



REPUBLIC OF KENYA

**MINISTRY OF CO-OPERATIVES AND MICRO, SMALL & MEDIUM
ENTERPRISES DEVELOPMENT (MCMSME)**

**STATE DEPARTMENT FOR MICRO, SMALL AND MEDIUM
ENTERPRISES DEVELOPMENT (SDMSME)**

**KENYA JOBS AND ECONOMIC TRANSFORMATION (KJET) PROJECT
(P179381)**

PROGRAM IMPLEMENTATION UNIT (PIU)

TERMS OF REFERENCE

RECRUITMENT OF A PROCUREMENT SPECIALIST

PROGRAMME IMPLEMENTATION UNIT (PIU)

December, 2024

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1.0 INTRODUCTION

The Government of Kenya (GOK), with the support of World Bank, is implementing the Kenya Jobs and Economic Transformation (KJET) Project, a significant initiative aimed at addressing key constraints within government and market systems that hinder the creation of high-quality jobs and the adoption of environmentally sustainable practices by Micro, Small, and Medium Enterprises (MSMEs). The Project Development Objective (PDO) is to ‘increase private sector investments, access to markets and sustainable finance to create and improve jobs.

The project targets several critical challenges including: overly complex regulatory frameworks; insufficient promotion of Foreign Direct Investment (FDI); lack of coordination between buyers and suppliers; information gaps about market capabilities and requirements; and the negative impacts of climate change.

KJET is designed to build upon and enhance the existing and planned analytical work of the World Bank and the GOK, as well as other Programmes that focus on different elements of the Jobs and Economic Transformation (JET) agenda. Its design is informed by insights from the 2019 Country Private Sector Diagnostic (CPSD), the 2022 sub-national Competitiveness for JET Analytical and Advisory Services (ASA), and the 2023 Country Economic Memorandum (CEM).

These Terms of Reference are for the recruitment of a **Procurement Specialist** for the KJET PIU at SDMSME.

1.1 THE KEY COMPONENTS OF KJET PROJECT

KJET Project includes the following components and sub-components:

Component 1: Strengthening Business and Investment Enabling Reforms;

Component 2: Enhancing MSME Cluster Competitiveness;

- Subcomponent 2.1: Technical Assistance (TA) on Competitive Cluster Development Initiatives
- Subcomponent 2.2: Building Capacities of MSME Clusters;

Component 3: Scaling Up Green Financing and Strengthening Climatic Resilience for SMEs;

- Subcomponent 3.1: Scaling Up Green SME Financing;
- Subcomponent 3.2: Strengthening MSMEs Climatic Resilience; and

Component 4: Project Management, Monitoring and Evaluation.

1.3 PROJECT STRUCTURE

1.3.1 Implementing Ministries

The project will be implemented through both the Ministry of Cooperatives and Micro, Small and Medium Enterprises Development (MCMSME) and the Ministry of Investment Trade and Industry (MITI). While MITI will implement Component 1 (Strengthening Business and Investment Enabling Reforms) and Component 3 (Scaling up Green Financing and Strengthening Climatic Resilience for SMEs), the MCMSME will implement Component 2 (Enhancing MSME Cluster

Competitiveness) and will act as the over-arching Ministry in charge of overall project reporting and management.

1.3.2 Project Steering Committee (PSC)

KJET will establish a governance structure through a Project Steering Committee that will be chaired by the Principal Secretary (PS), SDMSME under MCMSME and co-chaired by PS, State Department for Investments Promotion (SDIP) under MITI, with support from the Project Implementation Unit (PIU) acting as the secretariat.

The PSC will assume oversight over project implementation functions and PIUs including, among other functions: (i) Oversight of overall implementation of the project; (ii) Provision of supervision support, including monitoring project results; (iii) Ensuring inter-agency coordination within GOK required for project implementation and (iv) Review/approval of annual work plans, periodic progress reports, annual procurement plans, and budgets.

1.3.3 Project Implementation Unit (PIU)

Two (2) dedicated Project Implementation Units (PIUs), one in each ministry, will manage day-to-day project operations. The PIU under MITI's State Department for Investments Promotion will coordinate Components 1 and 3, with the Kenya Development Corporation (KDC) assisting in implementation. Meanwhile, the PIU under SDMSME-MCMSME will coordinate Component 2, spearheaded by the Micro and Small Enterprises Authority (MSEA), and oversee overall project reporting. Each PIU will include specialists in environmental, social safeguards, and communication. They will set annual performance targets approved by the respective Principal Secretaries and the World Bank.

The SDMSME's PIU will serve as the main coordinating unit, managing reporting, missions, and project manuals. SDMSME will closely collaborate with MITI's State Department for Investments Promotion.

2.0 SCOPE OF SERVICES

The scope of the assignment is for the Procurement Specialist to:

- a) Provide guidance and assistance in procurement of goods, works and consulting services in compliance with the World Bank Regulations and as appropriate with the Government of Kenya procurement regulations in collaboration with other project implementing entities;
- b) Build the capacity of staff on procurement and contract management including World Bank's procurement Policies and Regulations.
- c) Interpret and provide advisory to the project team in technical, commercial and legal aspects of procurement management.

3.0 OBJECTIVE OF THE ASSIGNMENT

The overall objective of this position is to provide the requisite procurement advice and support to the SDMSME PIU and other implementing entities to enable the development and implementation of a cost-effective procurement management system for the KJET Project.

The Specialist will assist in establishing the procurement procedures for the Project in accordance with both World Bank Regulations and GOK guidelines, preparation of procurement plans, bidding documents / Request for Proposals, ensuring bidding procedures and evaluation mechanisms are intact, representing the PIU in prequalification and tender evaluation committees. He/she will assist in managing policies for PIU project tendering, evaluation, award and contract management, key procurement processes and systems.

It is essential that the Specialist is well versed in World Bank Procurement Regulations, the Public Procurement and Asset Disposal Act, 2015 and the attendant Regulations, and the use of the Bank's **Systematic Tracking of Exchanges in Procurement (STEP)** platform.

4.0 KEY TASKS AND RESPONSIBILITIES

The Procurement Specialist is expected to perform the following tasks:

- i. Be responsible for carrying out procurement functions under the SDMSME PIU in accordance with the procedures specified in the Financing Agreement between the Government of the Republic of Kenya and the International Development Association (IDA);
- ii. Prepare an overall procurement plan for all the goods and services to be procured under the Project, specifying allocation of tasks and responsibilities at each stage of the procurement process; review and update the Project Procurement Plan regularly and submit it to the World Bank for review and approval; refer the strategic document, PPSD throughout project implementation and revise as needed.
- iii. Ensure that all procurement is done in accordance with the provisions of the Financing Agreement and with IDA's regulations for Procurement as well as the approval mechanisms of the Government of Kenya's Procurement Act;
- iv. Verify that all proposed purchases are (a) included in the approved procurement plan;(b) eligible for financing under the Credit and confirm the appropriate method to procure goods and services for each contract;
- v. Assist procuring entities in all aspects of procurement including the preparation of bidding documents /request for proposals and advertisements;
- vi. Work with the procurement entities and technical teams to ensure timely preparation and issuance of technical specifications, Terms of Reference and other related technical documentation necessary to facilitate commencement of procurement processes;
- vii. Assemble committees with the participation of representatives from the SDMSME-MCMSME and procuring entities for the opening and evaluation of bids for purchase of

- goods and services, evaluation of Expressions of Interest and shortlisting/ and evaluation of Requests for Proposals, as well as contract negotiations and awards;
- viii. Prepare evaluation reports, contract negotiation minutes, and draft negotiated contracts;
 - ix. Monitor contract implementation, including issues of claims, disputes, and compensation events;
 - x. Monitor through STEP the publication of bid notices, request for expression, and contract awards; and upload all necessary documents in to the STEP system. Monitor the timely execution of contracts for consultants' services and the purchase of goods / equipment including pre-shipment inspections/ tests, and inland transportation and collaborates with the stores on acceptance, storage and delivery;
 - xi. Works closely with accounts on payments due under procurement contracts and assist in the preparation of payment documents;
 - xii. Prepare and submit quarterly and annual progress reports on status of procurement under the Project to the Project Coordinator for inclusion in the PIU's project implementation progress reports;
 - xiii. Acts as a custodian of procurement documents and ensures systematic procurement filing system in the PIU;
 - xiv. Participate in procurement training courses, if necessary, and ensure that the PIU adopts and adheres to any relevant changes in procurement procedures and guidelines, introduced by the GoK and/or the World Bank;
 - xv. Identify indicators of fraud, collusion and other unethical practices in procurement/selection process; ensure procurement, contract management and related complaints are properly handled;
 - xvi. Monitor and assist in the timely response to all procurement related complaints including registration and closure in STEP; and
 - xvii. Carry out any other procurement related function as shall be assigned by the Project Coordinator.

5.0 QUALIFICATIONS AND EXPERIENCE

The candidates should have the following desired qualifications and experience:

- i. A Bachelor's Degree in Procurement, Supply Chain Management, Business Administration, Economics, Accounting, Finance, Engineering or equivalent from a recognized institution. Post graduate studies and/or relevant professional qualifications will be an added advantage;
- ii. A minimum of at least 10 years relevant experience with at least 5-year working experience in public procurement, particularly in projects financed by the World Bank and other international financial organizations;
- iii. Knowledge of international organizations/agencies' and GoK public procurement regulations and procedures;
- iv. Knowledge and experience in the World Bank procurement system, Systematic Tracking of Exchanges in Procurement (STEP) is desirable;
- v. Demonstrated interpersonal skills and ability to work in a team environment;

- vi. High level of reliability and integrity;
- vii. Ability to communicate effectively, prepare, negotiate, analyze, elaborate and present reports;
- viii. Excellent computer skills for Microsoft Office tools (Word, Excel, and PowerPoint) and Internet use; and
- ix. Membership to a relevant professional body where applicable.

6.0 REPORTING

The Procurement Specialist will enter into a contract with the State Department for MSMEs Development and will report to the Project Coordinator for day-to-day activities.

7.0 DELIVERABLES

The Procurement Specialist will be tasked with the following deliverables (leveraging on other KJET implementing entities) throughout his/her assignment, ensuring that he/she meets the expectations of the Project Coordinator and adheres to the established guidelines:

- i. Quarterly Reports to the Project Coordinator. The quarterly reports should cover interventions and activities conducted in the reporting period;
- ii. Updating the Procurement Plan of the project and its execution report based on the approved Work plan;
- iii. Timely preparation of bidding documents; Request for Proposals with adequate quality and related Evaluation Reports;
- iv. Quarterly procurement status; and
- v. Annual procurement status report.

8.0 DURATION OF CONTRACT

The Procurement Specialist will be contracted for an initial period of one year. The contract will be renewed based on project requirements and the specialist's performance, ensuring continued alignment with the project's objectives and needs.

9.0 FACILITIES TO BE PROVIDED

The Project Implementation Unit (PIU) will provide the Project Procurement Specialist with office facilities, essential utilities, office services, stationery and office supplies, use of a computer and printer, and other materials as necessary.

9.0 LOCATION OF ASSIGNMENT

The duty station for this role will be Nairobi, Kenya. The Procurement Specialist will be based within the Project Implementation Unit (PIU) under the State Department for MSMEs Development.

10.0 INDICATIVE PAYMENT TERMS

This is a monthly-based contract where the Procurement Specialist shall be paid an agreed gross

salary staff month rate.