' human rights challenges, focused on their operating scenarios. The study will map the presence of Japanese companies in Kenya, and analyse their supply chains and partners', impact on human rights, the environment and peace. The study will additionally inform training courses on Human Rights Due Diligence (HRDD) for Japanese companies, and other activities that will subsequently be carried out in the project. The author is thus expected to consult UNDP's methodology on building capacity of companies on Human Rights Due Diligence, contained in its toolkit published in 2021.

The study will focus on the most immediate risks in Japanese companies' supply chains in Kenya. The results of the study will remain confidential.

Ultimately, the scoping study aims at:

a) Mapping the human rights risks facing Japanese companies, their supply chains and partners;
b) Informing the development of training materials on human rights due diligence for these companies, for which specific reccomandations will have to be provided; and
c) Setting the context for remaining activities under the project scope which focus on Human Rights Due Diligence.

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The consultant will work under the guidance and supervision of Kenya Country Office, with support from the JSB global coordination team. Specific results to be achieved by the consultant are listed below.

1. **Produce a research plan in consultation with UNDP Kenya Country Office and JSB global coordination team:**
    - Conduct preliminary desk research to identify available data and analysis concerning the operations of Japanese companies, their supply chains and partners in Kenya;
    - Based on preliminary research, draft an outline of the study, which shall be structured to include, at a minimum, the following: a mapping of Japanese companies and their supply chains brief profiles of leading Japanese companies operational in Kenya and their supply chains; an examination of the actual and

potential risks of human rights abuses with which companies in these industries in Kenya may be associated with; and recommendations for measures to be taken to mitigate these risks.

- Create a research methodology and structure, and outline the specific activities to be undertaken, suitable to accomplish the deliverables 2 and 3 listed below, including a list of potential interviewees. The primary method used for the survey will likely be qualitative (interviews and possible focus groups), while it is desirable for the consultant to use some simple quantitative methods used as well (depending on the availability of data) to illustrate the economic impact of Japanese companies, their suppliers and partners.

2. **Draft a study on the "Human rights Risks of Japanese companies, their supply chains and partners in Kenya":**
    - Research and outline the profile of Japanese companies, their supply chains and partners, and the challenges they face in implementing the UNGPs, while keeping with the structure outlined under deliverable 1 listed above;
    - Research and report on the human rights created by key industries in which Japanese companies, their supply chains and partners are active in. The report should analyse the actual and potential impact of these industries on the human rights of workers, communities and other rights-holders, as well as on the severity and type of risks faced by companies active in these industries. Additionally, according to each of the three UNGPs pillars ("protect, respect, remedy"), it should present an overview of the state measures aimed at protecting the rights of rights-holders impacted by these industries (under pillar 1 of the UNGPs), examples of corporate actions aimed at respecting the rights of rights-holders and mitigating corporate risks (under pillar 2) and remedies available to address business-related abuses (under pillar 3);
    - Articulate concrete and practical recommendations on how to mitigate the risks faced by industries in which Japanese companies, their supply chains and partners are operational in Kenya.
3. **Validate research findings and produce final report**
    - Validate research findings and recommendations through peer-review, including by persons nominated by Kenya Country office, Key partners and JSB global coordination team;
    - Consider the feedback provided during the validation phase and produce the final report, in English, in a format and layout suitable for sharing with relevant actors (publication costs are not expected to be borne in this contract).

For detailed information, please refer to Annex 1

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Advanced university degree (Master's or equivalent) in law, governance, anthropology, social science, political science, or related discipline(s)Master's degree

II. Years of experience:

- 5+ years of research on documentation on human rights/social and development issues;
- 3+ years of work experience related to business and human rights;

III. Competencies:

- Demonstrated understanding of corporate impacts on human rights, risks created throughout corporate supply chains, and business and human rights issues in Kenya;
- Demonstrated capacity to conduct multi-discipline, cross-sector and cross-country research;
- Expertise in writing and documenting research reports;
- Demonstrable research skills;
- Results-driven, initiative-taking, ability to work under pressure and meet tight deadlines;
- Ability to work independently or with very limited guidance.
- Highly motivated with a positive attitude and problem-solving approach;
- Good interpersonal and communication skills.

IV. Lanuguage:

- Proficiency in English. Working-level Japanese is an advantage.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:
1. **Proposal:**
(i) Explaining why they are the most suitable for the work
(ii) Provide a brief methodology on how they will approach and conduct the work (if applicable)

2**. Financial proposal**
3. **Personal CV including one example of a previous publication and at least 3 references**

5. FINANCIAL PROPOSAL

Lump sum contracts
The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e.

upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

Travel;

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed.

6. EVALUATION

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

** Technical Criteria weight; 70 points*

** Financial Criteria weight; 30 points*

Only candidates obtaining a minimum of 49 point would be considered for the Financial

Evaluation

Criteria	***Max. Point***
Technical	
• *Education*	*15*
• *Working experience*	*30*
• *Clear Proposal/Plan*	*10*
• *Analytical, research and writing abilities*	*15*
Financial	*30*

ANNEX

ANNEX 1- TERMS OF REFERENCES (TOR)

ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

ANNEX 3- OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY