

2 June 2022

Call for Proposals

Consultancy to Undertake a Gender Mainstreaming Assessment of the RWI Kenya Programme

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Nairobi Office (RWI) invites proposals for Consultancy services to undertake a Gender Assessment of the Kenya Programme,

This is a competitive process and suitable candidates shall be sourced through an open call and selected based on the requirements listed in the annexes attached. Should you be interested in this assignment, please submit a proposal in accordance with the Terms of Reference (Annex 1) and the Form for Submission of Proposals (Annex 2).

The Contract will be awarded based on the most economically advantageous proposal according to a best price-quality ratio as described in Annex 3, Eligibility and Selection of Proposals.

The deadline for submitting the application is **15 June 2022**, and submissions should be made to the Raoul Wallenberg Institute, Nairobi Office (nairobi@rwi.lu.se) with Kasiva Mulli, RWI Researcher, (kasiva.mulli@rwi.lu.se) in copy.

Annex 1 – Terms of Reference

Annex 2 – Form for Submission of Proposals

Annex 3 – Eligibility and Selection of Proposals

Terms of Reference

Consultancy to undertake a Gender Mainstreaming Assessment of the RWI Kenya Programme

1. Background

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an academic institution based in Lund, Sweden. RWI has been engaged in human rights capacity development in Sub-Saharan Africa since 1991 through national, regional, sub-regional and bilateral cooperation programmes focusing on academic institutions, justice sector institutions and National Human Rights Institutions.

In 2012, RWI began working systematically in Kenya, collaborating with various government institutions in the justice sector with the aim of enhancing their institutional capacities towards the realization of international human rights standards key among them is UN Standard Minimum Rules for The Treatment of Prisoners (Mandela Rules); the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) that addresses gender specific needs of women in prison and the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) that advocates for and provides guidelines on the application of Non-Custodial Measures. This partnership which begun with the Kenya Prisons Service expanded to include the Kenya Probation and Aftercare Services (PACS) and other institutions in the criminal justice sector.

The current programme (2021-2025) seeks to build on the successes of previous programmes since 2012, which have focused on the partnerships with the correctional services. The main objective of the current programme is to enhance compliance with international standards in the management of Kenya's correctional system, through support to further development and implementation of a comprehensive correctional services policy in accordance with the Constitution of Kenya.

The Programme seeks to tackle some of the main challenges hindering achievement of the expected Programme outcome such as: inadequate legal and policy frameworks; increasing, yet still insufficient, systemic structures aimed at improving the management of correctional services in compliance with human rights standards; lack of effective structures within the services to carry out key human rights functions, including in relation to training, inspections and correctional services research; as well as insufficient cooperation between and with other relevant justice sector actors.

For the first time since the cooperation begun, the current programme will seek to include a more deliberate and wholistic approach to gender mainstreaming, building on the interventions adopted for the previous programme cycle which focused on ensuring specialized initiatives, trainings and materials on women in contact with the law.

Going beyond this, the Programme aims to ensure that a gender component is included within

each training provided, aligning these with the gender equality imperative under the domestic, regional and international legal frameworks that include, but are not limited to; the Constitution of Kenya, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offender (Bangkok Rules) and other relevant international human rights instruments. The Programme will also collate and further develop tools and other materials specifically focusing on gender mainstreaming within the Kenyan Correctional Services for future use and reference. The aim of these interventions is to challenge dominantly held gender norms that may have an impact on the implementation of relevant international human rights norms and standards.

2. Objectives

The purpose of this consultancy is to assess the current status of gender awareness, sensitivity and mainstreaming within the correctional services, with a view to identify current practices or trends that both enable or disable gender equality, the extent to which laws and policies adhere to national, regional and international instruments on gender equality, as well as gaps and opportunities for intervention and improvement.

3. Scope and Limitations

To achieve the above stated objectives, the consultant (s) role in this assignment will be to undertake a gender assessment:

- Determine the level of gender awareness, understanding and capacity for gender analysis, planning, implementation, reporting, monitoring and evaluation among responsible officers in the correctional services.
- Assess the extent to which laws and policies adhere to and/or contribute towards compliance of national, regional and international instruments on gender mainstreaming,
- To identify current practices or trends that both enable or disable gender mainstreaming,
- Identify gaps and opportunities in current policies and practices for intervention and improvement.

4. Organization and Management

The consultant (s) shall be under the overall supervision of RWI's Kenya Programme Officer. RWI is responsible for the assignment, and as such principal stakeholders for this assignment. In the performance of the tasks the contractor (s) shall, at all times, remain in close contact and consult with RWI for purposes of relaying the work done and receiving feedback and input on the ongoing work.

The report produced under this contract will remain the property of RWI.

The organization and management of the assignment relative to reporting, timeframes and deliverables is otherwise guided by the following sections.

5. Approach and Methodology

The consultant (s) shall include in their application, a proposal for the approach and methodology for conducting the assessment.

6. Deliverables and Time Schedule

Deliverables:

- I. An inception report outlining the methodology and tasks.
- II. A draft gender assessment report, with a clear set of recommendation (25-35 pages excluding the, annexes and references) (RWI will provide feedback and comments on this version of the report, and the consultant (or team) is expected to incorporate these comments and feedback before submitting the final report).
- III. Presentation and validation of findings and recommendations of the assessment to RWI and the correctional services.
- IV. Final gender assessment report.

The time allocated for this assignment is **55** working days. It is expected to begin by **4 July 2022** and be completed by **31 October 2022**.

7. Reporting and Communication

During the course of the performance of this assignment, the contractor(s) shall at all times remain in close contact and consult with RWI for purposes of communicating the work done and receiving feedback and input on the ongoing work. The contractor(s) shall at all times promptly respond and relate to comments made by RWI regarding the assessment.

8. Qualifications of the Contractor(s)

The assignment is to be carried out by an individual consultant or qualified team. The individual(s) shall possess the following competences:

- a. An advanced University degree (Master's or equivalent) in law, gender studies, social development or any of the Social Sciences that are relevant to this assignment.
- b. Demonstrable knowledge of gender, gender analysis and gender mainstreaming as a concept, tool and strategy and its application the field of human rights.
- c. Specific knowledge and experience relating to correctional services or administration of justice.
- d. Thorough knowledge about the political and social context of Kenya in general, including knowledge of the human rights and the criminal justice situation in particular.
- e. Thorough knowledge of and capacity to analyze the institutional and political context in which the RWI Kenya programme operates.
- f. Cultural and political sensitivity and strong communication and interpersonal skills; and

- g. Excellent written and spoken English.

The application shall include a proposal of approach and methodology in the carrying of the assignment.

The individual(s) must exercise reasonable skill, care and diligence in the performance of services and shall carry out responsibilities in accordance with recognized professional standards, while appreciating the political and institutional context of the assignment. The consultant (s) should also be able to produce high- quality outputs in a timely manner, while understanding and anticipating the evolving needs of the client; work independently and demonstrate integrity by modelling RWI's values and ethical standards and promote the vision, mission and strategic goals of RWI.

Form for Submission of Proposals
Consultancy to Conduct a Gender Mainstreaming Assessment of the RWI Kenya Programme

[This form could be submitted using the Service Provider's official letterhead as applicable]

Location

Date

Dear Madam/Sir,

We, the undersigned, hereby offer to render the following services to RWI in conformity with the requirements defined in Call for Proposals (IT) dated **2 June 2022**, and all of its attachments.

A. Qualifications of the Service Provider

The Service Provider must describe and explain how and why it is the best entity that can deliver the requirements as per the ToR and IT by indicating the following:

- a) Profile – describing the field of expertise and accreditations as relevant*
- b) Sample of previous work – list of similar services as those required by RWI, indicating description of scope, duration, value, references*

B. Proposed Methodology for the Completion of Services

The Service Provider must describe how it will address/deliver the demands of the IT; providing a detailed description of the essential performance characteristics and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the context of the work.

C. Proposed Schedule of Services

The Service Provider must provide a detailed breakdown of its proposed date schedule for implementing the services required in the IT, in accordance with Section “Time Schedule” and “Reporting and Communication” in the Terms of Reference.

D. Qualifications of Team

The Service Provider must provide:

- a) *Names and qualifications of the contractor. Where a team is proposed, include names and qualifications of members that will perform the services indicating who is Team Leader, who is supporting, etc.*
- b) *CVs demonstrating qualifications for the contractor(s)*
- c) *Written declaration that the Service Provider and any team members have not been, and are not, subject to any international sanctions or restrictive measures with which RWI is required to comply according to Swedish law*
- d) *Written declaration that the Service Provider and all team members are not, and have not been, in any of the situations listed in point 5 of the Eligibility Criteria in Annex 3*
- e) *Written declaration that the Service Provider is available for the entire duration of the contract*

E. Fee Breakdown by Team Member

Description of Team Member	Fee per Unit of Time	Total Period of Engagement	Total Rate
<i>a. Expert 1</i>			
TOTAL			

Name and Signature of the Service Provider's Authorized Person
Designation
Date

Eligibility and Selection of Proposals

Consultancy to Conduct a Gender Mainstreaming Assessment of the RWI Kenya Programme

All proposals submitted will be examined and evaluated by RWI and assessed according to the following steps and criteria:

If the examination of a proposal or other relevant information received reveals that the proposal does not meet the eligibility criteria (see below), the proposal will be rejected on this sole basis.

The proposals that pass this check will be further evaluated on their quality, including the capacity of the service provider. They will be evaluated using the evaluation criteria in the evaluation grid below.

There are two types of evaluation criteria: selection and award criteria. The selection criteria evaluate the service providers' capacity and are used to verify that they have the professional competencies and qualifications required to successfully implement the assignment. Proposals that do not meet a stated minimum standard in this respect will be reject on this basis. All criteria, including the selection criteria, are then considered as award criteria, which evaluate the quality of the proposals in relation to the objectives and priorities set forth in the Terms of Reference.

The contract award will be considered on the basis of the most economically advantageous proposal according to the best price-quality ratio, whereby the weighting for price is 20% and for quality 80%. As to price, the lowest bid gets 20 points. The other bids get 20 points reduced with the same percentage as the offered price exceeds the lowest bid, i.e. an offer that is 50% more expensive than the lowest bid gets 10 points.

Quality will be assessed in accordance with the quality criteria in the evaluation grid below, which in turn will be divided between the different quality criteria based on their importance in view of points that can be obtained for each criterion.

I. Eligibility Criteria

- 1) Proposal in accordance with requirements of Terms of Reference (annex 1) and Form for Submission of Proposals (annex 2), submitted by **15 June 2022**.
- 2) Service Provider and all team members have not been, and are not, subject to any international sanctions or restrictive measures with which RWI is required to comply according to Swedish law.
- 3) Service Provider available for the entire duration of the contract.
- 4) Only suppliers that respect and comply with all relevant and applicable human

rights as well as ethical business, social responsibility, health, safety, environmental, employment and fiscal regulations will be considered for this assignment. Any known violations in this respect, or inability to provide appropriate evidence, if and as requested, shall disqualify a service provider from (taking part in) the procurement process.

- 5) In addition, a service provider shall also be excluded from taking part in the procurement process if:
 - a) it is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;
 - b) it has been established by a final judgment or a final administrative decision that the service provider is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the supplier belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes a wrongful intent or gross negligence, including, in particular, any of the following:
 - i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract.
 - ii) entering into agreement with other economic operators with the aim of distorting competition.
 - iii) violating intellectual property rights.
 - iv) attempting to influence the decision-making process during the procurement; or
 - v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement process.
 - c) it has been established by a final judgment or a final administrative decision that the service provider is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
 - d) it has been established by a final judgment that the service provider, or persons having powers of representation or decision-making control over it, is guilty of any of the following: fraud; corruption; involvement in a criminal organisation; money laundering; terrorist financing; child labour (or any other forms of trafficking in human beings); or any other illegal activity detrimental to the partners interests;
 - e) the service provider has shown significant deficiencies in complying with main obligations in the performance of a contract financed by RWI or any donor to RWI, which has led to the early termination of a legal commitment or to the application of liquidated damages or other contractual penalties or which has been discovered following checks and audits or investigations.

II. Evaluation grid regarding quality

The evaluation grid is divided into Sections and subsections. Each subsection will be given a score between 1 and 5 as follows: 1 = very poor; 2 = poor; 3 = adequate; 4 = good; 5 = very good.

Section	Maximum Score
1. Capacity (Selection Criteria)	50
1.1. Does the service provider have an advanced University degree (Master's or equivalent) in law, gender studies, social development or any of the Social Sciences that are relevant to this assignment?	5 x 2*
1.2. Does the service provider demonstrate knowledge of gender, gender analysis and gender mainstreaming as a concept, tool and strategy and its application the field of human rights?	5 x 2*
1.3. Does the service provider demonstrate knowledge about the political and social context of Kenya in general, including knowledge of the human rights and the criminal justice situation in particular?	5
1.4 Does the service provider demonstrate specific knowledge and experience relating to correctional services or administration of justice and a capacity to analyze the institutional and political context in which the RWI Kenya programme operates?	5 x 2*
1.5 Does the service provider demonstrate experience for similar assignments undertaking gender analysis within the criminal justice sector?	5X2
1.4. Does the service provider demonstrate the requisite fluency in English?	5
2. Understanding of Terms of Reference	10
2.1. Does the service provider demonstrate a good understanding of the requirements of the assignment, as described in the Terms of Reference?	5 x 2*
3. Relevance of the proposal	15
3.1. Does the proposal adequately respond to the objectives and priorities as outlined in the Terms of Reference towards achievement of expected results?	5 x 2*
3.2 How relevant is the proposal to the context of the work	5
4. Implementation approach	5

4.1. Is the plan for implementing the assignment clear and feasible? Is the timeline realistic?	5
Maximum total score	80

***: this score is multiplied by 2 because of its importance**

If the total score for Section 1 (capacity) is less than 20 points (not considering any multiplication of points), the application will be rejected. If the score for at least one of the subsections under Section 1 is 1 (not considering any multiplication of points), the application will also be rejected.