



TERMS OF REFERENCE

PART I	
Purpose of Assignment	Consultancy -Impact Analysis for Access to Government Procurement Opportunities (AGPO) law on women and girls of Kisumu, Homabay, and Makueni Counties
Location of Assignment	Kisumu, Homabay and Makueni
Duration of contract	20 days (fixed)
Start date	From: 18/11/2020 To: 15/12/2020
Reporting to:	Programme Manager

Re: Public Procurement through AGPO as a Means to empower Youth, Women and People with Disabilities.

Introduction:

The SDGs Kenya Forum in partnership with Kenya Female Advisory Organization (KEFEADO) is seeking a consultant to carry out a Consultancy -Impact Analysis for Access to Government Procurement Opportunities (AGPO) law on women and girls of Kisumu, Homabay, and Makueni Counties.

Who We Are:

The SDGs Kenya Forum is a platform that promotes Civil Society Organizations’ (CSOs) engagement with government in all aspects of the Sustainable Development Goals (SDGs). The SDGs Kenya Forum mission is to influence multi-stakeholder policies and actions for the achievement of the SDGs in Kenya. The advocacy-based approach the Forum employs to implementing, monitoring and review of the SDGs is based on collective voice and action by Civil Society Organizations engaging other stakeholders to foster synergy including government, private sector, academia and media. The overall goal is to empower citizens to demand accountability through policy change and budget commitments towards sustainable development, leaving no one behind.

KEFEADO works with a multi-sectoral approach to contribute to the eradication of gender disparities in politics, education, socio-economic empowerment and health. parities in politics, education, socio-economic empowerment and health.

Background and Justification:

The active engagement of Women, youth and persons with disabilities in sustainable development efforts is central to achieving sustainable, inclusive and stable societies by the target date, and to averting the worst threats and challenges to sustainable development, including the impacts of unemployment, poverty, gender inequality, conflict, and migration. While all the Sustainable Development Goals are critical to youth development, the areas of

employment and decent work, underlines the realization of targets under these Goals as fundamental to overall youth development.

Since 2005, successive Governments in Kenya have initiated a number of policy measures aimed at mainstreaming sections of its citizens considered marginalized into economic activities. The current Constitution of Kenya 2010, seeks to mainstream economically marginalized citizens under articles Article 227 on the fair equitable, transparent and cost-effective public procurement of goods and services as well as Article 55 on affirmative action including through enabling legislation the Public Procurement and Asset Disposal Act, 2015.

It is in this context that the Access to Government Procurement Opportunities (AGPO) program was founded in 2013. The aim of the AGPO Program is to facilitate the youth, women and persons with disability-owned enterprises to be able to participate in government procurement. This is to be made possible through the Public Procurement and Disposal Preference and Reservations Amendment Regulations, 2013 and the implementation of the Presidential Directive that 30% of government procurement opportunities be set aside specifically for these enterprises. Procuring entities are required to implement this through their budgets, procurement plans, tender notices and contract awards. The AGPO initiative is implemented through several procuring units in government agencies.

Public contracts on average account for 70% of government expenditures therefore contracting is a crucial step in the delivery of works, goods and services to the public. Despite the crucial nature of public contracting to citizens in relation to essential public goods and services - there is minimal information to the public, auditors, civil society and other stakeholders about the planning, formation, content, performance progress and oversight of public contracts.

Lack of data and information on public contracts makes it difficult for civil society and the public to properly assess the integrity of the contracting process, assess fairness of the field to all private sector actors, assess the quality of public participation and feedback from communities, assess whether citizens are getting value for money and; evaluate compliance to contractual obligations by all parties. Limited access to AGPO information also makes it challenging for women and girls to have full awareness on how to access tender documents and procurement processes.

The main objective of this research study is to analyse the impact of AGPO on the women and girls in Kisumu, Homabay and Makueni county for the past 3 years between 2017-2019.

Objectives of the Study:

The Overall Goal of this study is to analyse the impact Access to Government Procurement Opportunities (AGPO) law has on women and girls of Kisumu, Homabay, and Makueni Counties. The following objectives will support the study:

- I. Identify existing structures at the county level that facilitate implementation of AGPO programme
- II. Assess the level of awareness among AGPO target groups at the county level
- III. Identify factors supporting access (procedures and payments) to AGPO by target groups at the county level
- IV. Identify existing county specific and general barriers/challenges at the county level that prevent women, youth and PWDs from optimally accessing and utilising AGPO opportunities
- V. To determine whether the design of AGPO was responsive to addressing the economic challenges faced by women and girls in the 3 counties?

- VI. To establish the readiness to adapt and implement AGPO in the 3 counties?
- VII. To examine the short term, medium term and long term results and impacts produced through AGPO interventions among rural women, urban women, and women with disability?
- VIII. To understand what were the barriers and enablers that made the difference between successful and disappointing AGPO tender applications?
- IX. To understand what has been the experience of women and girls when upon award of tenders, execution and delivering on tenders and following up on payment and completion certificates?
- X. To examine the extent to which the AGPO tenders represented the best possible use of available resources to achieve results of value to the public?
- XI. What are the positive results of AGPO that are likely to be sustained in the long term?
- XII. To profile some of the big women contractors supplying the 3 county governments.
- XIII. To recommend capacity building needs of the respondents?

Duties and Responsibilities:

- I. Collate data from different stakeholders within each county (procurement desks, CECs, youth and women groups, women (road contractors, Suppliers etc)
- II. Drafting of an inception report giving way forward on how the exercise will be carried out.
- III. A raw report on the proceedings of the work
- IV. A final draft report writing

Outcome:

- I. Documentation of all submissions from different stakeholders
- II. Final workshop report

Deliverables:

- I. Inception report
- II. Draft report
- III. Final report
- IV. Questionnaires and FGDs

Duration:

The assignment will take -20 working days

Qualifications:

The analyst should have at least the following qualifications:

- I. Profound knowledge in issues of Special Interest Groups including; women, youth, persons with disabilities, minority and marginalized communities.
- II. Clear understanding of laws and Constitution of Kenya;
- III. Excellent communication skills and facilitation skills;
- IV. Knowledge in analytics (both quantitative and qualitative)
- V. Fluency in English and Kiswahili; and
- VI. Any other relevant qualifications to this assignment.

Please read the full terms of reference and apply by emailing your CV and cover letter to communications@sdgkenyaforum.org with the subject header 'AGPO Consultancy'. The Consultancy applications should reach the Forum no later than 12th November 2020.