



Ministry of Tourism and Wildlife
State Department for Wildlife
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Tender Document

**Request for Proposal (RFP) for Consultancy Services
to Review the Wildlife Conservation and
Management Act, No. 47 of 2013**

TENDER NO. SDW/RFP/001/2020-2021

**Tender Closing date: 29th September, 2020
Time: 12.00 am Local time**

TENDER NO. SDW/RFP/001/2020-2021

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INTRODUCTION

1. This standard Request for Proposals for selection of individual professional consultants has been prepared for use by public entities in Kenya. It has been found necessary for selection of individual consultants who are also regulated by their professional institutions or associations as opposed to selection of consultants who could be either individuals or body corporate.
2. This Request for proposals will be used for open tendering, restricted tendering or request for proposals.
3. The general conditions of contract in the Standard Contract Form should not be modified and instead the special conditions of the contract may where necessary be modified by the State Department for Wildlife, for use, to reflect the unique circumstances of the particular assignment.

SECTION I- LETTER OF INVITATION



MINISTRY OF TOURISM AND WILDLIFE State Department for Wildlife

Request for Proposal (RFP) for Consultancy Services to Review the Wildlife Conservation and Management Act, No. 47 of 2013

1. Background

The Ministry of Tourism and Wildlife, State Department for Wildlife wishes to engage the services of a Consultant to carry out a comprehensive review of the Wildlife Conservation and Management Act, No. 47 of 2013.

2. Objective

The objective is to undertake a comprehensive review of the Wildlife Conservation and Management Act, 2013 (No. 47 of 2013) and develop a draft Bill of the same.

3. Scope of Work /Activities

a) Legislative Drafting

- i. Prepare an inception report clearly detailing proposed approach, methodology and data collection tools to be used in executing the assignment.
- ii. Undertake a comprehensive review and analyze the existing legal framework and identify the weaknesses, shortcomings and the gaps in the existing Wildlife Conservation and Management Act (No. 47) of 2013.
- iii. Study the new Wildlife Policy 2020 and identify aspects to be included in the New Wildlife Bill.
- iv. Conduct a comparative analysis of wildlife laws (*statutes*) and provide recommendations in line with best international practices.
- v. Prepare and present a comprehensive work plan for the development of draft Bill, including the consultative process, and resultant budgetary expectations.
- vi. Draft the Wildlife Conservation and Management Bill.

vii. Duration of the consultancy is **six (6) months**

b) **Coordination and Facilitation**

- i. Liaise with the State Department for Wildlife (SDW) in coordination and facilitation of the Wildlife Conservation and Management Bill process.
- ii. Facilitate consultative sessions, forums and workshops organized by the SDW.

4. Qualification and Experience

Interested consultant should have a minimum of a Master's degree in Environmental Law, with experience in legislative drafting, be an Advocate of the High Court of Kenya with at least 15 years relevant experience, should have good communication skills, have ability to work within tight deadlines, and demonstrate experience in similar assignments within the Natural Resources Sector.

The consultant should provide a pin certificate, valid tax compliance certificate and physical address.

Selection of the Consultant will be in accordance with procedures set out in the Public Procurement and Disposal Act, 2015 and the Public Procurement and Disposal Regulations, 2020.

The complete set of tender documents containing detailed Terms of Reference may be obtained from the Ministry of Tourism and Wildlife website (www.tourism.go.ke) or the National Treasury suppliers' portal (www.treasury.go.ke).

Prices quoted must be net inclusive of all taxes and delivery must be in Kenya shillings and shall remain valid for 120 days from the closing date of the tender.

Duly completed set of RFP document in plain sealed envelopes clearly marked RFP No.SDW/1/2020-2012: "**Provision of Consultancy Services for Review of the Wildlife Conservation and Management Act, 2013**" and bearing no indication of the identity of the Consultant should be addressed to **The Principal Secretary, State Department for Wildlife, P. O. Box 41394 – 00100 Nairobi**, and be deposited into the tender box at the reception of State Department for Wildlife, NSSF Building, Block-A, Eastern Wing, 15th Floor, on or before 12:00 Noon, on 29th September, 2020. The proposals shall be

enclosed in different envelopes clearly marked **technical** and **financial** proposals.

Technical Proposals will be opened immediately thereafter in the presence of Consultants or their representatives who choose to attend.

Principal Secretary
State Department for Wildlife

SECTION II - INFORMATION TO CONSULTANTS

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SECTION II - INFORMATION TO CONSULTANTS

2.1 Introduction

- 2.1.1 The State Department for Wildlife will select an individual consultant among those invited to submit proposals or those who respond to the invitation for proposals in accordance with the method of selection detailed under this section and consistent with the regulations.
- 2.1.2 The consultants are invited to submit a technical proposal and a financial proposal for consulting services required for the assignment stated in the letter of invitation (Section I)
- 2.1.3 In the assignment where the State Department for Wildlife intends to apply standard conditions of engagement and scales of fees for professional services, which scale of fees will have been approved by a relevant authority, a technical proposal only may be invited and submitted by the consultants. In such a case the highest ranked individual consultant in the technical proposals shall be invited to negotiate a contract on the basis of the set scale of fees. The technical proposals will be the basis for contract negotiations and ultimately for a signed contract with the selected individual consultant.
- 2.1.4 The consultants must familiarize themselves with local conditions as regards the assignment and take them into account in preparing their proposals. To obtain adequate information on the assignment and on the local conditions, consultants are encouraged to liaise with the State Department for Wildlife regarding any information that they may require before submitting a proposal.
- 2.1.5 The State Department for Wildlife will provide the inputs and services specified in the special conditions of contract needed to assist the individual consultant to carry out the assignment.
- 2.1.6 The cost of preparing the proposal and negotiating the contract including any visit to the State Department for Wildlife are not reimbursable as a direct cost of the assignment. The State Department for Wildlife is not bound to accept any of the proposals submitted.
- 2.1.7 The State Department for Wildlife's employees, committee members, board members and their relative (spouse and children) are not eligible to participate in the tender.

2.2 Clarification and amendment to the RFP documents

- 2.2.1 Individual consultant may request clarification of any of the RFP documents not later than Seven (7) days before the deadline for the submission of the proposals. Any request for clarification must be sent in writing by post, fax or email to the State Department for Wildlife's address indicated in the special conditions of contract. The State Department for Wildlife will respond by post, fax or email to such requests and will send written copies of the response (*including an explanation of the query but without identifying the source of inquiry*) to all individual consultants invited to submit proposals.
- 2.2.2 At any time before the deadline for submission of the proposals, the State Department for Wildlife may for any reason, either at its own initiative or in response to a clarification requested by an intended individual consultant amend the RFP. Any amendment shall be issued in writing, fax or email to all invited individual consultants and will be binding on them. The State Department for Wildlife may at its discretion extend the deadline for the submission of the proposals.
- 2.2.3 Clarification of tenders shall be requested by the tenderer to be received by the State Department for Wildlife not later than 7 days prior to the deadline for submission of tenders.
- 2.2.4 The State Department for Wildlife shall reply to and clarifications sought by the tenderer within 3 days of receiving the request to enable the tenderer to make timely submission of its tender.

2.3 Preparation of proposals

- 2.3.1 The individual consultant's proposal shall be written in English language.
- 2.3.2 In preparing the Technical proposal, the individual consultants are expected to examine the documents consisting the RFP in detail. Material deficiencies in providing the information requested may result in rejection of a proposal.

2.3.3 While preparing the Technical proposal, the individual consultant must give particular attention to the following:

- (a) If an individual consultant considers that he/she does not have all the expertise required for the assignment, he/she may suggest in the proposals other individual(s) who will assist in the assignment but they will not be party to the contract for the purpose of the performance of the assignment. An individual consultant will not propose other individual consultants invited to submit proposals for the assignment. Any individual consultant in contravention of this requirement shall automatically be disqualified.
- (b) For all the staff who will be involved in the exercise of the proposals to consultant must indicate their responsibility in the assignment and also the staff time as necessary.
- (c) The curriculum vitae (CV) of the staff proposed must be submitted with the proposal.

2.3.4 The Technical proposal shall provide the following information;

- (a) the individual consultant's CV and a brief of any recent experience of assignment of a similar nature. For each assignment the brief should indicate the profiles of staff involved, contract amount and the individual consultant's involvement.
- (b) Any comments or suggestions on the Terms of Reference and a list of service and facilities requested to be provided by the State Department for Wildlife.
- (c) A description of the methodology and work plan for performing the proposed assignment.
- (d) Any additional information requested in the special conditions of contract.

2.3.5 The Technical proposal shall be separate from the Financial proposal and shall not include any Financial information.

2.4 **Financial proposal**

2.4.1 In preparing the financial proposal, the individual consultants are expected to take into account the time required in completing the assignment as outlined in the RFP documents. The financial proposal will therefore be quoted in fees per day or month. The financial

proposal may also include other costs as necessary, which will be considered as reimbursable.

2.4.2 The Financial proposal should include the payable taxes.

2.4.3 The fees shall be expressed in Kenya Shillings.

2.4.4 The Financial proposal must remain valid for 120 DAYS after the submission date. During this period the individual consultant is expected to keep available at his own cost any staff proposed for the assignment. The State Department for Wildlife will make best efforts to complete negotiations within this period. If the State Department for Wildlife wishes to extend the validity period of the proposals, the consultants who do not agree, have the right not to extend the validity of their proposals.

2.4.5 The financial proposal must comply with the law governing the profession of the consultant.

2.5 Submission, Receipt and opening of proposals

2.5.1 The technical proposal and the financial proposal shall be prepared in indelible ink. It shall contain no interlineations or overwriting, except as necessary to correct errors made by the individual consultants. Any such corrections must be initialed by the individual consultant.

2.5.2 For each proposal the individual consultants shall prepare the proposals in the number of copies indicated in the special conditions of contract. Each Technical proposal and Financial proposal shall be marked “ORIGINAL” or “COPY” as appropriate. If there are any discrepancies between the original and the copies of the proposal, the original shall govern.

2.5.3 The original and all copies of the Technical proposal shall be placed in a sealed envelope clearly marked “TECHNICAL PROPOSAL”, and the original and all copies of the financial proposal in a sealed envelope duly marked “FINANCIAL PROPOSAL”. Both envelopes shall be placed in an outer envelope and sealed. This outer envelope shall bear the procuring entities address and other information indicated in the appendix to the instructions to consultants and clearly marked “DO NOT OPEN before *(Tuesday, 29th September, 2020 at 12:00 hrs E.A.T*

2.5.4 The completed Technical and Financial proposals must be delivered at the submission address on or before the time and date of the submission of the proposals indicated in the appendix to the instructions to consultants. Any proposals received later than the closing date for submission of proposals shall be rejected and returned to the individual consultant unopened. For this purpose, the inner envelope containing the technical and financial proposals will bear the address of the individual consultant submitting the proposals.

2.5.5 After the deadline for submission of proposals the outer envelope and the technical proposals shall be opened immediately by the opening committee. The financial proposals shall be marked with the individual consultants number allocated at the time of opening the outer envelope and the technical proposals but shall remain sealed and in the custody of a responsible officer of the State Department for Wildlife up to the time set for opening them.

2.6 Evaluation of the Proposal (General)

2.6.1 From the time the proposals are opened to the time of the contract award, if any individual consultant wishes to contact the State Department for Wildlife on any matter relating to his/her proposal, he/she should do so in writing at the address indicated in the appendix to the instructions to consultants. Any effort by an individual consultant to influence the State Department for Wildlife's staff in the evaluation of proposals companion proposals or awards of contract may result in the rejection of the individual consultant proposal.

2.6.2 The proposal evaluation committee shall have no access to the Financial Proposal, which in any case will remain sealed, until the technical evaluation is concluded or finalized.

2.7 Evaluation of Technical Proposals

2.7.1 The evaluation committee appointed by the State Department for Wildlife to evaluate the proposals shall carry out the evaluation of technical proposals following the criteria set out in the terms of reference based on the following points criteria

	<u>CRITERIA</u>	<u>POINTS</u>
(i)	CV of the individual consultant	30
(ii)	specific experience of the individual consultant related to the assignment	30
(iii)	adequacy of methodology and work plan in response to the Terms of reference	<u>40</u>
	Total points	100

2.7.2 Any proposal which will be examined and found not to comply with all the requirements for submission of the proposals will be declared non responsive. All the proposals found to have complied with all the requirements for submission of proposal shall be declared responsive by the evaluation committee

2.7.3 Each responsive proposal will be given a technical score (ST). any technical proposal which fails to achieve the total minimum score indicated in the appendix to the information to tenderers shall be rejected at this stage and will not proceed to the next stage of evaluation. The respective financial proposal will be returned to the individual consultant unopened.

2.8 Opening and Evaluation of Financial Proposals

2.8.1 After completion of the evaluation of Technical proposals the State Department for Wildlife shall notify the individual consultants whose proposal did not meet the minimum technical score or were declared non responsive to the RFP and terms of reference. The notification will indicate that their financial proposals shall not be opened and will be returned to them unopened after the completion of the selection process and contract award. At the same time, the State Department for Wildlife shall simultaneously notify the consultants who have secured the minimum technical score that they have passed the technical qualifications and inform them the date and time set by the State Department for Wildlife for opening their financial proposal. They will also be invited to attend the opening ceremony if they wish to do so.

2.8.2 The financial proposals shall be opened by the State Department for Wildlife in the presence of the individual consultants who choose to attend the opening. The name of the individual consultant, the technical score and the proposed fees shall be read out aloud and recorded. The

evaluation committee shall prepare minutes of the opening of the financial proposals.

2.8.3 The formulae for determining the financial score (SF) unless an alternative formula is indicated in the appendix to the information to tenderers shall be as follows:

$Sf = 100 \times fm/f$ where

- Sf is the financial score
- Fm is the lowest fees quoted and
- F is the fees of the proposal under consideration.

The lowest fees quoted will be allocated the maximum score of 100

2.8.4 The individual consultants proposals will be ranked according to their combined technical score (st) and financial score (sf) using the weights indicated in the appendix to the instructions to consultants. Unless otherwise stated in the appendix to the instructions to consultants the formula for the combined scores shall be as follows;

$$S = ST \times T\% + SF \times P\%$$

Where

- S, is the total combined scores of technical and financial scores
- St is the technical score
- Sf is the financial score
- T is the weight given to the technical proposal and
- P is the weight given to the financial proposal

Note P + T will be equal to 100%

The individual consultant achieving the highest combined technical and financial score will be invited for negotiations.

2.9 Negotiations

2.9.1 Negotiations will be held at the same address indicated in the appendix to the information to consultants. The purpose of the negotiations is for the State Department for Wildlife and the individual consultant to reach agreements on all points regarding the assignment and sign a contract.

2.9.2 The negotiations will include a discussion on the technical proposals, the proposed methodology and work plan, staff and any suggestions made by the individual consultant to improve the Terms of reference. The agreed work plan and Terms of reference will be incorporated in the description of the service or assignment and form part of the contract.

2.9.3 The negotiations will be concluded with a review of the draft contract. If negotiations fail, the State Department for Wildlife will invite the individual consultant whose proposal achieved the second highest score to negotiate a contract.

2.10 Award of Contract

2.10.1 The contract will be awarded before commencement of negotiations. After negotiations are completed the State Department for Wildlife will promptly notify the other individual consultants that they were unsuccessful and return the financial proposals of the individual consultants who did not pass technical evaluation.

2.10.2 The selected individual consultant is expected to commence the assignment on the date indicated in the appendix to the information to consultants or any other date agreed with the State Department for Wildlife.

2.11 Confidentiality

2.11.1 Information relating to evaluation of proposals and recommendations of contract award shall not be disclosed to the individual consultants who submitted the proposal or to other persons not officially concerned with the process, until the winning individual consultant has been notified that he/she has been awarded the contract.

SECTION III - TERMS OF REFERENCE (TOR)



REPUBLIC OF KENYA

MINISTRY OF TOURISM & WILDLIFE
State Department for Wildlife

**Request for Proposal to Review of the Wildlife Conservation and
Management Act, No. 47 of 2013**

Terms of Reference

1.0 INTRODUCTION

The Government in recognition that wildlife is an important driver of socio-economic development and provides irreplaceable ecological, cultural, economic and social value to the people of Kenya, established the State Department for Wildlife (SDW) for effective coordination, governance and sector development, vide Executive Order No. 1 of June 2018 on Organization of the Government of the Republic of Kenya. To realize the Government Vision on wildlife, the State Department developed the National Wildlife Strategy 2030, that is aligned with the Constitution of Kenya 2010 and Kenya Vision 2030. Further, the Department embarked on the development of a new Wildlife Policy that was approved by the Cabinet on 19th March 2020, and allocated Sessional Paper No. 01 of 2020 by the National Assembly. This *Wildlife Policy 2020* proposes institutional and legal reforms in the wildlife sector and significantly, the policy proposes the strengthening and expansion of the State Department for Wildlife to provide stewardship in the wildlife sector.

2.0 JUSTIFICATION

Upon the approval of the Wildlife Policy 2020, the Cabinet directed the Cabinet Secretary for Tourism and Wildlife jointly with the Attorney General to undertake comprehensive review of the Wildlife Conservation and Management Act, 2013 (No. 47 of 2013) to give effects to the Wildlife Policy 2020. It is upon this directive that the Ministry has initiated the process of undertaking a comprehensive review of the WCMA 2013 to ensure effective and efficient service delivery, and enlarge opportunities for wildlife sub-sector growth.

The Ministry of Tourism and Wildlife is seeking for a qualified Consultant to undertake a comprehensive review of the Wildlife Conservation and Management Act, 2013 (No. 47 of 2013) and develop a Bill for presentation to Cabinet and the National Assembly.

3.0 DUTIES AND RESPONSIBILITIES / TASKS

- i. Undertake a comprehensive review and analyze the existing legal framework and identify the weaknesses, shortcomings and the gaps in the existing Wildlife Conservation and Management Act (No. 47) of 2013;
- ii. Study the new Wildlife Policy 2020 and identify aspects to be included in the New Wildlife Bill;
- iii. Conduct a comparative analysis of wildlife laws (statutes) and provide recommendations in line with best international practices;
- iv. Prepare and present a comprehensive work plan for the development of draft Bill, including the consultative process, and resultant budgetary expectations;
 - The proposed Consultative forums are at least five(5) regional stakeholders consultation forums to be conducted in Nairobi, Mombasa, Nakuru, Embu and Kisumu
 - Two five days' retreats will be organized for the steering committee. The 1st retreat will formulate and provide the overall

framework and guidance for the bill. The 2nd retreat will review and finalize the bill for submission to the stakeholder validation workshop and Parliament

- A 1-day stakeholders' validation workshop will be conducted in Nairobi.

- v. Implement the approved Work Plan;
- vi. Using the results of i – v above, prepare and present the Wildlife Conservation and Management draft Bill 2020 to the Ministry of Tourism and Wildlife.

4.0 EXPECTED DELIVERABLES

- a) An interim report on the reviews and gap analysis of existing policies, legislations and legal frameworks relevant to wildlife conservation and management in the country.
- b) A draft Bill for the effective conservation and management of wildlife and their ecosystems in the country.
- c) An implementation strategy for the Wildlife Conservation and Management Bill 2020 with key performance indicators, timelines, and resultant budgetary requirements.

5.0 PROFILE OF THE CONSULTANT

The Consultant should have the following qualifications:

- i. A minimum of a Masters degree in Environmental Law;
- ii. An Advocate of the High Court of Kenya with at least 15 years relevant experience;
- iii. Should have good communication skills;
- iv. Ability to work collaboratively with diverse teams;
- v. Conflict resolution skills and an ability to work within tight deadlines;

6.0 EXPERIENCE

- a) At least fifteen (15) years' experience in environmental law practice,

- b) Having worked with stakeholders in the wildlife sector and has knowledge of Kenya's wildlife conservation policy and legal framework.
- c) Has experience in mediation and negotiation skills
- d) Has experience in legal drafting.
- e) Previous work with stakeholders in the natural resources sector will be an added advantage

7.0 DURATION

- Six months

8.0 SCOPE OF FINANCIAL PROPOSAL AND SCHEDULE OF PAYMENT

1. Financial Proposal

Proposals should be broken down to include all costs that could possibly be incurred by the consultant, including relevant taxes.

2. Payment

Payment shall therefore be made according to the following deliverables:

- i. Thirty per cent (30%) after the submission and the acceptance of the Inception report;
- ii. Thirty per cent (30%) after the submission and the acceptance of the draft reports and draft Wildlife Bill;
- iii. Forty per cent (40) after the submission and the acceptance of the final Wildlife Bill and implementation road map.

SECTION IV - TECHNICAL PROPOSAL (TP)

Notes on the Preparation of Technical Proposal

The technical proposal shall be prepared and submitted by the consultants.

It shall contain the following:-

- (a) Submission letter
- (b) Particulars of the consultant including Curriculum vitae (CV)
- (c) Comments and suggestions of the consultant on the terms of reference, personnel, facility and other requirements to be provided by the State Department for Wildlife.
- (d) Description of the methodology and work plan for performing the assignment
- (e) Any proposed staff to assist in the assignment
- (f) Consultancy services activities times schedule.

(to be prepared by the consultant as appropriate)

SECTION V- FINANCIAL PROPOSAL (FP)

Notes on the Preparation Financial Proposal

The financial proposal shall be prepared and submitted by the consultants. It shall contain the following.

- (a) Submission letter indicating total fees
- (b) Summary of costs
- (c) Breakdown of fees per activity
- (d) Breakdown of reimbursable costs/expenses per activity
- (e) Miscellaneous expenses

(to be prepared by the consultant as appropriate)

SECTION VI - STANDARD CONTRACT FORM

INDIVIDUAL PROFESSIONAL CONSULTANTS

(Lump-sum payment)

The contract form shall be completed by the State Department for Wildlife after the award of the contract and negotiation of the contract. It will be signed by both parties pursuant to the information to consultants clause 2.10.2

SECTION VI - STANDARD CONTRACT FORM

1. STANDARD CONTRACT FORM

**INDIVIDUAL PROFESSIONAL CONSULTANTS
(lump-sum payments)**

This Agreement, [hereinafter called “the Contract”) is entered into this _____
_____ [insert starting date of assignment], by and between.

_____ [insert Client’s name] of [or whose
registered office is situated at] _____ [insert
Client’s address] (hereinafter called “the Client”) of the one part AND

_____ [insert Consultant’s name] of
[or whose registered office is situated at] _____
_____ [insert Consultants address] (hereinafter called “the Consultant”) of the
other part.

WHEREAS the Client wishes to have the Consultant perform the services
[hereinafter referred to as “the Services”, and

WHEREAS the Consultant is willing to perform the said Services,

NOW THEREFORE THE PARTIES hereby agree as follows:-

1. **Services**
 - (i) The Consultant shall perform the Services specified in Appendix A, “Terms of Reference and Scope of Service, “which is made an integral part Of this Contract.
 - (ii) The Consultant shall provide the personnel listed Appendix B, “Consultant’s Personnel,” to perform the Services.
 - (iii) The Consultant shall submit to the Client the reports in the form and within the time periods specified in Appendix C, “ Consultant’s Reporting Obligations.”

(Appendices A, B, and C to be prepared as appropriate)

2. **Term** The Consultant shall perform the Services during the period commencing on _____ [insert starting date] and through to _____ [insert completion date], or any other period(s) as may be subsequently agreed by the parties in writing.

3. **Payment** A. **Ceiling**
For Services rendered pursuant to Appendix A, the Client shall pay the Consultant an amount not to Exceed _____ [insert amount]. This amount has been established based on the understanding that it includes all the Consultant's costs and profits as well as any tax obligation that may be imposed on the Consultant.

B. **Schedule of Payments**
The schedule of payments is specified below (Modify in order to reflect the output required as described in Appendix C.)

Kshs. _____ upon the Client's receipt of the Draft report, acceptable to the Client; and

Kshs. _____ upon the Client's receipt of the Final report, acceptable to the Client.

Kshs. _____ Total

C. **Payment Conditions**
Payment shall be made in Kenya Shillings unless otherwise specified not later than thirty (30) days following submission by the Consultant of invoices in duplicate to the Coordinator designated in Clause 4 here below. If the Client has delayed payments beyond thirty (30) days after the due date hereof, simple interest shall be paid to the Consultant for each day of delay at a rate three Percentage points above the prevailing Central Bank of Kenya's average rate for base lending.

4. **Project Administration** A. **Coordinator**
The Client designates _____
[insert name] as Client’s Coordinator; the
Coordinator will be responsible for the
Coordination of activities under this Contract,
for acceptance and approval of the reports and of
other deliverables, by the Client and for receiving
and approving invoices for payment.
- B. **Reports**
The reports listed in Appendix C, “Consultant’s
Reporting Obligations,” shall be submitted in the
Course of the assignment and will constitute the
basis for the payments to be made under paragraph
3.
5. **Performance Standards** The Consultant undertakes to perform the Services
with the highest standards of professional and
ethical competence and integrity. The Consultant
shall promptly replace any employees assigned
under this Contract that the Client considers
unsatisfactory.
6. **Confidentiality** The Consultant shall not, during the term of this
Contract and within two years after its expiration
Disclose any proprietary or confidential
Information relating to the Services, this Contract
Or the Client’s business or operations without the
Prior written consent of the Client.
7. **Ownership of Material** Any studies, reports or other material, graphic,
software or otherwise prepared by the Consultant
for the Client under the Contract shall belong to
and remain the property of the Client. The
Consultant may retain a copy of such documents
and software.
8. **Consultant Not** The Consultant agrees that during the term of this

- | | |
|--|--|
| to be Engaged
in certain
Activities | Contract and after its termination the Consultant and any entity affiliated with the Consultant shall be disqualified from providing goods, works or services (other than the Services and any continuation thereof) for any project resulting from or closely related to the Services. |
| 9. Insurance | The Consultant will be responsible for taking out any appropriate insurance coverage. |
| 10. Assignment | The Consultant shall not assign this Contract or sub-contract any portion of it without the Client's prior written consent. |
| 11. Law Governing Contract and Language | The Contract shall be governed by the laws of Kenya and the language of the Contract shall be English language |
| 12. Dispute Resolution | Any dispute arising out of the Contract which cannot be amicably settled between the parties shall be referred by either party to the arbitration and final decision of a person to be agreed between the parties. Failing agreement to concur in the appointment of an Arbitrator, the Arbitrator shall be appointed by the chairman of the Chartered Institute of Arbitrators, Kenya branch, On the request of the applying party. |

For the Client

Full name _____

Title _____

Signature _____

Date _____

For the Consultant

Full name _____

Title _____

Signature _____

Date _____

2.

REQUEST FOR REVIEW FORM

FORM RB 1

**REPUBLIC OF KENYA
PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD**

APPLICATION NO.....OF.....20.....

BETWEEN

.....APPLICANT

AND

.....RESPONDENT (*State Department for Wildlife*)

Request for review of the decision of the..... (*Name of the State Department for Wildlife*)
ofdated the...day of20.....in the matter of Tender No.....of
.....20...

REQUEST FOR REVIEW

I/We.....,the above named Applicant(s), of address: Physical
address.....Fax No.....Tel. No.....Email, hereby request the Public
Procurement Administrative Review Board to review the whole/part of the above mentioned
decision on the following grounds , namely:-

- 1.
- 2.
- etc.

By this memorandum, the Applicant requests the Board for an order/orders that: -

- 1.
- 2.
- etc

SIGNED(Applicant)

Dated on.....day of/...20...

FOR OFFICIAL USE ONLY

SDW/RFP/001/2020-2021

Lodged with the Secretary Public Procurement Administrative Review Board on day of
.....20.....

SIGNED
Board Secretary