Terms of Reference

Short-Term Consultancy for Baseline Study

Wajibu Wetu Programme III Kenya

I Introduction

1.1 About ForumCiv

Since 1995, ForumCiv has defended democracy and human rights. It is Sweden's largest platform for civil society with over 183 member organizations with offices in Sweden, Colombia, Liberia, Kenya, Cambodia, and Lithuania. Our offices in Colombia, Kenya, and Lithuania have regional coverage. In Kenya, we are registered with the NGO (Non-Governmental Organization) Coordination Board and have been in operation since 2008. Our work centres on enabling people to organize to claim their rights and take control of their lives and promote responsiveness by duty bearers and other decision-makers. Together with our members and partners, we work with human rights to strengthen civil society, enable democratic civic spaces, and facilitate the democratic participation of rights-holders. ForumCiv’s vision is a just and sustainable world where all people have the power to effect change. Our purpose is to strengthen marginalized people around the world who organize to claim their rights and to advocate for changes that contribute to a just and sustainable world.

ForumCiv engages in four distinct roles: advocate, capacity developer, grant administrator, and development actor. ForumCiv applies a rights-based approach and enables active popular participation by supporting civil society. In our role as advocators, we aim at amplifying the voice of those we work for and with. As a capacity developer, we seek to strengthen the capacity of our members and partners around the world. As a grant administrator, we have developed a robust framework to provide grants to civil society organisations within the frame of principles for aid and development effectiveness. Our methods for grant administration focus on relevance, impact, and sustainability while also guaranteeing compliance with good international administration and accounting principles and anti-corruption efforts. Finally, as a development actor, we are innovative in our partnerships, programme development, and communicating our contribution to a more sustainable world.

ForumCiv’s Theory of Change is reflected in the partnerships and innovative approaches and sustainable strategies adopted for this proposal to defend and promote human rights in Kenya. This is with the knowledge that human rights are fundamental rights that embody key values in any society, such as fairness, dignity, equality, and respect. ForumCiv believes that partnerships based on cooperation between different actors can lead to individual and structural change through networks, coalitions, and alliances. As a result, we work to legitimize diverse civil society organisations to advocate for society-wide change, monitor those in power, and promote dialogue for change. All people are holders of human rights and can describe their problems and propose solutions. Evidence shows that change is only
sustainable when determined, implemented, and owned by the affected communities. The Theory of Change is complemented by ForumCiv’s policies on Environment & climate justice and gender equality and equity and by ForumCiv’s Development Perspectives that recognize the connection between environmental and climate injustices, gender inequalities and conflict.

ForumCiv office in Kenya serves as the regional office for Eastern and Southern Africa (ROESA), coordinating sub-granting in the region and developing new partnerships, innovative programmes, and local engagement with donors. Most of the region’s interventions focus on civil society strengthening and deepening democracy, human rights, and gender equality. The office works with a broad range of partners and stakeholders at grassroots, national, regional, and global levels.

1.2 Context and background to the assignment

Kenya’s democracy, human rights and development landscape have recorded worrying trends since she adopted a new constitution in 2010 intended to advance greater accountability by government, citizen participation and devolved unit of government to improve equitable service delivery. Democracy has stopped advancing in Kenya and globally. Kenyan political space is witnessing increased polarity of ideologies, attitudes towards political, social, and religious issues, and policies along the two dominant party lines. Beyond the polarity, citizens are disillusioned by poor government services and accountability to its citizens, archaic and inept policies that are not responding to the need of the population. Governments are using the COVID-19 pandemic as a guise to impose undue restrictions on the exercise of civil and political rights.

The Kenyan government is accused of conducting its business with widespread disregard for the law and thus creating perpetrating totalitarianism and reversal of democratic gains. To disrupt the work of civil society, the Kenya Human Rights Commission (KHRC) documents recent policies and actions from state surveillance, interception of communications, data protection and registration of persons, censorship, clampdowns and de-registration as an example to frustrate the operations and work of governance and human rights organizations, activists, journalist, human rights defenders, politicians within the opposition, the independent state institutions, and ordinary citizens. Human rights abuses such as police brutality, extrajudicial killings, state-sponsored forced disappearances, and sexual and gender-based violence have increased more than two-fold since the onset of the COVID-19 pandemic.

Apathy towards political participation and processes especially by young people and the working class has often resulted in the political class having their way and contributing to the complacency with populist narrative rather than a systemic analysis of issues for deeper influence and meaningful change. Further to this is the absence of the critical voices of women and vulnerable groups in society in decision-making processes. The system inhibits women, gender minorities, and young people from gaining representation in political office despite constitutional attempt to level the field by enforcing a thirty-percentage gender rule for elective positions.

The rising cost of living is deepening inequality in Kenya. Beyond experiencing negative economic growth due to the Covid-19 pandemic in 2020 and a slow recovery thereafter, the government’s thirst for loans has led to increased taxation of essential commodities such as cooking oil, food, and cooking fuels such as kerosene and gas. The war between Ukraine and

---

2 The two dominant political parties and coalitions in Kenya are Home - Azimio La Umoja and
Russia has worsened the situation with skyrocketing fuel and gas prices driving up the prices of all commodities including food and essential services such as health care, education, and transport, putting them out of reach for low-income earners and pushing more people into poverty.

Climate change is accelerating and having increasingly negative effects on ecosystems and human life\(^3\). Climate threats such as limited water, food, and fuel sources and increased competition become a magnifier and multiplier of underlying causes of risk to vulnerable communities weakening their abilities to demand and fulfil their rights and participate meaningfully toward sustainable development.

### 1.3 Programme description

The Wajibu Wetu Programme Phase III (WWP III) aims to advance inclusive governance, empowerment, and resilience of communities towards the realisation of human rights in Kenya. ForumCiv will work with strategic partners including, but not limited to, national and grassroots civil society organisations, frontline change-makers, creative actors, duty bearers and communities from marginalised areas and sexual and gender minorities, through a re-granting model, to enhance their agency as rights holders and responsiveness as duty bearers in defending and upholding human rights.

The programme will focus on delivering five result areas:

- **Inclusive Governance & Democracy** – which aims to strengthen community voice and agency in building responsive and accountable governance structures and processes;
- **Community Empowerment, Resilience & Adaptation** – which aims to improve the resilience, and adaptive capacity of the community to environmental, and socioeconomic disruptions;
- **Gender Equality** – aims to strengthen gender agency in society;
- **Networking, Linkages, and Movement Building** – aims to empower partnerships, networks, coalitions, and movements for sustained aggregate voice and action; and
- **Capacity Development** – aims to strengthen the internal capacity of ForumCiv and its partners to deliver on their mandate.

Lessons learned from the implementation of Phases 1 and 2 of the Wajibu Wetu Programme have been integrated into WWP III resulting in the following strategies:

1.1. **Grant Administration:** For this programme, ForumCiv will work with a maximum of 30 partners/actors over the 4-year programme period, contributing to the various programme goals through the administration grants to support the development of new methods and/or partnerships, for example, seed grants, pre-study, and capacity development initiatives.

1.2. **Capacity Development:** ForumCiv co-designs and implements the organisational capacity development plan with the partner organisations in three ways

   - **Innovative capacity development** through the Changers Hub, ForumCiv’s dynamic and virtual learning platform to enable civil society actors worldwide to interact for experience exchanges and learn to make lasting change happen. The platform, which will be accessible to WWP III partners and other relevant stakeholders, provide access to different relevant resource centres (Rights Way’s Forward, Gender Equality, Environment and Climate Change and Conflict Sensitivity and Do- No Harm), and a Learning Management System that hosts a variety of courses accessible at any time.

   - Capacity towards the **Right(s) Way Forward methodology** will be central to ensuring that our implementing partners are well equipped to facilitate processes of analysing and formulating strategies with their target communities/groups to claim

---

3 United Nations Climate Change, Climate Change Impacts Human Health | UNFCCC
their rights. A needs assessment will be done to determine the partners who will need to use the Right(s) Way Forward methodology in their projects/interventions. This will inform the planning of capacity development activities (training of trainers) on the methodology for the partners and support applying the methodology in planning and implementing their projects. This budget line will be managed and implemented by ForumCiv.

- **Artivism Academy** will seek to develop the capacities of *artivists* and grassroots activists and human rights defenders, and emerging changemakers. After undergoing the mentorship and coaching aspects, successful fellows and individual changemakers will be given a chance to pitch for small grant support to address challenges in their regions.

- **Leadership Academy** aims to mentor youth and young women to be engaged in political processes actively and as policy developers and informed oversight.

- **Tools and systems:** WWP III will facilitate relevant tools and platforms that will boost partner capacity in delivering their mandates and enhance their interventions’ efficacy and impact. These dynamic ranges from social media monitoring tools, streaming platforms, and deep analytics tools for digital platforms, will enable partners to be equipped for proactive partner-led initiatives independent of the Wajibu Wetu Programme III.

1.3. **Networking, Linkages, and Movement Building:** Wajibu Wetu Programme III will continue to adopt a progressive and adaptable approach to networking by strengthening cross & peer-to-peer learning, mentorship, and expanding spaces for dialogue to promote tolerance, and civic awareness, activism and democracy, and human rights strategic events like festivals. To achieve this, we have identified critical strategic interventions that will support the networking pillar:

- **Strategic dialogue platforms:** Interactive and engaging advocacy forums dubbed, Voices in Spaces will be held annually in the clustered regions of Lake Basin, Coastal, Greater Rift Valley, Northern Frontier, and Nairobi (focusing on the low-income areas). The gatherings involve host communities and their duty bearers’, practitioners and relevant stakeholders who exchange views, share knowledge and experiences, and examine best practices in pursuit of human rights, gender equality and democratic consolidation in Kenya.

- **Movement building:** The programme will seek to strengthen social movements through learning from cross-partners, networking, linkages, and strategic connections across regions, sectors, and issues. Significantly, the programme will offer platforms for co-learning and exchanges in strengthening networks and communities of practices.

- **Strategic Solidarity support:** The programme will support the messaging of organised social movements and groups and support high-level joint advocacy engagements, litigation, and other avenues to catalyse democracy and human rights policy actions.

- **Experiential learning:** By conducting strategic forums for partner leadership and technical teams on leadership, strategy, and sustainability; facilitating scenario building and foresight planning to enhance agility in the leadership of partner organisations and providing platforms for networking and showcasing evidence-based best practices, it is expected that the programme stakeholders will have strengthened leadership, foresight, and experiential learning of partner organisations. Through experiential learning, WWP also seeks to embed intergenerational learning

- **Collaborative campaigns:** Collaborative campaigns with WWP partners around relevant issues to the strategic programme pillars will be conducted both offline and online, especially with the commemorations of key weeks and days of significance like the Word Press Freedom Day, World Creativity and Innovation Week,
Democracy Week, Sixteen Days of Activism against Gender-Based Violence Against Women and Girls.

2 Assignment

2.1 Assignment purpose, aim and objectives

The overall objective of the assignment is to provide baseline data for the Wajibu Wetu Programme III to advance inclusive governance, empowerment, and resilience of communities towards the realisation of human rights in Kenya delivered through the objective to Enhance the agency of right holders and responsiveness of duty bearers in defending and upholding human rights.

The evaluation shall analyse the information by utilizing the OECD/DAC’s Quality Standards for Development Evaluation namely, Relevance of the approaches and interventions and is suited to the priorities and policies of the target group, and donor; Effectiveness in attaining the programme goal objective; Efficiency of proposed activities and their outputs in relation to the inputs; the Impact both positive and negative changes produced by the programme directly or indirectly, intended or unintended; and Sustainability of the programme beyond the donor's intervention. The evaluators shall use the Sida OECD/DAC Glossary of Key Terms in Evaluation.

The specific objectives are below:

I. To review the quality and measurability of the proposed programme outcomes in relation to the stated objectives of the programme.

II. To assess the relevance, adequacy, and feasibility of the programme indicators in measuring the level of achievement of the stated outcomes.

III. Where necessary to propose modifications/refinements to the programme outcomes or /and the respective indicators.

IV. To gather data and determine the baseline values/status of the relevant indicators prior to the implementation of the programme.

V. To propose relevant modifications to programme interventions considering the established baseline status to ensure the optimal realization of the programme outcomes.

VI. To inform the design, planning and implementation, monitoring, and evaluation of the programme.

VII. To propose a monitoring plan/routine for the programme in connection to ForumCiv’s performance monitoring system.

VIII. To develop key learning questions that will guide the learning agenda during the implementation of the programme.

ForumCiv will require benchmarking information on the following broad areas:
The extent to which the current local political and social environment is conducive for citizen participation and agency in building responsive and accountable governance structures and processes.

- The extent of resilience and adaptative capacity of the community to environmental, and socio-economic disruptions.
- The extent of Gender agency in society.
- The extent, quality and effectiveness of partnerships, networks, coalitions, and movements for sustained aggregate voice and action, and
- The extent of the Capacity of WWP III stakeholders to effectively deliver on their mandate.

The Baseline Report once approved will be used to update the Strategic Results Matrix for the programme. The study will incorporate assessment with the partnership typography and geofacts proposed in the Wajibu Wetu programme.

2.2 Scope, Focus and limitations

The scope of the study will cover strategic counties to the Wajibu Wetu Programme III including Nairobi, Mombasa, Kisumu, Nakuru and a northern frontier county. Data collected from sampled ForumCiv partners, national and county government collaborators, academia, creatives (mainly artists), and relevant private sector stakeholders will be sufficient to provide a baseline assessment for analysing Community voice and agency in building responsive and accountable governance structures and processes; resilience and adaptative capacity of the community to environmental, and socio-economic disruptions; Gender agency in society; partnerships, networks, coalitions, and movements for sustained aggregate voice and action; and Capacity of WWP III stakeholders to effectively deliver on their mandates. The researcher will visit and discuss with stakeholders such as a sample of previous Wajibu Wetu Programme phase II partners, civil society movements, academia in the field of governance human rights gender and climate change, policy influencers in the government county offices and other experts and professionals. No more than 30 calendar days will constitute the baseline survey period.

Both thematic and geographical coverage serve as limitations to the study. The study will be limited to an analysis of the five programme result areas of the Wajibu Wetu Programme III that include activities of ForumCiv and its partners related to promoting human rights and inclusive governance, advancing gender equality, empowering reliance in communities and adapting to social-economic shock and climate change, strengthening networking, linkages, and movement building, and capacity development of CSO (Civil Society Organizations) partners. The consultant is limited to undertaking the study within the geographic scope of Kenya and in counties where the programme will be implemented together with our partners including Mombasa, Nairobi, Nakuru, Kisumu, Wajir, Marsabit, and Eldoret, among others.

3 Methodology

3.1 Methodology

The baseline study will be conducted by an external consultant who will lead the study team and will work under the supervision and support of ForumCiv's Regional Manager for RO ESA. The consultant is expected to deliver a detailed methodology for conducting the study, taking into consideration the local context. During the study, the consultant is expected to conduct update
meetings with ForumCiv upon achievement of key milestones (PowerPoint presentations of the Inception Report, Key findings of the study and Draft baseline report).

It is recommended that the consultant adopts, at a minimum, the following tools:

- Assumptions workshop with relevant staff: conduct a participatory workshop for identifying and making explicit assumptions behind the outcomes and their indicators.
- Desk review.
- Baseline work plan: develop a workplan that contains the baseline focus, the lines of inquiry, means of verification & data collection methods, data source and quantity, location of data collection, conflict sensitivity and gender equality considerations, and time needed. The consultant will develop appropriate tools and will also propose an appropriate sampling methodology and size that is statistically valid and cost-effective. The sample size and proposed tools will be discussed and approved by the Wajibu Wetu Programme III before the commencement of the study.
- The study should employ both quantitative and qualitative methods and adopt a participatory methodology. ForumCiv encourages the tender to use a survey, as well as focus groups and interviews, and pursue, as possible, a triangulation by using secondary data available from other NGOs and intergovernmental and national institutions. Propose suggested modifications/refinements to the programme outcomes or /and the respective indicators.
- To propose a monitoring plan/routine for the programme in connection to ForumCiv’s performance monitoring system.

3.2 Reference Group/ForumCiv Support

ForumCiv will provide the following:

- Relevant literature for desktop review includes and is not limited to The Wajibu Wetu Programme Proposal, ForumCiv Strategic Plan 2021-2025, ForumCiv Development Perspectives on Gender equality, Do-No-Harm, Environment and Climate Change, ForumCiv’s environment and climate policy, policies of procurement of goods and services, and Strategy for Sweden’s development cooperation with Kenya 2021–2025.
- A draft report or finding of the Simplified Strategic Environmental Impact Assessment Report for review.
- Provide key contact and access to partners and stakeholders relevant to the assignment and support their mobilisation. The consultant is however required to demonstrate access to key government, private sector, academia, and other policy organs on the subject matter.

4 Outputs and Reporting

4.1 Outputs

The following outputs must be submitted by the contractual party and received to the satisfaction of ForumCiv:

---

• Assumptions workshop with relevant staff: conduct a workshop for identifying and making explicit assumptions behind the outcomes and their indicators.
• Inception Report: Detailed Work plan to be submitted **5-8 days** after signing the contract. The plan must include the stakeholder analysis and consultation plan.
• Draft Baseline Report: Must contain follow, at a minimum, the outline indicated under 4.2. The report is expected on September 23, 2022.
• Presentation of the key findings to the stakeholders for validation on September 27, 2022.
• Updated Strategic Results Matrix. Deadline October 30, 2022.
• Monitoring plan. Deadline October 30, 2022

**Approval of outputs:** Deliverables will be approved by the Regional Manager; the period for approval of reports will be 10 days, if after this time the Manager does not issue any observations, the report will be considered approved.

### 4.2 Reporting

**4.2.1 Narrative reporting**
The report shall be written in English. The Consultant shall submit one written copy as well as one electronic version. The report shall at a minimum contain the following sections and be no more than 25 pages excluding appendices.

### 5 Time scope

ForumCiv has estimated that the volume of the assignment amounts to a total of 30 working days. The total scope of work will be aligned in consultancy with the winning tenderer accordingly.

The assignment shall be undertaken between **2022-09-01** and **2022-10-31**.

### 6 Budget

The budget should not exceed Kenya Shillings 2,000,000, including fees and reimbursable and excluding VAT.

The following payments will be made according to the schedule below:

⇒ 40% after the contract is signed and the work plan approved.
⇒ 30% after the delivery and approval of the draft report.
⇒ 30% after the delivery and approval of the final report

Final payment will be made by bank transfer within 30 days after delivery by the tenderer and approval by ForumCiv. A first payment of initial costs can be approved.
6.1 Fees
The tenderer shall specify the fee per working day including all taxes.

6.2 Reimbursable
The tenderer is to specify anticipated reimbursable costs. If per-diem costs are included, they shall be specified separately and follow the thresholds from the Swedish Tax Agency (or equivalent). The details of the budget for reimbursable costs shall be indicative only. Revisions and reallocations will be decided in a dialogue with ForumCiv, along the course of work.

7 Tenderer’s qualifications

Diversity: ForumCiv is committed to diversity and inclusion and equal opportunity for all candidates.

The tenderer is to meet the following expectations;

- Offer services described in §2 above.
- **Degree/Academic Level & Years of Professional Experience:** Professional with a master's degree in Statistics, Monitoring and Evaluation or related degree with at least 10 years’ experience in democracy, human rights, gender issues, climate change, and social accountability assessments.
- **Areas of Expertise:** Rights-based approaches, and Gender mainstreaming. Participatory development programmes. Knowledge of country context, experience in working with grassroots organisations, international organizations in the development sector and national and county governments.
- **Skills:** A record of accomplishment in results-based monitoring and evaluation, mixed methods, participatory and theory-based research/evaluation. Ability to work with little supervision. Demonstrated use of infographics and other visualisation tools. Astute political judgement and strong relationship management skills. Excellent writing, editing, attention to detail and organisational skills.
- **Languages:** Fluency in English, Kiswahili (Desired).
- Environmentally sustainable development shall be taken into consideration and goods/services shall be produced and supplied in the most environmentally friendly way possible.
- Basic human rights as expressed in the ILO’s core conventions\(^5\), shall be given due consideration.
- Not be bankrupt, be convicted of a crime in the profession, not have been guilty of serious professional misconduct nor have tax liabilities. Swedish suppliers shall have a class F tax certificate for contractors.
- The tenderer follows ForumCiv’s Code of Conduct (provided at contract signing).
- The tenderer must make sure that subcontractors if any, follow the same expectations.

---

\(^5\) Freedom of Association and Protection of the Right to Organize Convention, (No. 87 and 98), Forced Labour Convention, (No. 29 and 105), Minimum Age Convention, (No. 138 and 182), Equal Remuneration Convention, (No. 100 and 111)
Note: The qualifications stated hereinafter reflect the requirements for an individual consultant. For a highly complex operation with multiple programme sites, components and increased risk, a team of consultants may need to be hired.

8 Procurement technicalities

8.1 Tender Procedure

The assignment is subject to an open tender procedure, handled directly by a ForumCiv assessment group. The tenders will be assessed considering the following aspects;

- The contents of the tender (that all the required information is enclosed)
- The qualifications and experience of the tenderer
- Experience from working with environmental stakeholders in Kenya.
- The methodology and approach proposed
- The cost for the tender

Questions concerning the tender can be posed to the contact persons indicated below until 2022-08-13. ForumCiv reserves the right not to accept any of the tenders submitted. In addition, ForumCiv reserves the right to take references for the proposed candidate.

ForumCiv is not covered by the Swedish Public Procurement Act (LOU). This means that it is not possible to appeal against the decision of choosing a supplier and that ForumCiv is not obliged to disclose the procurement documentation after completion of procurement.

8.2 Documentation and information required

Tenders shall

- State the methods they intend to use to implement the assignment and guarantee the quality of their work.
- State the qualifications of each of the persons/sub-consultants they make available for the assignment and attach a CV for each of them.
- Confirm that they will be able to meet all expectations in §7.
- State the total cost of the assignment, specified in the form of a daily fee for each personnel category, reimbursable costs, and any other costs. All costs shall be given in Kenya Shillings, excluding VAT.
- Propose a schedule for the assignment.
- At least three relevant references for the work are indicated.

Based on the above, interested parties will be evaluated in the following criteria

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detailed Technical proposal with the consultants’ profile and capability statement and interpretation of the Terms of Reference</td>
<td>40</td>
</tr>
<tr>
<td>Experience in undertaking similar work in the last five years</td>
<td>20</td>
</tr>
<tr>
<td>The proposed methodology, detailed implementation plan, and time frame</td>
<td>20</td>
</tr>
<tr>
<td>Detailed financial proposal</td>
<td>10</td>
</tr>
</tbody>
</table>
8.3 Final date of Submission
Application documents should be sent to Procurement.kenya@forumciv.org with the subject heading: Short Term Consultancy for Baseline Study Wajibu Wetu Programme III Kenya. The deadline for submission is 2022-08-15.

8.4 Validity of the Tender
Tenders shall remain valid for 60 days.

9 Contact data
For further information, kindly contact; Procurement.kenya@forumciv.org