



**EPC/PRO/RFP/006/2016-2017**

**REQUEST FOR PROPOSALS FOR  
REVIEW OF THE STRATEGIC PLAN OF THE EXPORT PROMOTION  
COUNCIL, 2012-2017 AND DEVELOPMENT OF THE STRATEGIC PLAN OF  
THE EXPORT PROMOTION COUNCIL, 2017-2022**

**NOVEMBER 2016**

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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 procuring entity, for use, to reflect the unique circumstances of the particular assignment.

**SECTION I                      LETTER OF INVITATION**

Ref.: **EPC/PRO/RFP/006/2016-2017**

8<sup>th</sup> November 2016

Dear Sir/Madam,

**RE:    REQUEST FOR PROPOSALS FOR REVIEW OF THE STRATEGIC PLAN OF THE EXPORT PROMOTION COUNCIL, 2012-2017 AND DEVELOPMENT OF THE STRATEGIC PLAN OF THE EXPORT PROMOTION COUNCIL, 2017-2022**

The Export Promotion Council (EPC) invites proposals to conduct a Review of the Strategic Plan of the Export Promotion Council, 2012-2017 and Formulation of Strategic Plan, 2017-2022. More details of the required services are provided in the attached Request for Proposal.

1.1     The Request for Proposal (RFP) includes the following documents:

Section I - Letter of Invitation

Section II - Information to Candidates

Section III - Terms of Reference

Section IV - Technical Proposal

Section V - Financial Quotation

Section VI - Standard Contract Form (where applicable)

1.2     On receipt of this RFP (the Review of the Strategic Plan of the Export Promotion Council, 2012-2017 and Formulation of Strategic Plan, 2017-2022) please prepare a proposal as required and return before the date and time indicated in the document.

Attached are the details to guide your proposal.

Yours faithfully,

**Chief Executive**  
**Export Promotion Council**

**SECTION II - INFORMATION TO CONSULTANTS**

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## **SECTION II - INFORMATION TO CONSULTANTS**

### **2.1 Introduction**

- 2.1.1 The Export Promotion Council will select an individual consultant from 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 procuring entity 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 procuring entity regarding any information that they may require before submitting a proposal.
- 2.1.5 The client 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 procuring entity are not reimbursable as a direct cost of the assignment. The procuring entity is not bound to accept any of the proposals submitted.
- 2.1.7 The procuring entity'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 procuring entity's address indicated in the special conditions of contract. The procuring entity 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 procuring entity 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 procuring entity 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 procuring entity not later than 7 days prior to the deadline for submission of tenders.
- 2.2.4 The procuring entity shall reply to any 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 particulars 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 consultants 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 consultants' involvement.
  - (b) Any comments or suggestions on the Terms of Reference and a list of service and facilities requested to be provided by the procuring entity.

- (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 procuring entity will make best efforts to complete negotiations within this period. If the procuring entity 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 (if required) 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 23<sup>rd</sup> November 2016.

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 procuring entity 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 procuring entity 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 procuring entity’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 procuring entity 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 procuring entity 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 procuring entity 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 procuring entity 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 procuring entity 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:

$Sf = 100 \times \frac{fm}{f}$  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 procuring entity 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 procuring entity 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 procuring entity 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 procuring entity.

## **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 FOR REVIEW OF THE STRATEGIC PLAN OF THE EXPORT PROMOTION COUNCIL, 2012-2017 AND DEVELOPMENT OF THE STRATEGIC PLAN OF THE EXPORT PROMOTION COUNCIL, 2017-2022**

**3.0 GENERAL**

1. These specifications describe the basic requirements quoting entities are requested to submit with their offers i.e. the detailed specifications, drawings, catalogues, etc for the services they intend to supply.
2. All the contents and capacities of the services to be supplied shall not be less than those required in these specifications. Deviations from the basic requirements, if any, shall be explained in detail in writing with the offer, with supporting justifications and facts, etc. The procuring entity reserves the right to reject the services, if such deviations shall be found critical to the use and operation of the products.
3. The quoting entity must meet the following requirements:
  - (b) Provide a list of at least FIVE reputable clients and letters of recommendation in each category of service. The list should include contact addresses for each firm and the services recently provided by the quoting entity to them that are relevant to those required by the procuring entity. Contact information should include telephone, fax, email, contact person. The procuring entity should be in a position to contact some or all of the organizations listed.
  - (c) Provide a company profile including academic and professional qualification and experience of staff relevant to the required services
  - (d) Provide a copy of the last three years audited and signed accounts
  - (e) Must also submit copies of the following documents:
    1. PIN Certificate
    2. Tax Compliance Certificate
    3. Certificate of Registration/Incorporation
  - (f) Provide evidence of physical presence

## **TERMS OF REFERENCE (TOR) SPECIFIC TO THIS TENDER**

### **1. Background**

The Export Promotion Council was established in 1992 as the Kenyan National Trade Promotion Organization. The objective is to develop and promote export of Kenya's goods and services and to harmonize export related activities in the country by providing leadership to national export programs.

The Council is an executive organization with national developmental functions among others to enhance the contribution of international trade to Kenya's wealth generation. The overarching mandates are derived from the national goals; the *Kenya Vision 2030* and its five year based Medium Term Plans.

To drive structured performance, the Council has a strategic Plan that took effect from 2012 and guides its operations to 2017. The success of this strategic plan will be measured in terms of transferred values to stakeholders, including growth in exports, export products in overseas markets, new markets penetrated, transformation of the economy and generation of foreign exchange.

The implementation of this plan has to date realized some progress and challenges alike. For a fair evaluation of its successes and pitfalls, it is necessary to undertake an independent assessment and evaluation to ensure that successes factors or, weaknesses and the constraints that cause each of non-performance factors are isolated and addressed accordingly.

In view of the fact that the Strategic Plan only has a year's residual life, the outcomes of the assessment will feed into the future foresight, going into the planning processes for the successive Strategic plan, expected to take effect from 2017.

Professional expertise is hereby sought to undertake a comprehensive review of the Strategic Plan of the Export Promotion Council, 2012-2017 and to guide the planning process leading to the development of the Strategic Plan of the Export Promotion Council, 2017-2022.

### **2. Rationale for the Review of the Strategic Plan**

The Strategic goal within the plan period was to attain sustained growth in export by 20% per annum. The Strategic Plan 2012-2017 has been the key value driver towards attainment of the goal.

The review would enable ascertaining the level of delivery on the expected outcomes from policy perspectives of the *Kenya Vision 2030* and the impact of the programme activities undertaken by the Export Promotion Council in the context of Strategic Plan of

the Export Promotion Council, 2012-2017 and eventually, positively re-orientating the strategic direction where necessary in the strategic plan of the Export Promotion Council,2017-2022.

This review will among others, enable:

- i. Optimizing processes and operational performance
- ii. Tracking efficacy and performance of exports and market development campaigns
- iii. Improving the delivery and value effectiveness
- iv. Generate options for re-dynamization of the performance of exports
- v. Planning for a performing export sector in a medium term, from 2017-2022.

### **3. Methodology**

A critical appreciation of international trade environment and desk review of the Strategic Plan as well as, primary research based on cross and intra sector interviews and information sharing with the staff of the EPC and finally, a working retreat for concerted deductions with the Board towards:

- Objective evaluation of the Council and its operational environments;
- Critical appreciation of the implementation status of the Strategic Plan of the Export Promotion Council, 2012-2017 based on the Balanced Score Card of the EPC; Logical Frameworks and the external success benchmarks, based on the National Integrated Monitoring and Evaluation Systems
- Systems Analysis and Functional - Failure analysis
- Risk and “Single Point of Failure” Analysis to remove the weaknesses
- Bench marking against the seminal document “Enhancing the Performance of Kenya’s Export sector” and a corresponding SWOT analysis
- Adoption of the findings by the Board.
- Medium term Strategic Planning for the period 2017-2022.

### **4. Outcomes**

The expectations from this assignment are:

- Status Insights - Evidence to chart a new path for reinvigorated Export performance
- Strategic priorities - More Intelligent strategies
- Focus- creating relevant and meaningful performance indicators and renewed direction for quality management
- Better communication and targeted communication processes that is facilitative

- Better Decision making - Turning the information gained from hindsight into actionable knowledge, foresight and plans (Strategic Plan of the Export Promotion Council, 2017-2022).

## **5. Scope of the Work and Reporting**

This will be an analytical work involving critical appreciation of the functions of the Export Promotion Council; with specificities to evaluation of activities undertaken by the Export Promotion Council in the last three to four years and; with a view to determining the responsiveness of the organization to its mandate and stakeholders expectations. In broad terms, the activities are:

- i. Part One: Facilitating a board and Management retreat to enable understanding of the business environment of the Council and overall expectations;
- ii. Part 2: Review and Evaluation of the performance of the Council within the term of the Strategic Plan 2012-2017;
- iii. Part 3: Development of Strategic Plan for the Medium Term 2017-2022.

Specific activities will include:

- i. Desk Research - Review of the Strategic Plan of the EPC ; 2012-2017;
- ii. Literature Review and analysis of various government documents including the Kenya Vision 2030 and its Medium Term Plans; documents on monitoring including but not limited to returns on contracted targets with the government of Kenya;
- iii. Cross reference to the Government National Intergrated Monitoring and Evaluation Systems will be necessary
- iv. International benchmarking
- v. Validation workshop to present the findings;
- vi. New strategic plan 2017-2022

The Consultant will be required to work independently but report to the Chief Executive Officer, Export Promotion Council and also consult with the line implementation staff and Strategic Plan Implementation Team(S.P.I.T) for necessary clarifications.

## **6. Logistics and Timing**

The location of the assignment shall be within the territory of the Republic of Kenya. The assignment Should ideally take a maximum 45 working days. The Commencement date of the assignment will be from 25th October, 2016 and should be completed by 16th December, 2016.



## **7. Resources Requirements**

### **a) Personnel**

This assignment requires an indepth understanding of international trade and Economic performance drivers. An understanding of Monitoring and Evaluation systems and methodologies and practical hands on knowledge on administration of monitoring and evaluation systems will be essential.

- i. The consultant may be a firm with diverse expertise in organizational development and strategic planning
- ii. Lead consultant needs to have Masters in Economics, Institutional Management, International Trade or Econometrics;
- iii. Management and Business Administration at the level of Bachelors degree but with a commensurate and proven experience in monitoring and evaluation management systems;
- iv. An indepth understanding of the National Intergrated Monitoring and Evaluation Systems will be an added advantage.

### **b) Budget**

The budget shall be determined competitively based on the submission by the Consultant but shall be subject to the ceillings set by the Export Promotion Council.

## **8. Reports/Deliverables**

The Consultant shall submit :

- an inception Report for approval at the beginning of this assignment.
- A Board and Management retreat and the Report thereof bringing out the expectations and vision;
- Report on the Status of the Council and successes and weaknesses in the context of the Strategic Plan 2012-2017; shall be submitted and shall be subject to deliberation and adoption by the Management and Board of the Export Promotion Council;
- Draft Strategic Plan of the Export Promotion Council,2017-2022
- Stakeholder validation and submission of final draft.

## **9. Application Processes**

*Interested applicants should submit their bids **not later than 23<sup>rd</sup> November 2016, 12.00 Noon** to:*

*The Chief Executive Officer,*

*Export Promotion Council,*

*Anniversary Towers, 16th Floor,*

*University Way,*

*P.O Box 40247-00100,*

*Nairobi-Kenya*

*Tel: +254-20-2228534-8*

*Fax: +254-20-2218013/2228539*

*Email: [chiefexe@epc.or.ke](mailto:chiefexe@epc.or.ke)*

## **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 procuring entity.
- (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**

The contract form shall be completed by the procuring entity 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**

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 to be Engaged in certain Activities** The Consultant agrees that during the term of this 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** Kenya and the language of the Contract shall be



- Language** 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 (*Procuring Entity*)

Request for review of the decision of the..... Export Promotion Council of  
.....dated the...day of .....20.....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 order/orders that: -

- 1.
- 2.
- etc

SIGNED .....(Applicant)

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

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**FOR OFFICIAL USE ONLY**

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

SIGNED  
Board Secretary