TO: Prospective Applicants

ISSUE DATE: June 13, 2024

SUBJECT: RFA NO. RFA-LC-CLEAR-2024

REQUEST FOR APPLICATIONS: PREQUALIFICATION OF LEGAL CONSULTANTS FOR CLEAR+ PROGRAM

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<th>REQUEST FOR APPLICATION (RFA)</th>
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<td>RFA NUMBER: RFA No. RFA-LC-CLEAR-2024</td>
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<th>CLIENT: Global Communities</th>
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<td>PROGRAM: Cooperatives Leadership Engagement Advocacy and Research (CLEAR+)</td>
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<th>PREQUALIFICATION OF LEGAL CONSULTANTS</th>
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<tr>
<td>ISSUED BY: Global Communities</td>
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<tr>
<td>The Watermark Business Park, Karen Ndege Road, Karen</td>
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<td>PO Box 1661 Sarit Centre</td>
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<td>Nairobi 00606, Kenya</td>
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<td><a href="http://www.globalcommunities.org">www.globalcommunities.org</a></td>
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<td>APPLICATION DUE DATE: June 30, 2024</td>
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<td>QUESTIONS DEADLINE: June 21, 2024</td>
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This Request for Application contains the following sections:

| Part 1 | Instructions to Applicants |
| Part 2 | Evaluation Factors |
| Part 3 | Statement of Work |
| Part 4 Annexes | Annex A – Prequalification application form |
Background

Global Communities’ Cooperative Leadership Engagement Advocacy and Research (CLEAR)+ project (2023-2028), is a USAID funded Cooperative Development Program (CDP) aimed at advocating for the development of worker cooperatives with a focus on youth employment. CLEAR+ promotes cooperative policy reforms and improved business strategies and performance through local Business Service Providers (BSPs) using a market systems approach (MSA). The project is committed to integrating core principles such as gender equality and positive youth development (PYD) into cooperative development.

The CLEAR+ project has three primary objectives which work jointly to strengthen the Kenyan cooperative system.

- **Improved Enabling Environment for Cooperatives:** CLEAR+ seeks to improve the enabling environment for worker cooperatives by strengthening public awareness and understanding of the worker cooperative model; and improving policies and legal frameworks for cooperatives.
- **Strengthened Cooperative Capacity:** CLEAR+ strategically employs a market systems approach to strengthen worker cooperative capacity by supporting early-stage development of worker cooperatives and facilitating improved access to services through local Business Service Providers (BSPs) and cooperative developers.
- **Project Learning Applied in the Development Community:** Objective 3 seeks to encompass learning and research, contributing to the global knowledge management and documentation of worker cooperative impacts through a Worker Cooperative Toolkit for cooperatives and development practitioners.

CLEAR+ Objective I is committed to building on the successes of CLEAR Program (2018-2023) to support County Governments in Kenya using a demand-led approach to draft their cooperative policy and legislative frameworks and the provide technical assistance to National Government. The overall objective of this technical area is to support the creation of an enabling environment for cooperatives and preparation of learning briefs to document the lessons learnt on a rolling basis. To meet the desired targets, CLEAR+ seeks to engage a pool of pre-qualified policy and legislative drafting consultants who will enable the program simultaneously support counties and national government in the legislative drafting process and deliver specific results with accompanying learning briefs per task as assigned.

The purpose of this RFA is therefore to invite qualifying firms/individual consultant(s) desirous to provide legal consulting services to submit their application for prequalification.
Interested firms should submit their applications electronically in accordance with the language of the solicitation to the address specified. The Applications must be received no later than **June 30, 2024**.

Responding firms are advised that this solicitation does not in any way obligate Global Communities to compensate the responding firms/individual consultants for any costs associated with the preparation and submission of their applications.

Any questions or requests for information should be addressed in writing by no later than **June 21, 2024**, to procurementke@globalcommunities.org

Any information given to one prospective applicant concerning this solicitation will be furnished to all such applicants as an amendment of the solicitation.

Please e-mail Global Communities at procurementke@globalcommunities.org of your intent to propose at the earliest practicable date, so that we may anticipate the number of applications to be evaluated and also to enable Global communities to share with you on any subsequent correspondences regarding this RFA.

This RFA is open to interested applicants who meet the following mandatory requirements:

- a) Registered to do business in Kenya as a private entity or individual.
- b) Registered with Kenya Revenue Authority as individual or organization.
- c) Minimum of 5 years’ demonstrated experience in public policy and legislative drafting.
- d) Demonstrated experience in designing, implementing, and documenting high quality public policy and legislative drafting workshops.
- e) Experience in co-designing and co-creating policy and legislative learning materials for County or National Government.

**Part 1: Instructions to Applicants**

- a) Applicants are requested to submit an application for prequalification directly responsive to the terms, conditions, and clauses of this RFA and strictly in accordance with the Prequalification application form **(Annex A)**. Applications not conforming to this format may be categorized as unacceptable, thereby eliminating them from further consideration.
- b) Applications must remain valid for a period at least **12 months** from the date of submission.
- c) Applications should be submitted electronically - Internet email with up to 2 attachments (2MB limit) per email compatible with PDF, MS WORD, and Adobe Acrobat in a MS Windows environment to: procurementke@globalcommunities.org
d) All applications received in response to this solicitation will be reviewed strictly as submitted and in accordance with the evaluation criteria specified in Part 2, Evaluation Factors.

e) The person signing the application form must have the authority to commit the applicant to all the provisions listed in the application.

f) Global Communities is not obligated to pay for any costs incurred by the applicant in preparation of an application in response hereto.

g) Applicants are informed that Global Communities complies with U.S. Sanctions and Embargo laws and Regulations including Executive Order 13224 on Terrorist Financing, which effectively prohibit transactions with persons or entities that commit, threaten to commit or support terrorism. Any person or entity that participates in this bidding process, either as a prime or sub to the prime, must certify as part of the bid that he or it is not on the U.S. Department of Treasury Office of Foreign Assets Control (OFAC) Specially Designated Nationals (SDN) List and is eligible to participate. Global Communities shall disqualify any bid received from a person or entity that is found to be on the List or otherwise ineligible.

h) Firms or individuals that are included on the Excluded Parties List System (www.epls.gov) shall not be eligible for financing and shall not be used to provide any services contemplated by this RFA.

**Part 2: Evaluation Factors**

a. The evaluation factors presented below will serve as the basis upon which Applications will be evaluated. The relative weight accorded to each factor is expressed in points up to 100 points (60% Technical strength and 40 % Cost competitiveness and reasonableness).

b. Global Communities will evaluate all applications received based on the above evaluation criteria. This review may include follow-up questions as well as face to face interviews and further negotiation on the cost.

c. Application Evaluation Matrix per service category.

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<tr>
<th>A. Criteria</th>
<th>Maximum Score/Points</th>
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<tbody>
<tr>
<td>Technical Application</td>
<td></td>
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<tr>
<td>Technical understanding</td>
<td>15</td>
</tr>
<tr>
<td>Team Composition and Qualifications</td>
<td>10</td>
</tr>
<tr>
<td>Organizational/Individual Specialized competency</td>
<td>15</td>
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<tr>
<td>A. Criteria</td>
<td>Maximum Score/Points</td>
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<td>------------------------------------------------</td>
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</tr>
<tr>
<td>Experience/Performance/proposed value addition</td>
<td>20</td>
</tr>
<tr>
<td>Fee Structure</td>
<td>40</td>
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<tr>
<td>Cost competitiveness and reasonableness and justifications</td>
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<tr>
<td>Total Maximum Score</td>
<td>100</td>
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d. Global Communities will rank the applicants on the overall points obtained i.e. technical and financial score.

**Part 3: Statement of Work**

1. **Background**

Global Communities’ Cooperative Leadership Engagement Advocacy and Research (CLEAR)+ project (2023-2028), is a USAID funded Cooperative Development Program (CDP) aimed at advocating for the development of worker cooperatives with a focus on youth employment. CLEAR+ promotes cooperative policy reforms and improved business strategies and performance through local Business Service Providers (BSPs) using a market systems approach (MSA). The project is committed to integrating core principles such as gender equality and positive youth development (PYD) into cooperative development.

The CLEAR+ project has three primary objectives which work jointly to strengthen the Kenyan cooperative system.

I. **Improved Enabling Environment for Cooperatives**: CLEAR+ seeks to improve the enabling environment for worker cooperatives by strengthening public awareness and understanding of the worker cooperative model; and improving policies and legal frameworks for cooperatives.

II. **Strengthened Cooperative Capacity**: CLEAR+ strategically employs a market systems approach to strengthen worker cooperative capacity by supporting early-stage development of worker cooperatives and facilitating improved access to services through local Business Service Providers (BSPs) and cooperative developers.

III. **Project Learning Applied in the Development Community**: Objective 3 seeks to encompass learning and research, contributing to the global knowledge management and documentation of worker cooperative impacts through a Worker Cooperative Toolkit for cooperatives and development practitioners.

CLEAR+ Objective I is committed to building on the successes of CLEAR Program (2018-2023) to support County Governments in Kenya using a demand-led approach to draft their cooperative policy and legislative frameworks and the provide technical assistance to National Government. The overall objective of this technical area is to support the creation of an enabling environment for cooperatives and preparation of learning briefs.
to document the lessons learnt on a rolling basis. To meet the desired targets, CLEAR+ seeks to engage a pool of pre-qualified policy and legislative drafting consultants who will enable the program simultaneously support counties and national government in the legislative drafting process and deliver specific results with accompanying learning briefs per task as assigned.

The consultants will be taken through a rigorous knowledge-transfer induction as part of the on-boarding process to ensure continuity and standardization of the drafting approach. They will thereafter be brought up to speed on the cooperative sector developments to provide context for the task ahead.

2. Objective of assignment

a) To collaboratively assess and draft the County Cooperatives Policy, Bill, Regulations and Rules with the County Cooperative Development Departments and Technical Committees of the County Assembly on Cooperatives while ensuring to capture the aspirations and dreams for the growth and development of co-operatives in the counties.

b) To provide legal guidance to County Governments on the policy formulation process and the legislation procedure to enable fast-tracking of the approval process. This shall include provision of legal guidance on other program activities on need basis.

c) To attend and provide technical input at cooperatives legislation and policy related events at the national and county level or on bespoke assignments as shall be prescribed.

d) To provide technical assistance and advisory on legislative drafting in the national cooperative regulatory reform process.

e) To co-author or draft policy briefs, conference papers, opinion editorials, blogs and other learning products to capture lessons learned and provide recommendations for future consideration.

f) To build capacity of Cooperatives B supported by the CLEAR+ project in matters governance, provision of legal opinions on matters, registration of societies, formation of federations and drafting of by-laws.

3. Scope of work

CLEAR+ Objective I seeks technical coverage in the following areas and assignments will be tasked to successful individuals or firms based on expertise, strengths, availability and ability to deliver quality within the specified statements of work:

a) Review of model frameworks to align with the National Cooperative Policy and Legislation upon enactment of the Bill.

b) Technical capacity strengthening to County Governments on the amended Cooperative legislations.

c) Technical assistance to County Governments in developing the county specific cooperative bill.
d) Technical assistance to harmonize existing County Cooperative Policies and Legislation with the National Frameworks.

e) Technical capacity strengthening to County Governments on the roles and responsibilities.

f) Technical support in developing and/or reviewing the county cooperative draft bill.

g) Support documentation of best practices in cooperatives sector in Kenya through development of position papers and policy briefs on emerging issues in the cooperatives sector.

h) Support preparation and facilitation of the cooperatives sector intergovernmental forums.

i) Technical capacity strengthening towards drafting of national regulations to create an enabling environment for worker cooperatives.

j) Attend and provide feedback in policy-related forums as assigned by Project Director to advocate for the worker cooperative model and contribute towards overall enabling environment deliberations.

4. Consultant Responsibilities and Deliverables

The consultants will have the following responsibilities:

a) Facilitate extensive discussions on the salient clauses of the model cooperative policy and bill to get consensus with the county cooperative officials.

b) Facilitate technical consultative forums with the counties’ legal teams and other departments if a policy or legislative proposal impacts on the department’s legislation, or where a policy or legislative proposal involves policy considerations for which another department is responsible.

c) Propose recommendations to resolve any problems that may arise out of the policy recommendations and harmonize any departmental conflicts in content and policy.

d) Draft and incorporate any amendments agreed upon at various approval stages and certify that the assent copies are accurate as debated and passed.

e) Ensure that the draft legislative instruments conform to the letter and spirit of the Constitution of Kenya, 2010.

f) Amend and update the model worker cooperative by-laws to align with the provisions of the reviewed legislative frameworks.

g) Prepare and submit to Global Communities learning briefs, legal opinions, and best practice learning products per assignment.

h) Participation in CLEAR+ program activities on need basis. These include learning exchange forums, County cooperatives forum, intergovernmental engagement forums, review of national cooperatives policies and legislation, among others.

i) Support cooperatives to understand, design and advance their by-laws and legal structures to optimize the cooperative business model.

j) Make tax refund where applicable to Global Communities upon receipt of approved exemption certificate from Kenya Revenue Authority (KRA).

k) Prepare and submit to Global Communities an end of assignment report that should indicate what was done, any challenges faced, lessons learnt and recommendations as applicable.
5. Responsibility for Global Communities

a) Facilitate assignment-specific kick-off meetings to provide background and clarify expectation of deliverables and related timelines.
b) Provide linkage between the consultants, the National and County Governments’ legal and cooperative teams.
c) Directly book for accommodation and travel arrangements of the consultants to and from any workshop venues.
d) Where necessary, provide technical input through participation in the workshops as well as review of the report and learning products submitted by the consultants.
e) Directly pay the contracted fees to the legal consultants; (Payment will factor the income tax requirements relating to withholding tax).
f) Review the end of assignment report as submitted by the consultants.

6. Minimum qualifications required.

a) Minimum of 5 years’ demonstrated experience in public policy and legislative drafting.
b) Advocate of the High Court of Kenya with a current, valid practicing certificate will be an added advantage.
c) Fluency in spoken and written English and Kiswahili.
d) Experience in designing, implementing, and documenting high quality public policy and legislative drafting workshops.
e) Strong leadership, advocacy, consensus-building, teamwork, and capacity strengthening skills.
f) Experience in co-designing and co-creating policy and legislative learning materials.
g) Experience working with donor-funded programs. Experience working with USAID-funded Programs will be an added advantage.
h) General experience of working with the County Governments. Experience supporting County Government policy and legislative drafting is added advantage.
i) Experience working within the Kenyan cooperative sector will be an added advantage.
j) Operational knowledge of the National and County policy and legislative environment in the Kenyan Cooperative sector shall also be added advantage.

-END OF RFA-