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**STATE DEPARTMENT FOR YOUTH AFFAIRS & CREATIVE ECONOMY**

**NATIONAL YOUTH OPPORTUNITIES TOWARDS ADVANCEMENT**

**(NYOTA)**

**Project Reference: P179414**

**TERMS OF REFERENCE (TOR)**

**FOR A**

**PROCUREMENT CONSULTANT**

**REF No. KE-SDYA-429063-CS-INDV**

**SEPTEMBER, 2024**

1. **Background**

The Government of Kenya, in partnership with the World Bank, is supporting Youth Employment in all the Counties of Kenya through the National Youth Opportunities Towards Advancement (NYOTA) Project. The project development objective of NYOTA is to increase employment, earnings and promote savings for targeted youth at a national scale. There are 2.4 million youth aged 18-29 among the poorest 40 percent of Kenyans who fulfil one or more of these criteria. Such youth face exclusions and are often unable to access government sponsored jobs programs. As such, the project will cover approximately 35 percent of this pool.

The NYOTA Project is expected to impact 800,000 vulnerable youth across all 47 counties of Kenya including refugees in the counties of Garissa and Turkana. The project beneficiaries are youth aged 18-29 and 35 years for Persons with Disabilities (PWDs), with little or no education,who are unemployed, underemployed, or in low-tier employment with very low earnings. The project is anchored on a solid premise that better employment outcomes are realized when there are more jobs with better pay, better protection and better earnings, and more inclusive jobs for disadvantaged groups of youth.

# **Project Description**

NYOTA project aims to support better employment outcomes and improved savings through integrated interventions that address the myriad of constraints that the youth face. **Component 1** of the project focuses primarily on labor supply side constraints and offers **knowledge transfer and skills development in addition to intermediation related initiatives**. The component also addresses childcare related constraints for young mothers. **Component 2** focuses on the labor demand side constraints and facilitates **youth with aptitude for entrepreneurship with development on core business skills and provides them with seed money to start or expand their businesses**. It also supports social enterprises to provide similar support to the hard-to-serve youth. **Component 3** of the project focuses on **enhancing savings opportunities** among targeted youth, and **Component 4** supports **strengthening of youth employment systems and project management.**

# **Institutional Arrangements**

The MoYACES will be responsible for the overall implementation and supervision of the project. In addition to coordinating the overall implementation of all the components, will lead the implementation of Component 1. Additionally on Component 1, the State Department of Labor and Skills Development (SDL&SD), National Industrial Training Authority (NITA) and National Employment Authority (NEA) will implement those parts for which they have the mandate. Micro and Small Enterprises Authority (MSEA) will take the lead in implementing Component 2 and NSSF will take the lead in supporting Component 3. Under component 4, the State Department for Micro, Small and Medium Enterprise Development (SD-MSMED) will be responsible for development of M&E system for catalytic funds. MoYACES will work closely with Department of Refugee Services (DRS) and United Nations High Commissioner for Refugees (UNHCR) on the Window for Host Communities and Refugees (WHR) components implemented in the refugee hosting areas.

# **Objective of the Assignment**

The objective of the consultancy is to provide technical assistance to the implementing agencies and to increase efficiency in processing of procurement and management of contracts under the NYOTA Project through:

1. Ensuring that proper documentation is prepared in accordance with the World Bank’s and Government procurement regulations, guidelines and procedures;
2. Supporting and strengthening of the structures for procurement implementation and management in the project executing agencies; and
3. Provision of direct and just-in-time technical procurement support to the Implementing Agencies and procurement staff to enable them effectively carry out the activities included in the procurement plan.
4. **Scope of Assignment**
5. Provide guidance and assistance in procurement of goods, works and consulting services in compliance with the World Bank Regulations and as appropriate with the Government of Kenya procurement regulations in collaboration with the technical team and more specifically to:
6. Prepare, consolidate and monitor Procurement Plans;
7. Develop invitations for bids (IFB), requests for expressions of interest (ROEI) and Terms of Reference (TOR) for all procurement activities;
8. Prepare bidding documents for Goods, Works and Non-consulting services and Request for Proposals in conformance with the World Bank Regulations as well as the GoK procurement regulations where applicable;
9. Prepare evaluation criteria, templates and guidelines;
10. Ensure quality of evaluation reports before they are submitted to the World Bank for review and approval;
11. Draft contracts, support contract signing and monitor contract implementations; and
12. Prepare and submit procurement status reports and performance reviews.
13. Build the capacity of staff on procurement and contract management including World Bank's procurement policies and Regulations.
14. Interpret and provide advisory to the project team in technical, commercial and legal aspects of procurement management.
15. The Consultant may also be called upon to attend project meetings to discuss processes which are affected by (or will depend on) procurement processes.
16. Any other related assignment by the National Project Manager.
17. **Location**

The procurement Consultant will be based at the PMU, within the Ministry of Youth Affairs, Creative Economy and Sports, Head Quartered in Nairobi, with site visits to various parts of the country.

1. **Timeframe and Reporting**

The Consultant will be engaged for 180 days distributed for a period of 24 months based on the deliverables and agreed Consultancy days within a calendar year by the Client.  The contract period will be renewed subject to satisfactory performance or on need basis. The Consultant will report to the National Project Manager.

The assignment will commence immediately after signing of the contract.

1. **Minimum Qualifications & Competencies**
2. A Master’s degree in Procurement, Engineering, Law, Finance, Business management/administration, Commerce or any other related field from an institution/University recognized in Kenya;
3. At least five (5) years of direct relevant work experience as Procurement Consultant or alternatively, having had responsibilities with a substantial content of his/her position in the procurement area, 3 years of which should have been in World Bank or other donor funded projects;
4. Good knowledge of concepts, principles and approaches in international procurement, and public procurement systems;
5. Knowledge and understanding of technical, commercial and legal aspects of procurement at all phases of World Bank and other donors lending operations;
6. Demonstrated analytical clarity, problem-solving skills and negotiating skills with ability to balance project objectives and procurement requirements with client needs;
7. Exceptional degree of integrity, judgment and tact in handling the most sensitive, diverse and confidential material;
8. Knowledge and experience in government Public Procurement and Disposal Act (PPADA) and Public Procurement and Asset Disposal Regulations (PPADR)
9. Knowledge and experience in the World Bank procurement system, Systematic Tracking of Exchanges in Procurement (STEP) is desirable.
10. **Facilities to be Provided by the Client**

The MoYACES and other implementing agencies will provide:

1. Working space;
2. All relevant project documents;
3. Component Procurement plans; and
4. Copies of the following documents:
   1. World Bank’s "World Bank procurement regulations for Borrowers, July 2016 and updated Sept 2023 (fifth edition), updated version
   2. Government Public Procurement and Disposal Act (PPADA) and Public Procurement and Asset Disposal Regulations (PPADR) updated versions;
   3. NYOTA Financing Agreement.
   4. NYOTA PAD; and
   5. NYOTA Disbursement Instructions.
5. **Payment Schedule/ Remuneration**

The Consultant is expected to perform the above-mentioned tasks on a call basis to the satisfaction of the Client or the client’s representative. The Consultant will be remunerated based on a daily rate, which will be negotiated with the successful candidate during the contract negotiations. Remuneration will be based on national competitive rates, commensurate with the selected candidate’s area of expertise and work experience provided s/he has satisfactorily fulfilled all requirements.

1. **Confidentiality and Propriety Rights of Client in Reports and Records**

All the reports, data, and information developed, collected, or obtained from the implementing agencies, Client and other Institutions during this exercise shall belong to the Client. No use shall be made of them without prior written authorization from the Client.

At the end of the contract period, the Consultant shall relinquish all data, manuals, reports, and information (including the database, codes, and related documentation) to the Client and shall make no use of them in any other assignment without prior written authority from the Client.

1. **Complete Application Documents**

Applications accompanied with detailed Curriculum vitae and copies of relevant documents and testimonials should be submitted in a plain sealed envelope, clearly marked with the contract reference number and title of the consultancy in two sets with Sealed financial proposal labelled ‘FINANCIAL PROPOSAL’ sent or delivered to the address below: and deposited to the Tender Box at Bruce House, 3rd Floor.

**The Principal Secretary**,

State Department for Youth Affairs and Creative Economy

Bruce House 3rd Floor, Standard Street,

P.O. Box 34303-00100

**NAIROBI, KENYA**