



**REQUEST FOR PROPOSAL (RFP)
(For Low-Valued Services)**

To:	DATE: September 26, 2022
	RFP/UNDPKE/013/2022 (Consultancy on Baseline Study of County Forest Sector Legislation and develop draft policies for four (4) select Counties)

Dear Sir / Madam:

We kindly request you to submit your Proposal for **Consultancy on Baseline Study of County Forest Sector Legislation and Development of Draft Policies for four (4) select counties namely; Siaya, Muranga, Kilifi and Kajiado in Kenya.**

Please be guided by the form attached hereto as Annex 3 & 4, in preparing your Proposal. **Technical and Financial Proposals should be submitted in separate PDF Files.**

Annex 1 – Description of Requirements

Annex 2 – Terms of Reference

Annex 3 – Form for submitting service provider's Technical proposal

Annex 4 – Form for submitting service provider's Financial proposal

Annex 5 – General Terms and Conditions of the Contract

Proposals should be submitted to; bids.ke@undp.org on or before 5.00 P.M (Kenyan Time EAT+3.00) on Monday, 10th October 2022.

Your Proposal must be expressed in the English, and valid for a minimum period of 120 days.

The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE. The financial proposal shall be encrypted with different passwords and clearly labelled. The files must be sent to the dedicated email address bids.ke@undp.org

The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose Technical Proposal has been found to be technically responsive. Failure to provide correct password may result in the proposal being rejected.

In the course of preparing your Proposal, it shall remain your responsibility to ensure that it reaches the address above on or before the deadline. Proposals that are received by UNDP after the deadline indicated above, for whatever reason, shall not be considered for evaluation. If you are submitting your Proposal by email, kindly ensure that they are signed and in the .pdf format, and free from any virus or corrupted files.

Services proposed shall be reviewed and evaluated based on completeness and compliance of the Proposal and responsiveness with the requirements of the RFP and all other annexes providing details of UNDP requirements.



The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by UNDP, and the unit price shall prevail, and the total price shall be corrected. If the Service Provider does not accept the final price based on UNDP's re-computation and correction of errors, its Proposal will be rejected.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by UNDP after it has received the Proposal. At the time of Award of Contract or Purchase Order, UNDP reserves the right to vary (increase or decrease) the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.

Any Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions attached hereto. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP, herein attached as Annex 5

Please be advised that UNDP is not bound to accept any Proposal, nor award a contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP's vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. In the event that you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link:
<http://www.undp.org/content/undp/en/home/operations/procurement/business/protest-and-sanctions.html>

UNDP encourages every prospective Service Provider to prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this RFP.

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link :
https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/unsccl/conduct_english.pdf

Thank you and we look forward to receiving your Proposal.

Sincerely yours,

DocuSigned by:

 Christine Kiura
 Procurement Associate
 Date: 26-Sep-2022



Annex 1

Description of Requirements

Context of the Requirement	<p>Background</p> <p>The Forestry sector is characterized by ineffective regulatory mechanisms and inadequate law enforcement. The Constitution of Kenya, as well as the Vision 2030, established the need for Kenya to work towards attaining 10% forest cover. This ambition requires that both the National and County Governments work closely through program and policy implementation. The National Government has over the years, been implementing three core programs namely: (i) Forest conservation and management with focus on the management of natural forests in public land; (ii) Forest plantations and enterprise with a focus on the development of industrial forest plantations on public land; and (iii) farm and dryland forestry development with a focus on the provision of forest extension services for the development of private forests, agroforestry and technical assistance to tree growers.</p> <p>Distribution of forestry functions between the National Government and the County Governments are set out in the fourth schedule of the Constitution of Kenya. In the forestry sector, the County Governments have the duty of “implementing specific national government policies on natural resources and environmental conservation”. To support implementation of programmes, this broad policy framework has been unbundled and specific interventions identified for implementation by the County Governments with the technical support by Kenya Forest Service (KFS). Under the same schedule, the National Government is also obligated to conduct capacity building and technical assistance for the County Governments in order to create requisite capacity for the implementation of the constitutional obligations for the County Governments.</p> <p>Forests on public land vests in and is held by the National Government and administered by the National Land Commission (NLC) while public land vests in the County Governments and administered by the NLC on their behalf. Implementation of forestry policies and programs for these specific areas (public land) is the responsibility of each level of government.</p> <p>County Governments have a bigger responsibility in the implementation of farm and dryland forestry interventions with technical support from the National Government (Kenya Forest Service). Specific functions have been identified to be devolved by the KFS board under the farm and dryland forestry development. As such, a transition implementation plan was developed to provide smooth transfer of the identified functions.</p> <p>Gazette Supplement No. 116 of 9th August 2014 provides for devolution forestry including farm forestry extension services, forests and game reserves formerly managed by Local Authorities, excluding forests managed by Kenya Forest Service, National Water Towers Agency and private forests to the County Governments. To facilitate Strategic planning and forestry programme implementation by the counties, including the orderly transfer of the function, a synthesis of the Strategic activities for implementation was carried out and discussed with the KFS board and communicated to Counties to support devolution of the forestry sector. The activities include a) Implementation of national</p>
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	<p>policies that is applicable to county forests. b) Formulation of county level specific by-laws and legislation. c) Development and implementation of county forest management plans. d) Identification and setting a part of land for forest reservation, development and creation of county forests. e) Development of nature-based enterprises within county forests. f) Forestation and rehabilitation of fragile and degraded ecosystem/forest in community lands. g) Liaison with lead agencies/stakeholders in forest sector at the county. h) Issuance of operation license within the private farms and county forests in community lands. i) Intra-county conflict management on county forest resources and farm forestry j) Promotion of public private partnership management practice in county forests. k) Maintenance of county forest and farm forestry records, databases and information. l) Collection and management of county forest and farm forestry revenue. m) Community awareness creation n) Promotion of tree planting in community, private and county lands. o) Increasing tree cover in private, community and county lands p) Provision of forestry extension services in the county q) Development and maintenance of county forest infrastructure. r) Development of charcoal industry (promotion/use) within county forests and private farms. s) Development of urban forestry programs within the counties t) Enforcement of forest legislations within the county forests and private farms. u) Management of county forests</p> <p>In this regard, County Governments are required to develop various Forest sector policies to support implementation of the above activities. UNDP through the REDD+ readiness project supported the Council of Governor's to prepare policy template. The template provides a guideline that can be used to develop county specific policies that are responsive to the specific needs and ambitions of a County. In order to prepare robust policy, there will be a need to a baseline assessment to assess the existing policies and legislations including in relatable areas such as Disaster Risk Reduction, Climate Change and Agriculture to identify nexus and opportunities for coherence withing the various county policies, strategies and plans. Specifically, the baseline study will review the policy, legislative and institutional environment for four counties namely Kajiado, Kilifi, Muranga and Siaya, this information will be used to support these counties to prepare their final draft policies using the template provided for by the Council of Governors.</p>
Implementing Partner of UNDP	UNDP



Brief Description of the Required Services ¹	<p>UNDP is seeking the services of a consultancy firm to perform the following key activities:</p> <p>Objective the assignment</p> <p>The assignment will entail undertaking of a baseline study of County Forest Sectors policy, legislative and institutional environment for four selected counties (Kajiado, Kilifi, Muranga and Siaya) to establish the current environment about Forest conservation and management. The information derived from the baseline study will then be used to support the above-mentioned counties to draft their county forest policies.</p> <p>Scope of Work</p> <p>The consultancy will review the existing Forest and related sector policies and legislations developed by National Government and which require to implemented by County governments. The assignment will cover the following:</p> <ol style="list-style-type: none"> 1. Hold inception meetings with the sectors key stakeholders to present workplan and methodology for undertaking assignment 2. Consult with key stakeholders including Ministry of Environment and Forestry, County Governments, Kenya Forest Service, Kenya Forest Research Institute, Kenya Water Towers Agency, Private Sector and Civil Society to identify institutional, legal and policy challenges and opportunities and gaps in the forestry sector at county level 3. Prepare a baseline report on County Forest Legislations for validation by stakeholders. 4. Prepare policy brief on county forest sector legislations that identifies challenges, gaps and opportunities for institutional and legislative strengthening 5. Upon submission of the Baseline survey the firm will be required to undertake preparation of draft county forest policies for four selected counties
List and Description of Expected Outputs to be Delivered	<p>Expected outputs & deliverables</p> <p>Deliverable 1: Preparation of Baseline Study on County Forest Policy and Legal Frameworks;</p> <ol style="list-style-type: none"> 1. Inception baseline study report 2. Presentation of the final baseline study report 3. Preparation of Policy Brief <p>Deliverable 2: Preparation of final draft forest policies for four (4) selected Counties namely; Siaya, Muranga, Kilifi and Kajiado in Kenya:</p> <ol style="list-style-type: none"> 1. Draft policies for four county governments 2. Final Draft Policies for four county governments
Person to Supervise the Work/ Performance of the Service Provider	<p>The Consultancy will work under the guidance of the Conservation Secretary, Ministry of Environment and Forestry and the Project Manager of the Forestry and Land Restoration Action for Kenya's NDC (FLARAK) Project at UNDP.</p>

¹ A detailed TOR may be attached if the information listed in this Annex is not sufficient to fully describe the nature of the work and other details of the requirements.



Frequency of Reporting	Bi-Weekly
Progress Reporting Requirements	Monthly meetings and scheduled reports All reports are to be submitted in a confidential and timely fashion: monthly analysis reports should be submitted at the latest 3 days after the end of each month, and quarterly reports should be submitted at the latest 5 days after the end of each reporting quarter.
Location of work	Nairobi, with travels to Siaya, Muranga, Kilifi and Kajiado Counties in Kenya
Estimated Duration of Assignment	Two (2) Month(s)
Target start date	1 st November 2022
Latest completion date	31 st December 2022
Travels Expected	There will be travel to the four counties (Siaya, Muranga, Kilifi and Kajiado) in Kenya . All costs related to travel must be factored in the financial proposal. UNDP will not make any payments on behalf of the selected firm.
Special Security Requirements	The responsibility for the safety and security of the Contractor, its personnel and property, and project's property in the Contractor's custody, rests with the Contractor. The Contractor shall: <ul style="list-style-type: none"> a) Put in place an appropriate security plan and maintain the security plan, considering the security situation in the county where the services are being provided. b) Assume all risks and liabilities related to the Contractor's security, and the full implementation of the security plan. c) The project and the implementing agency reserve the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. d) Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this contract. e) Notwithstanding the foregoing, the Contractor shall remain solely responsible for the security of its personnel and for the project's property in its custody.
Facilities to be Provided by UNDP (i.e., must be excluded from Price Proposal)	Not Applicable
Implementation Schedule indicating breakdown and timing of activities/sub-activities	Refer to TOR (Annex 2) for full scope.
Names and curriculum vitae of	<input checked="" type="checkbox"/> Required



individuals who will be involved in completing the services	<input type="checkbox"/> Not Required														
Currency of Proposal	<input type="checkbox"/> United States Dollars <input type="checkbox"/> Euro <input checked="" type="checkbox"/> Kenya Shillings (Kes)														
Value Added Tax on Price Proposal ²	<input type="checkbox"/> must be inclusive of VAT and other applicable indirect taxes <input checked="" type="checkbox"/> must be exclusive of VAT and other applicable indirect taxes														
Validity Period of Proposals (<i>Counting for the last day of submission of quotes</i>)	<input type="checkbox"/> 60 days <input type="checkbox"/> 90 days <input checked="" type="checkbox"/> 120 days In exceptional circumstances, UNDP may request the Proposer to extend the validity of the Proposal beyond what has been initially indicated in this RFP. The Proposal shall then confirm the extension in writing, without any modification whatsoever on the Proposal.														
Partial Quotes	<input checked="" type="checkbox"/> Not permitted														
Payment Terms ³	<p>The organization will indicate the cost of services for each deliverable in Kenya Shillings (KES) all-inclusive lump sum contract amount when applying for this consultancy. The firm will be paid only after approving authority confirms the successful completion of each deliverable as stipulated hereunder. The organization shall receive the lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:</p> <p>Deliverable 1: Preparation of Baseline Study on County Forest Policy and Legal Frameworks;</p> <table border="1"> <thead> <tr> <th>Deliverables 1</th> <th>Payments</th> </tr> </thead> <tbody> <tr> <td>Inception baseline study report</td> <td>15%</td> </tr> <tr> <td>Presentation of the final baseline study report</td> <td>25%</td> </tr> <tr> <td>Preparation of Policy Brief</td> <td>10%</td> </tr> </tbody> </table> <p>Deliverable 2: Preparation of final draft forest policies for four (4) selected Counties;</p> <table border="1"> <thead> <tr> <th>Deliverable 2</th> <th>Payments</th> </tr> </thead> <tbody> <tr> <td>Draft policies for four county governments</td> <td>20%</td> </tr> <tr> <td>Final Draft Policies for four county governments</td> <td>30%</td> </tr> </tbody> </table>	Deliverables 1	Payments	Inception baseline study report	15%	Presentation of the final baseline study report	25%	Preparation of Policy Brief	10%	Deliverable 2	Payments	Draft policies for four county governments	20%	Final Draft Policies for four county governments	30%
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² VAT exemption status varies from one country to another. Pls. check whatever is applicable to the UNDP CO/BU requiring the service.

³ UNDP preference is not to pay any amount in advance upon signing of contract. If the Service Provider strictly requires payment in advance, it will be limited only up to 20% of the total price quoted. For any higher percentage, or any amount advanced exceeding \$30,000, UNDP shall require the Service Provider to submit a bank guarantee or bank cheque payable to UNDP, in the same amount as the payment advanced by UNDP to the Service Provider.



Person(s) to review/inspect/ approve outputs/ completed services and authorize the disbursement of payment	The Consultancy will work under the guidance of the Conservation Secretary, Ministry of Environment and Forestry and the Project Manager of the Forestry and Land Restoration Action for Kenya's NDC (FLARAK) Project at UNDP.
Type of Contract to be Signed	<input type="checkbox"/> Purchase Order <input type="checkbox"/> Institutional Contract <input checked="" type="checkbox"/> Contract for Professional Services <input type="checkbox"/> Long-Term Agreement ⁴ (if LTA will be signed, specify the document that will trigger the call-off. E.g., PO, etc.) <input type="checkbox"/> Other Type of Contract [pls. specify]
Criteria for Contract Award	<input type="checkbox"/> Lowest Price Quote among technically responsive offers <input checked="" type="checkbox"/> Highest Combined Score (based on the 70% technical offer and 30% price weight distribution) <i>Submissions will be reviewed and rated based on both technical and financial evaluations, providing a weight of 70% to the technical component and 30% to the financial component. Only contractor(s) achieving at least 70% from the technical evaluation shall be considered for financial evaluation.</i> <input type="checkbox"/> Full acceptance of the UNDP Contract General Terms and Conditions (GTC). This is a mandatory criterion and cannot be deleted regardless of the nature of services required. Non-acceptance of the GTC may be grounds for the rejection of the Proposal.
Criteria for the Assessment of Proposal	<u>Technical Proposal (70%)</u> <input checked="" type="checkbox"/> Bidder's qualification, capacity, and experience (30%) <input checked="" type="checkbox"/> Proposed Methodology, Approach, and Implementation Plan (40%) <input checked="" type="checkbox"/> Management Structure and Key Personnel (30%) <u>Financial Proposal (30%)</u> To be computed as a ratio of the Proposal's offer to the lowest price among the proposals received by UNDP.
UNDP will award the contract to:	<input checked="" type="checkbox"/> One and only one Service Provider <input type="checkbox"/> One or more Service Providers, depending on the following factors:
Contract General Terms and Conditions ⁵	<input checked="" type="checkbox"/> General Terms and Conditions for contracts (goods and/or services) <input type="checkbox"/> General Terms and Conditions for de minimis contracts (services only, less than \$50,000) Applicable Terms and Conditions are available at: http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html

⁴ Minimum of one (1) year period and may be extended up to a maximum of three (3) years subject to satisfactory performance evaluation. This RFP may be used for LTAs if the annual purchases will not exceed \$200,000.00.

⁵ Service Providers are alerted that non-acceptance of the terms of the General Terms and Conditions (GTC) may be grounds for disqualification from this procurement process.



Annexes to this RFP ⁶	Annex 1 – Description of Requirements Annex 2 – Terms of Reference Annex 3 – Form for submitting service provider's Technical proposal Annex 4 – Form for submitting service provider's Financial proposal Annex 5 – General Terms and Conditions of the Contract
Contact Person for Inquiries (Written inquiries only) ⁷	UNDP Kenya Procurement E-mail address: undp.kenya.procurement@undp.org Any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the Proposers.
Other Information	None

Technical Evaluation Criteria

Summary

Summary of Technical Proposal Evaluation Forms		Points Obtainable
1.	Bidder's qualification, capacity, and experience	300
2.	Proposed Methodology, Approach, and Implementation Plan	400
3.	Management Structure and Key Personnel	300
	Total	1000

Section 1. Bidder's qualification, capacity and experience		Evaluation score	Points obtainable
1.1	Reputation of Organization and Staff Credibility / Reliability / Industry Standing		50
1.2	General Organizational Capability which is likely to affect implementation: Management structure, Financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted		90

⁶ Where the information is available in the web, a URL for the information may simply be provided.

⁷ This contact person and address is officially designated by UNDP. If inquiries are sent to other person/s or address/es, even if they are UNDP staff, UNDP shall have no obligation to respond nor can UNDP confirm that the query was received.



1.3	Relevance of specialized knowledge and experience on similar engagements done in the Kenya/region		70
1.4	Quality assurance procedures and risk mitigation measures		90
Total Section 1			300

Section 2. Proposed Methodology, Approach and Implementation Plan		Evaluation score	Points obtainable
2.1	Understanding of the requirements: Have the important aspects of the task been addressed in sufficient detail?		60
2.2	Description of the Offeror's approach and methodology for meeting or exceeding the requirements of the Terms of Reference. Has the offeror clearly described the method to be undertaken?		80
2.3	Details on how the different service elements shall be organized, controlled and delivered. Has the offeror developed a clear timeline for delivery of services?		50
2.4	Sound description of the approach to ensure quality assurance in the development of the country approach to		50
2.5	Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic.		60
2.6	Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract		40
2.7	Assessment of materials and tools used by the contractor's personnel for performing the services		60
Total Section 2			400

Section 3. Management Structure and Key Personnel		Evaluation score	Points obtainable
3.1	Composition and structure of the team proposed. Are the proposed roles of the lead expert and the technical team of key personnel suitable for the provision of the necessary services including any professional licensing/membership?		120



3.2	<p>Lead Consultant Qualifications.</p> <ul style="list-style-type: none"> a) Possess a Master's Degree in Law, Social Sciences, Environmental Science, Environmental planning, Natural Resource Management, Public Policy or related field of study. Experience of at least 15 years with similar assignments may be considered in lieu of the Master's degree. b) At least 10 years of professional experience in undertaking similar studies c) The consultant should have requisite knowledge and experience in policy and legislation development in Kenya d) Experience in working with Government both at National and County level in policy and legislation development e) Experience conducting policy and legislative analysis f) Good organisational and communication skills to undertake stakeholder consultations and engagements g) Previous experience working with the government and/or development partners on Forestry, environment, climate change or related field is an added advantage h) Experience of at least two previous assignments of a similar nature in Kenya or another country with similar political and economic development processes to Kenya. i) Fluency in oral and written English is required. <p>Other Technical Staff Qualifications</p> <p>The consultant Firm is required to provide other Technical Officers with following qualifications</p>		100
3.3	<ul style="list-style-type: none"> a) Bachelor's degree in Environmental Science, Forestry, Law, Environmental planning and management, Natural Resource Management, Public Policy or related field of study from a recognized University, b) Experience in engaging county or national government ministries, departments and agencies in the forestry or land sector c) Knowledge on climate change and forest sector policies and legislations d) Analytical skills with experience in undertaking policy or legislative analysis e) Excellent communication skills with the ability to express ideas clearly, concisely and effectively, both oral and in written f) Fluency in English and functional use of Kiswahili will be an added advantage. g) Experience in developing knowledge products such as policy briefs 		80
Total for Section 3			300



Annex 2

TERMS OF REFERENCE (TOR)

CONSULTANCY ON BASELINE STUDY OF COUNTY FOREST SECTOR LEGISLATION AND DEVELOP DRAFT POLICIES FOR FOUR (4) SELECT COUNTIES - SIAYA, MURANGA, KILIFI AND KAJIADO IN KENYA

Background

The Forestry sector is characterized by ineffective regulatory mechanisms and inadequate law enforcement. The Constitution of Kenya, as well as the Vision 2030, established the need for Kenya to work towards attaining 10% forest cover. This ambition requires that both the National and County Governments work closely through program and policy implementation. The National Government has over the years, been implementing three core programs namely: (i) Forest conservation and management with focus on the management of natural forests in public land; (ii) Forest plantations and enterprise with a focus on the development of industrial forest plantations on public land; and (iii) farm and dryland forestry development with a focus on the provision of forest extension services for the development of private forests, agroforestry and technical assistance to tree growers.

Distribution of forestry functions between the National Government and the County Governments are set out in the fourth schedule of the Constitution of Kenya. In the forestry sector, the County Governments have the duty of “implementing specific national government policies on natural resources and environmental conservation”. To support implementation of programmes, this broad policy framework has been unbundled and specific interventions identified for implementation by the County Governments with the technical support by Kenya Forest Service (KFS). Under the same schedule, the National Government is also obligated to conduct capacity building and technical assistance for the County Governments in order to create requisite capacity for the implementation of the constitutional obligations for the County Governments.

Forests on public land vests in and is held by the National Government and administered by the National Land Commission (NLC) while public land vests in the County Governments and administered by the NLC on their behalf. Implementation of forestry policies and programs for these specific areas (public land) is the responsibility of each level of government.

County Governments have a bigger responsibility in the implementation of farm and dryland forestry interventions with technical support from the National Government (Kenya Forest Service). Specific functions have been identified to be devolved by the KFS board under the farm and dryland forestry development. As such, a transition implementation plan was developed to provide smooth transfer of the identified functions.

Gazette Supplement No. 116 of 9th August 2014 provides for devolution forestry including farm forestry extension services, forests and game reserves formerly managed by Local Authorities, excluding forests managed by Kenya Forest Service, National Water Towers Agency and private forests to the County Governments. To facilitate Strategic planning and forestry programme implementation by the counties, including the orderly transfer of the function, a synthesis of the Strategic activities for implementation was carried out and discussed with the KFS board and communicated to Counties to support devolution of the forestry sector. The activities include; a) Implementation of national policies that is applicable to county forests. b) Formulation of county level specific by-laws and legislation. c) Development and implementation of county forest management plans. d) Identification and setting a part of land for forest reservation, development and creation of county forests. e) Development of nature-based enterprises within county forests. f) Forestation and rehabilitation of fragile and degraded ecosystem/forest in community lands. g) Liaison with lead agencies/stakeholders in forest sector at the county.



h) Issuance of operation license within the private farms and county forests in community lands. i) Intra-county conflict management on county forest resources and farm forestry j) Promotion of public private partnership management practice in county forests. k) Maintenance of county forest and farm forestry records, databases and information. l) Collection and management of county forest and farm forestry revenue. m) Community awareness creation n) Promotion of tree planting in community, private and county lands. o) Increasing tree cover in private, community and county lands p) Provision of forestry extension services in the county q) Development and maintenance of county forest infrastructure. r) Development of charcoal industry (promotion/use) within county forests and private farms. s) Development of urban forestry programs within the counties t) Enforcement of forest legislations within the county forests and private farms. u) Management of county forests

In this regard, County Governments are required to develop various Forest sector policies to support implementation of the above activities. UNDP through the REDD+ readiness project supported the Council of Governor's to prepare policy template. The template provides a guideline that can be used to develop county specific policies that are responsive to the specific needs and ambitions of a County. In order to prepare robust policy, there will be a need to a baseline assessment to assess the existing policies and legislations including in relatable areas such as Disaster Risk Reduction, Climate Change and Agriculture to identify nexus and opportunities for coherence withing the various county policies, strategies and plans. Specifically, the baseline study will review the policy, legislative and institutional environment for four counties namely Kajiado, Kilifi, Muranga and Siaya, this information will be used to support these counties to prepare their final draft policies using the template provided for by the Council of Governors.

Objective the assignment

The assignment will entail undertaking of a baseline study of County Forest Sectors policy, legislative and institutional environment for four selected counties (Kajiado, Kilifi, Muranga and Siaya) to establish the current environment about Forest conservation and management. The information derived from the baseline study will then be used to support the above mentioned counties to draft their county forest policies.

Scope of Work

The consultancy will review the existing Forest and related sector policies and legislations developed by National Government and which require to implemented by County governments. The assignment will cover the following:

1. Hold inception meetings with the sectors key stakeholders to present workplan and methodology for undertaking assignment
2. Consult with key stakeholders including Ministry of Environment and Forestry, County Governments, Kenya Forest Service, Kenya Forest Research Institute, Kenya Water Towers Agency, Private Sector and Civil Society to identify institutional, legal and policy challenges and opportunities and gaps in the forestry sector at county level
3. Prepare a baseline report on County Forest Legislations for validation by stakeholders.
4. Prepare policy brief on county forest sector legislations that identifies challenges, gaps and opportunities for institutional and legislative strengthening
5. Upon submission of the Baseline survey the firm will be required to undertake preparation of draft county forest policies for four selected counties



Expected Deliverables, Proposed Timeframe, Payment Schedule and reporting

The assignment will have the duration of **two months** with the proposed time frame of as follows.

Deliverable 1: Preparation of Baseline Study on County Forest Policy and Legal Frameworks.

Deliverables 1	Payments
Inception baseline study report	15%
Presentation of the final baseline study report	25%
Preparation of Policy Brief	10%

Deliverable 2: Preparation of final draft forest policies for four (4) selected

Deliverable 2	Payments
Draft policies for four county governments	20%
Final Draft Policies for four county governments	30%

A proposed timeline of activities should be submitted as part of a detailed work plan in the proposal to be submitted by interested applicants and should consider the end date of the assignment as **31st December 2022**

The firm will be responsible for travel within and outside Nairobi to the mentioned counties as well as other tax related obligations. The UNDP through the Project will meet expenses related to the workshops and meetings only. UNDP will not meet any costs on behalf of the selected firm.

The Consultancy will work under the guidance of the Conservation Secretary, Ministry of Environment and Forestry and the Project Manager of the FLARAK Project at UNDP.

Minimum required qualifications and competencies for the consultancy firm.

- The firm proposing to undertake the consultancy must demonstrate in-house capacity to undertake the exercise.
- The firm should provide a list of the technical team that details their specific inputs (number of days) and deliverables in relation to the assignment. Their detailed CVs detailing their areas of expertise and experience should be included in the technical proposal.
- The consultancy firm must have been in existence for at least five years.
- The consultancy firm should show proof of at least three previous relevant and similar assignments undertaken by the firm.
- The firm should show proof of registration and tax compliancy.

It is expected that the assignment will be undertaken by a firm that should be led by a team leader whose competencies are detailed below:

Team leader

1. Possess a Master's Degree in Law, Social Sciences, Environmental Science, Environmental Planning, Natural Resource Management, Public Policy or related field of study.
2. At least 10 years of professional experience in undertaking similar studies/surveys /research or developing legislation in the sector or related areas



3. The consultant should have requisite knowledge and experience in conducting surveys, research, policy and legislation development in Kenya
4. Experience in working with Government both at National and County level in carrying out surveys, research, policy and legislation development
5. Experience conducting surveys, research policy and legislative analysis
6. Good organisational and communication skills to undertake stakeholder consultations and engagements
7. Previous experience working with the government and/or development partners on Forestry, environment, climate change or related field is an added advantage
8. Experience of at least two previous assignments of a similar nature in Kenya or another country with similar political and economic development processes to Kenya.
9. Fluency in oral and written English is required

Other Technical Staff Qualifications

The consultant Firm is required to provide other Technical Officers with following qualifications

- a) Bachelor's degree in Environmental Science, Forestry, Law, Environmental planning and management, Natural Resource Management, Public Policy or related field of study from a recognized University,
- b) Experience in conducting surveys and research
- c) Experience in engaging county or national government ministries, departments and agencies in the forestry or land sector
- d) Knowledge on climate change and forest sector policies and legislations
- e) Analytical skills with experience in undertaking policy or legislative analysis
- f) Excellent communication skills with the ability to express ideas clearly, concisely and effectively, both oral and in written
- g) Fluency in English and functional use of Kiswahili will be an added advantage.
- h) Experience in developing knowledge products such as policy briefs



Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms		Points Obtainable
1.	Bidder's qualification, capacity, and experience	300
2.	Proposed Methodology, Approach, and Implementation Plan	400
3.	Management Structure and Key Personnel	300
	Total	1000

Section 1. Bidder's qualification, capacity and experience		Evaluation score	Points obtainable
1.1	Reputation of Organization and Staff Credibility / Reliability / Industry Standing		50
1.2	General Organizational Capability which is likely to affect implementation: Management structure, Financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted		90
1.3	Relevance of specialized knowledge and experience on similar engagements done in the Kenya/region		70
1.4	Quality assurance procedures and risk mitigation measures		90
Total Section 1			300



Section 2. Proposed Methodology, Approach and Implementation Plan		Evaluation score	Points obtainable
2.1	Understanding of the requirements: Have the important aspects of the task been addressed in sufficient detail?		60
2.2	Description of the Offeror's approach and methodology for meeting or exceeding the requirements of the Terms of Reference. Has the offeror clearly described the method to be undertaken?		80
2.3	Details on how the different service elements shall be organized, controlled and delivered. Has the offeror developed a clear timeline for delivery of services?		50
2.4	Sound description of the approach to ensure quality assurance in the development of the country approach to		50
2.5	Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic.		60
2.6	Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract		40
2.7	Assessment of materials and tools used by the contractor's personnel for performing the services		60
Total Section 2			400

Section 3. Management Structure and Key Personnel		Evaluation score	Points obtainable
3.1	Composition and structure of the team proposed. Are the proposed roles of the lead expert and the technical team of key personnel suitable for the provision of the necessary services including any professional licensing/membership?		120
3.2	<p>Lead Consultant Qualifications.</p> <ul style="list-style-type: none"> a) Master's Degree in Law, Social Sciences, Environmental Science, Environmental planning, Natural Resource Management, Public Policy or related field of study. Experience of at least 15 years on similar assignments may be considered in lieu of the Master's degree. b) At least 10 years of professional experience in undertaking similar studies c) The consultant should have requisite knowledge and experience in policy and legislation development in Kenya 		100



3.3	<p>d) Experience in working with Government both at National and County level in policy and legislation development</p> <p>e) Experience conducting policy and legislative analysis</p> <p>f) Good organisational and communication skills to undertake stakeholder consultations and engagements</p> <p>g) Previous experience working with the government and/or development partners on Forestry, environment, climate change or related field is an added advantage</p> <p>h) Experience of at least two previous assignments of a similar nature in Kenya or another country with similar political and economic development processes to Kenya.</p> <p>i) Fluency in oral and written English is required.</p> <p>Other Technical Staff Qualifications</p> <p>The consultant Firm is required to provide other Technical Officers with following qualifications</p> <p>a) Bachelor's degree in Environmental Science, Forestry, Law, Environmental planning and management, Natural Resource Management, Public Policy or related field of study from a recognized University,</p> <p>b) At least five years' experience in engaging county or national government ministries, departments and agencies in the forestry or land sector</p> <p>c) Knowledge on climate change and forest sector policies and legislations</p> <p>d) Analytical skills with experience in undertaking policy or legislative analysis</p> <p>e) Excellent communication skills with the ability to express ideas clearly, concisely and effectively, both oral and in written</p> <p>f) Fluency in English and functional use of Kiswahili will be an added advantage.</p> <p>g) Experience in developing knowledge products such as policy briefs</p>		80
	Total for Section 3		300



Duration of the Work

This assignment is expected to take Two (2) Months

Application Process

Interested and qualified firms should submit their applications which should include the following:

Applications should be sent to bids.ke@undp.org to reach us not later than 10th October 2022 on or before 5.00 P.M (GMT+3.00)

Please quote - **RFP/UNDPKE/013/2022 (Consultancy on Baseline Study of County Forest Sector Legislation and develop draft policies for four (4) select Counties)** 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

DO NOT COPY ANY OTHER RECIPIENT



Annex 3

FORM FOR SUBMITTING SERVICE PROVIDER'S PROPOSAL⁸
TECHNICAL PROPOSAL

(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery⁹)

The Technical Proposal and the Financial Proposal files **MUST BE COMPLETELY SEPARATE**. The financial proposal shall be encrypted with different passwords and clearly labelled. The files must be sent to the dedicated email address bids.ke@undp.org

[insert: Location].

[insert: Date]

To: [insert: Name and Address of UNDP focal point]

Dear Sir/Madam:

We, the undersigned, hereby offer to render the following services to UNDP in conformity with the requirements defined in the RFP dated [specify date], and all of its attachments, as well as the provisions of the UNDP General Contract Terms and Conditions:

A. Qualifications of the Service Provider

The Service Provider must describe and explain how and why they are the best entity that can deliver the requirements of UNDP by indicating the following:

- a) *Profile – describing the nature of business, field of expertise, licenses, certifications, accreditations.*
- b) *Business Licenses – Registration Papers, Tax Payment Certification, etc.*
- c) *Track Record – list of clients for similar services as those required by UNDP, indicating description of contract scope, contract duration, contract value, contract references.*
- d) *Certificates and Accreditation – including Quality Certificates, Patent Registrations, Environmental Sustainability Certificates, etc.*
- e) *Written Self-Declaration that the firm is not in the UN Security Council 1267/1989 List, UN Procurement Division List or Other UN Ineligibility List.*

⁸ This serves as a guide to the Service Provider in preparing the Proposal.

⁹ Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes



Proposed Methodology for the Completion of Services

The Service Provider must describe how it will address/deliver the demands of the RFP; providing a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the local conditions and context of the work.

B. Qualifications of Key Personnel

Required by the RFP, the Service Provider must provide:

- a) Names and qualifications of the key personnel that will perform the services indicating who is Team Leader, who are supporting, etc.*
- b) CVs demonstrating qualifications must be submitted; and*
- c) Written confirmation from each personnel that they are available for the entire duration of the contract.*



Annex 4

FORM FOR SUBMITTING SERVICE PROVIDER'S PROPOSAL¹⁰ FINANCIAL PROPOSAL

(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery¹¹)

The Technical Proposal and the Financial Proposal files **MUST BE COMPLETELY SEPARATE**. The financial proposal shall be encrypted with different passwords and clearly labelled. The files must be sent to the dedicated email address bids.ke@undp.org

The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose Technical Proposal has been found to be technically responsive. Failure to provide correct password may result in the proposal being rejected.

A. Cost Breakdown per Deliverable*

Payment Modality:

Contractor must submit a financial proposal based in Kenya Shillings (KES) for elements related to the outlined methodology.

Payment terms:

Payment schedule for this assignment will be remitted in accordance with the following schedule:

No.	Deliverables <i>[list them as referred to in the RFP]</i>	Percentage of Total Price <i>(Weight for payment)</i>	Price - KES <i>(Lump Sum, All Inclusive)</i>
	Deliverables 1		
1	Inception baseline study report	15%	
2	Presentation of the final baseline study report	25%	
3	Preparation of Policy Brief	10%	
	Deliverable 2		
1	Draft policies for four county governments	20%	
2	Final Draft Policies for four county governments	30%	
	Total	100%	

**This shall be the basis of the payment tranches*

¹⁰ This serves as a guide to the Service Provider in preparing the Proposal.

¹¹ Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes



B. Cost Breakdown by Cost Component [*This is only an Example*]:

Description of Activity	Remuneration per Unit of Time	Total Period of Engagement	No. of Personnel	Total Rate
I. Personnel Services				
1. Services from Home Office				
a. Expertise 1				
b. Expertise 2				
2. Services from Field Offices				
a. Expertise 1				
b. Expertise 2				
3. Services from Overseas				
a. Expertise 1				
b. Expertise 2				
II. Out of Pocket Expenses				
1. Travel Costs				
2. Daily Allowance				
3. Communications				
4. Reproduction				
5. Equipment Lease				
6. Others				
III. Other Related Costs				

*[Name and Signature of the Service Provider's
Authorized Person]*

[Designation]

[Date]