

Nairobi, 2nd August 2021

CALL FOR APPLICATIONS:

Consultancy services to conduct a detailed legal analysis of the proposed Political Party Primaries' Bill 2020.

1.0 Introduction

The Centre for Multiparty Democracy (CMD-Kenya) is inviting applications from qualified consultants to conduct a detailed legal analysis of the proposed Political Party Primaries' Bill 2020 to identify gaps and recommend necessary interventions to ensure its effectiveness in promoting political participation of marginalized groups in Kenya. Article 260 of the Constitution of Kenya 2010 defines a "marginalized group" as a group of people who, because of laws or practices before, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) of the Constitution.

The consultancy is part of the support to political parties to initiate key reforms to promote political participation of marginalized groups in Kenya under the **Accountable and Democratic Governance Project** implemented in partnership with Uraia Trust. The overall objective of the project is to strengthen political parties to become effective actors of democratization and good governance. CMD-Kenya is a political parties-based membership organization whose mandate is to enhance multiparty democracy and strengthen the institutional capacity of political parties in Kenya through policy influence and capacity building. The organization provides a platform for political parties, political actors and policy makers to engage in dialogue and cooperate in strengthening multiparty democracy.

2.0 Context and the problem to be solved.

The conduct of political party primaries remains a major challenge for most political parties in Kenya. Political party primaries are very important in Kenya's electoral cycle. They provide the mechanisms in which political party members are availed an opportunity to participate in the country's democracy by freely choosing the candidates that best reflects their beliefs and ideologies. Despite their importance, the conduct of political party primaries in Kenya have been chaotic, characterized by nepotism, discrimination, corruption, lack of preparedness and lack of dispute resolution mechanisms to address grievances that arise from the exercise. Acts such as voter bribery, use of violence, intimidation and harassment; destruction of voting material, lack of co-ordination at the party primary tallying centers and targeted attacks meted against minority and marginalized groups such as women, youth and persons with disabilities aspirants compromises their right to vote and political participation. The right to political choice is a Constitutionally guaranteed right provided for in Article 38(3)(b) of the Constitution of Kenya 2010.

The muddled conduct of party primaries in Kenya is a threat to this fundamental right. The need to regulate party primaries cannot be refuted. Although the Political Party Primaries Bill has been drafted and tabled in the Senate, emerging political dynamics in the country reveal a number of challenges to the process. For instance, the sponsor of the Bill lost his Senatorial seat after being expelled from his party. This has a direct effect on the timelines for fast-tracking the enactment of the law ahead of April-May 2022 when political parties are expected to conduct the primaries. Another challenge encountered in the conduct of party primaries is limited resources available to political parties. While the Bill proposed structures to regulate the conduct of the party primaries, there are a number of gaps therein including, but not limited to, the lack of clarity on how the conduct of party primaries should be funded.

It is against this backdrop that CMD-Kenya is commissioning this detailed legal analysis to identify gaps and recommend necessary changes or improvements in the Bill to ensure its effectiveness.

3.0 Objectives

The overall objective of the undertaking will be to identify gaps and recommend necessary changes and/or improvements be initiated to ensure the effectiveness of the proposed Political Party Primaries' Bill 2020. The external consultant will be expected to study the proposed bill and recommend necessary actions to be initiated to strengthen the piece of legislation.

After successful completion of the legal analysis of the proposed bill, CMD-Kenya will utilize the findings of the legal analysis to convene multi-actor and multiparty dialogue sessions to deliberate on the findings as well as agree on lobby and advocacy mechanisms to review the bill.

4.0 Scope of the Consultancy

The consultancy will entail the following:

- a. Conducting a detailed legal analysis of the proposed Political Party Primaries' Bill 2020 to identify gaps and recommend necessary interventions to strengthen the proposed bill in promoting political participation of marginalized groups in Kenya;
- b. Submitting to CMD-Kenya the legal analysis including all relevant materials used during the analysis;

5.0 Qualifications of the consultant

- a. A post-graduate qualification in Law.
- b. A minimum of 5 years-experience in Law and or Public Policy work.
- c. Experience working with political parties and understanding political parties' landscape
- d. Evidence undertaking similar work.

Evaluation Criteria

No	ITEM	Points
1	Relevant experience for the assignment	20
	<p>a) Provide details on similar assignments undertaken (at least 3).</p> <ul style="list-style-type: none"> • 4 or more similar assignments (6 points) • 2 or more similar assignments (3 points) • 1 similar assignment (1 point) 	
	<p>b) Provide at least one (1) recommendation letter from the organizations where the consultancy services have been undertaken and a copy of the document produced</p> <ul style="list-style-type: none"> • 2 or more matching recommendation letters (6 points) • 1 or more matching recommendation letters (3 points) • 0 matching recommendation letter (1 point) 	
2	<p>Qualification and competence of the staff on the assignment</p> <p>Team Leader</p> <p>Professional Qualifications</p> <p>a. A post-graduate qualification in Law (5 points)</p> <p>Relevant Experience</p> <p>b. A minimum of 7 years-experience in law. (6 points)</p> <p>c. Demonstrated experience of working with political parties</p> <ul style="list-style-type: none"> • Provide the number of political parties worked with; <ul style="list-style-type: none"> i. 5 or more political parties (5 points) ii. 2 or more political parties (3 points) iii. 1 political party (1 point) <p>d. Demonstrated ability to conduct studies and write high quality reports</p> <ul style="list-style-type: none"> • Please attach a copy of a report produced <ul style="list-style-type: none"> i. 3 or more reports (6 marks) ii. 2 or more reports (3marks) iii. 1 report (1 mark) <p>Attach Curriculum Vitae.</p>	30
3	<p>Methodology and approach</p> <p>a. Understanding the TORs (5 points)</p> <p>b. Proposed work plan and methodology (15 points)</p> <p>c. Proposed data collection approach and data analysis methodology (10 points)</p>	30
4	Financial Proposal (Value for money)	20
5	Total points	100

- ❖ To be eligible for the consultancy, the applicant must score at least 70 points at the technical evaluation stage.

Assignment duration

The consultancy will be conducted for a single phase lasting 5 working days.

Application Process

Interested and qualified candidates should send their application (A concise Technical and Financial proposals) to the CMD-Kenya Secretariat via info@imd-cmd.co.ke or deliver at CMD-Kenya Offices at 6th Floor International House Nairobi, on or before 12th August 2021 at 2:00pm.