



REQUEST FOR PROPOSALS

**TOR TO DEVELOP AND DIGITALIZE LEGAL LITERACY MATERIALS
THAT ARE USER FRIENDLY FOR PEOPLE WITH DISABILITIES (PWD)**

Document Release Date : 17th September 2021

Last Date for Receipt of proposals : 6th October 2021

Time : 11.00 A.M.

Tender Number : GFPREQ01720

Submission Method : Email - tenders@redcross.or.ke

**Tender Opening Venue and Time : KENYA RED CROSS SOCIETY
HEADQUARTERS BOARDROOM
TIME: 1200 HRS**

Summary

- 1.1. **Purpose:** To develop and digitalize legal literacy materials that are user friendly for people with disability(PWD)
- 1.2. **Donor:** Global funds HIV Grant
- 1.3. **Duration:** 35 working days
- 1.4. **Estimated Dates:** 18th October to 3rd December 2021
- 1.5. **Target Population:** People with Disabilities (PWD)
- 1.6. **Deliverables:** Digitalized legal literacy materials that are user friendly for people with disability(PWD)
- 1.7. **Management Team:** Human Rights and Gender (HRG) technical team and KRCS Program and Public Relations (PR) team

1.2 Description of the project

Kenya Red Cross Society (KRCS) is the non-state Principal Recipient (PR) for the Global Fund HIV Grant, running from July 2021 to June 2024 (NFM3). The goal of the grant is to contribute to the attainment of universal health coverage through comprehensive HIV prevention, treatment and care for all people in Kenya while the objectives is to reduce new HIV infections by 75% and reduce AIDs related mortality by 50%.

One of the modules that KRCS will be implementing under the HIV grant is Reducing human rights-related barriers to HIV/TB services. Despite the strong national and international legal frameworks and commitments to the protection of human rights, Kenya still faces challenges. There remain human rights, gender and age-related barriers to HIV and TB services in Kenya. It is important to note that while the overall stigma index for Kenya in 2014 was 45% the findings of the current PLHIV stigma survey index is at 23.28% of PLHIV. Notably, the current PLHIV stigma index survey used a standard tool generated by the global partnership on stigma index (GNP, ICW, IPPF and UNAIDS)

The Constitution of Kenya 2010 which is the supreme law of the land. Article 54 (1) (e) provides that a person with disability is entitled to access to materials and devices to overcome constrains arising from the persons' disability. This Article directly correlates with the project. Persons with Disabilities Act, 2003. This is an Act of Parliament that advocates for the rights of persons with disability. The Act is the leading legislation that advocates for human rights in relation to PWD which the project seeks to cover.

Legal literacy connotes the knowledge of the primary level in law. When the citizens (particularly marginalized or underprivileged groups) become aware of the rights provided to them by law, they can use such awareness as a tool to access justice as such awareness can transform their lives.

1.3 Problem statement

Access to justice is a fundamental right, as well as a prerequisite for the protection of all other human rights. Persons with disabilities encounter considerable obstacles in terms of access to justice. Barriers and impediments often involve combined forms of inaccessibility and other forms of discrimination. Legal barriers to justice for persons with disabilities exclusion of the considerations of PWD in law and policy documents and non-adherence to existing international policies and treaties in support for PWD include instances where the rights of persons with disabilities are not enshrined in law, and or where law, policy or practice are inconsistent with/contrary to some articles of the **(CRPD) Convention on the Rights of Persons with Disabilities**. The Committee on the Rights of Persons with Disabilities is the body of independent experts which monitors implementation of the Convention by the States Parties.

Negative attitudes and societal norms on the part of relevant actors, including law enforcers and implementers, may result in persons with disabilities being degraded while seeking legal redress and or justice– including when reporting a crime, in terms of whether one can serve as a witness or in making legal decisions, seeking remedies for alleged violations of their rights, or otherwise participating in legal proceedings. Minimal and or lack of knowledge thereof by the PWD communities with regard to their rights hinders them from seeking justice.

Access to justice for persons with disabilities can be impeded where measures to take care of their impairments or inclusions have not been taken into consideration. This includes ensuring the accessibility of relevant physical environments, including court houses, police stations, offices of lawyers and relevant service providers such as victims' advocates and health care facilities where forensic evidence is gathered. Moreover, quite often persons with disabilities are also excluded from key roles in the justice system as lawyers, judges or members of a jury. At a symbolic level, lack of physical accessibility (or segregated accommodations for persons with disabilities, for instance, a ramp at the back of a building) can make persons with disabilities feel excluded, and thus discourage them from pursuing justice.

Legal awareness is the foundation for increasing/improving accessing to justice for persons with disabilities. The poor and other disadvantaged people may not seek remedies for injustice when they do not know what their rights and entitlements are under the law. Information on remedies for injustice must be intelligible to the public and knowledge provided to them must serve their practical purposes. Yet, many persons with disabilities (and those who support them) still do not have a clear understanding of relevant legal information. They often face questions such as who to refer to for help; what procedures or remedies can and should be pursued; or how much time, effort and money will the dispute resolution process take.

1.4 Current situation

The World Disability Report 2011 puts persons with disability to constitute 15% of the general population. KNBS also puts the overall disability rate in Kenya is 4.6% which translates to 1.7 million Persons with disabilities. Some numbers are available, although these do not give an accurate picture of the number of disabled people living in the country. Kenyan population of approximately 47.6 Million as per the Kenya Population and Housing Census, 2019. That should translate to around 50 Million as at 2021. Further, the national census indicates that 2.2% of the national population (0.9 Million) reported to be having some form of disability. Many persons with disability in Kenya, as in most developing countries in the world, live in poverty, have limited opportunities for accessing education, health, suitable housing and employment opportunities.

Access to justice, as a fundamental right in itself and as a precondition of the enjoyment of all other rights, is especially crucial for this category of vulnerable persons, and provides a unique tool to counter the discrimination (and often disrespect, lack of dignity or even violence) that they face. Paradoxically, however, those who need effective access to justice most are the ones frequently encountering barriers to it. Persons with disabilities often face many barriers accessing justice as in most developing countries in the world, live in poverty, have limited opportunities for accessing education, health, suitable housing and employment opportunities. Even if not directly linked to how legal proceedings unfold, general legal discrimination against persons with disabilities has both symbolic and practical implications for access to justice. Legal exclusion from social, economic or political participation sends a message that persons with disabilities should not 'bother' trying to access any state institutions — including the justice system — for their benefit.

The relationship between poverty and access to justice is in some respects rather straightforward. If an individual has limited financial ability, they are likely focused on basic survival and thus have little time and resources to pursue costly and/or lengthy legal proceedings, and engage and pay for quality legal counsel services. Unfortunately, lack of financial resources usually leads to increased vulnerability to exploitation, and the necessity of access to justice becomes correspondingly more crucial. Focusing on accessible information for persons with disabilities as they are able to make contact with legal professionals or find legal resources, they can then face another significant barrier: a lack of accessible communications and/or documents that will enable them to make informed decisions. This includes a lack of easy-to-read or plain language formats, as well as a failure to provide braille or sign language translation.

2.0 Consultancy

KRCS seeks the services of a consultant/firm to develop and digitalize legal literacy materials that are user friendly for people with disability (PWD). The consultant will develop legal literacy training package that will enhance knowledge on the rights of PWDs and the legal framework in protecting such rights. The materials will also train participants to educate others about the human rights of PWD, the protections that PWDs are entitled to, and the actions that they can take to claim their rights.

2.1 Purpose

To respond to this intent, KRCS is seeking to recruit a qualified and experienced firm/ consultant for a short term technical support to develop and digitalize legal literacy materials that are user friendly for people with disability(PWD). The legal literacy materials are important in supporting improved access to health services and access to justice for PWD in the context of HIV and TB. The legal literacy training package will be used to train PWD champions to understand human rights and how promotion of the same can leverage HIV and TB services. The legal literacy (know your rights campaigns) package will also ensure recognition of the rights violation of PWD and ensure they claim their rights to health. The materials developed will be used to sensitize PWD champions as well as conduct know your rights campaigns to PWD

2.2 The specific objectives of the legal literacy materials

- To guide trainers in facilitating training on legal literacy to PWD.
- To enable provision of information and skills for PWD to defend and assert their rights.
- To train PWD champions who will to sensitize PWDs to understand human rights and how promotion of the same can leverage HIV and TB services.
- To increase knowledge on recognition of the human rights violation of PWD and ensure they claim their rights to health when they are violated.
- To conduct legal literacy (know your rights campaigns) among PWDs

2.3 Scope of work

The materials to be developed include; Legal literacy training package for PWD, Legal literacy (Know your rights campaigns) package for PWD and participants' packages (Take home messages) which are key messages in form of IEC materials which included brochures, posters and pamphlets

The consultant will also digitalize the legal literacy materials to be published in digital format. The consultant will also develop illustrations, design and layout of the legal literacy materials. The materials developed will then be used to train PWD champions who will then be conducting legal literacy sensitization for people with disabilities (PWD).

The consultant will be expected to undertake the following tasks:

- The consultant is to participate in an inception meeting with KRCS and HRG technical team to discuss the execution of the assignment.
- Design the necessary tools for the execution of the assignment.
- Develop a time-defined proposal (including a work plan) and the methodology the Consultant aims to use to develop the legal literacy materials for PWD.
- To develop and submit the inception report detailing the road map of implementation.
- The consultant to work with National Council for Persons with Disability so as to ensure that the legal literacy materials are in tandem with the standards set by the Council.

- Develop draft legal literacy materials for PWD which includes the legal literacy training package for PWD, legal literacy (know your rights campaigns) package.
- Develop participants' packages (Take home messages) which are key messages in form of IEC materials which included brochures, posters and pamphlets.
- To develop illustration for the legal literacy materials for PWD that will capture attention of the intended audiences
- Design and layout the user friendly legal literacy materials.
- Ready to read Legal literacy materials for printing and web posting.
- To digitalize the legal literacy materials for people with disability.
- Develop tools that will be used by the PWDs to screen capture and report human rights violations
- Develop the training program for training the PWD champions.
- Develop the sensitization programs that will be used by the PWD champions to conduct sensitization sessions (know your rights campaigns) to PWD.
- Develop training evaluation forms for participants after end of the training and sensitizations (know your rights campaigns).
- Participate in review meeting with representatives of with National Council for Persons with Disability and other relevant key stakeholders.
- Finalize and submit the legal literacy materials based on inputs from National Council for Persons with Disability and other key relevant stakeholders.
- Disseminate the final legal literacy materials to National Council for Persons with Disability and other relevant key stakeholders.
- Submit consultancy report to KRCS.

2.4 Deliverables

The key deliverables that the consultant should deliver to KRCS are as follows;

- Inception report detailing the execution of the assignment.
- Qualified and experienced teams who will carry out the assignment.
- Draft user friendly legal literacy materials for PWD which includes legal literacy training package for PWD, legal literacy (know your rights campaign) package in regards to TB and HIV.
- Participants take home messages in form of IEC materials –Legal literacy brochures, Pamphlets and posters.

- The deliverables should include the various domains of disabilities i.e. seeing, hearing, cognition, self-care & communication
- Final user friendly legal literacy materials for PWD both in web and print format with illustration, layout and design.
- Digitalized user friendly legal literacy materials.
- Tools that will be used by the PWD to capture, screen and report human rights violations.
- Training program for the PWD champions who will be trained on legal literacy.
- Sensitization program for of PWDs on legal literacy (Know your rights campaigns)
- Evaluation tools for the participants after end of training for PWD champions and sensitizations (Know your rights campaigns) for PWDs.
- Review the legal literacy materials with the National Council for Persons with Disability and other key relevant stakeholders.
- Dissemination of the legal literacy materials with the with National Council for Persons with Disability and other relevant key stakeholders.
- Final consultancy report.

2.5 KRCS Deliverables

- Share the zoom link for the inception meeting with the consultant, HRG technical team and KRCS.
- Invite the HRG technical team and the consultant for the inception meeting.
- Develop and share the draft contract with the consultant.
- Link between the consultant and HRG technical team.
- Organize for a review meeting of the draft legal literacy materials between the consultant, HRG technical team and stakeholders.
- Organize for the dissemination of the legal literacy materials.

2.6 Expertise and qualification of the consultant Functional competencies

- Expert knowledge in health care systems, public health law human rights, and the legal framework.
- Knowledge in the health care systems on HIV and TB matters
- Knowledge on the national legal context on PWDs
- Knowledge and exposure to public health systems and network.
- Significant experience in reviewing laws; and policies
- Experience of conducting media and policy briefs.
- Ability to research and write at a high level. Expert knowledge of government processes.
- Experience in development of training manuals in relation to health and legal issues.
- Experience in the usage of computers and office software packages (MS Word, Excel,
- Strong knowledge of Adobe InDesign, Adobe Illustrator, Adobe Photoshop and Adobe Acrobat.

2.6.1 Core competencies

- Ability to produce high quality outputs in a timely manner while understanding and anticipating the evolving client needs.
- Strong organizational skills;
- Skills in Lobbying and advocacy, Gender integration and gender inclusion
- Ability to work independently, produce high quality outputs

2.6.2 Required Skills and Experience for the Key staff to be involved

- **Education:** Advanced University Degree in Law, Human Rights or relevant Social Science studies including gender and develop and psychology.
- **Experience: Minimum** of 10 years of relevant experience is required.
- **Language:** Excellent written and spoken English and Kiswahili.
- Owing to the nature and the scope of the consultancy, the key staff should be a member of a professional body with a good standing. This will ensure professionalism and objectives of the consultancy.
- At least two written samples for which the Consultant(s) was listed author that demonstrates their experience developing a legal literacy packages or similar deliverable (e.g. training curriculum or toolkit in regard to PWD)

2.7 Duration

The provision of technical assistance will take 35 working days from 18th October to 3rd December 2021 including inception meeting and discussions.

2.8 Application Requirements

Application materials shall include:

- A written response to this TOR in terms of a proposal detailing the technical understanding of the task, proposed methodologies of execution of the assignment, expected activities and deliverables, proposed work plans with schedule, and financial bids. **See Annex 1**
- Detailed **CVs of all professional (s)** who will work on the assignment. If there is more than one consultant on the proposed team, please attach a table describing the level of effort (in number of days) of each team member in each of the assignment activities. **See Annex 3.**
- Professional references: please **provide at least three references** from your previous clients and full contact details of the referees

2.9. Submission of proposal

The Technical Proposal **MUST** be prepared in conformance to the outline provided in **Annex 1** while the financial proposal shall conform to the template provided in **Annex 2**. Team composition should conform **to Annex 3**

*Bidders should provide technical and financial proposal in **two separate folders** clearly marked "Technical Proposal" and "Financial Proposal" and emailed to tenders@redcross.or.ke clearly marked in the subject line ;Tender Number **GFPREQ01720 : Consultancy Service to develop and digitalize legal literacy materials that are user friendly to people with disability (PWDs)***

The Proposal should be addressed as below and emailed to tenders@redcross.or.ke by **6th October 2021 at 11:00 hrs:**

Chairperson

**Tender Committee
Kenya Red Cross Society
P.O Box 40712 - 00100
Nairobi, Kenya**

ANNEX 1: RESPONSE PROPOSAL FOMART

- 1) **Introduction:** description of the firm, the firm’s qualifications and statutory compliance (1 page)
- 2) **Back ground:** Understanding of the project, context and requirements for services, (2 pages)
- 3) **Proposed methodology:** The proposed methodology **MUST** provide an indication of its effectiveness and added value in the proposed assignment. (5 pages)
- 4) **Firms experience** in undertaking assignments of similar nature and experience from the geographical area for other major clients (Table with: Name of organization, name of assignment, duration of assignment (Dates), reference person contacts-2 pages)
- 5) **Proposed team** composition (As per annex 3)-1 page
- 6) **Work plan** (Gantt chart of activity and week of implementation)-1 page

ANNEX 2: BUDGET TEMPLATE

The firm shall only quote for the items below as KRCS will manage all other related costs (professional fees and administration expenses) as all other cost will be catered for by KRCS.

Item	Unit	# of Units	Unit Cost	Total Cost (Ksh.)

Grand Total				
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ANNEX 3: PROPOSED TEAM COMPOSITION TEMPLATE

Name of Team Member	Highest Level of Qualification	General Years of Experience related to the task at hand	Number of days to be engaged	Roles under this assignment

ANNEX 4: TENDER EVALUATION CRITERIA

A four stage evaluation procedure will be used to evaluate all proposals from bidders. The total number of points which each bidder may obtain for its proposal is:

- Technical Proposal 70 marks
- Oral presentation 20 marks
- Financial Proposal 10 marks

1. Mandatory Requirements

The proposal shall be evaluated on the basis of its adherence to the following compulsory requirements, this applies to both local and international firms and individuals

Document/ Requirements
Tax compliance certificate
Certificate of incorporation/registration (for firms)
PIN certificate
Proceed to next stage (Yes / No)

2. Evaluation of the Technical Proposal

The technical proposal shall be evaluated on the basis of its responsiveness to the TOR. Specifically, the following criteria shall apply:

Criteria	Maximum points	Bidders score	Remarks
(1) Introduction: Description of the Firm and the Firm's Qualifications.	10		
(2) Background : Understanding of the project, context and requirements for services	10		
(3) Proposed Methodology: The proposed methodology MUST provide an indication of its effectiveness and added value in the proposed assignment.	10		
(4) Firms Experience in undertaking assignments of similar nature and experience from related geographical area for other major clients <ul style="list-style-type: none"> Provide a summary and supporting information on overall years of experience, and related technical and geographic coverage experience 	20		
(5) Proposed Team Composition: <ul style="list-style-type: none"> Tabulate the team composition to include the general qualifications, suitability for the specific task to be assigned and overall years of relevant experience to the proposed assignment. The proposed team composition should balance effectively with the necessary skills and competencies required to undertake the proposed assignment. Lead Consultant Qualifications – should be as per the TOR Provide CVs for key Consulting team 	15		
(6) Work Plan: A Detailed logical, weekly work plan for the assignment MUST be provided.	5		
Total Score out of 70	70	70	

The firm, or team of consultants that attains a score of 42 out of 70 and above in the technical evaluation will be invited to proceed to oral presentation.

3. Oral Presentation

Criteria	Maximum points	Bidder's Score	Remarks
Understanding of the assignment	5		
Clear understanding of methodology	5		
Presentation of previous similar assignment (Organization will be required to show/present 2 previous completed assignments at the oral stage)	10		
Total Score out of 20	20	20	

4. Evaluation of the Financial Proposal

The Financial Proposal shall be prepared in accordance to **Annex 2**. The maximum number of points for the Financial Proposal shall be weighted at **10 points**. (This maximum number of points will be

allocated to the lowest Financial Proposal. All other Financial Proposals will receive points in inverse proportion according to the below formula)

Points for the Financial Proposal being evaluated =

$$\frac{(\text{Maximum number of points for the financial proposal}) \times (\text{Lowest price})}{\text{Price of proposal being evaluated}}$$

A total score obtained including Technical, Oral and Financial Proposals is calculated for each proposal. The bid obtaining the overall highest score is the winning bid.

GENERAL INSTRUCTIONS

Please read carefully the method of tender submission and comply accordingly.

1.1.1. KRCS reserves the right to accept or to reject any bid, and to annul the bidding process and reject all bids at any time prior to the award of the contract, without thereby incurring any liability to any Bidder or any obligation to inform the Bidder of the grounds for its action.

1.1.2. Cost of bidding

The Bidder shall bear all costs associated with the preparation and submission of its bid, and the Organization will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.

1.1.3. Clarification of Bidding Document

All correspondence related to the contract shall be made in English. Any clarification sought by the bidder in respect of the consultancy shall be addressed at least **five (5) days** before the deadline for submission of bids, in writing to the Administration Coordinator.

The queries and replies thereto shall then be circulated to all other prospective bidders (without divulging the name of the bidder raising the queries) in the form of an addendum, which shall be acknowledged in writing by the prospective bidders.

Enquiries for clarifications should be sent by e-mail to tenders@redcross.or.ke

1.1.4. Amendment of Bidding Document

At any time prior to the deadline for submission of bids, KRCS, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, may modify the bidding documents by amendment.

All prospective Bidders that have received the bidding documents will be notified of the amendment in writing, and it will be binding on them. It is therefore important that bidders give the correct details in the format given on page 1 at the time of collecting/receiving the bid document.

To allow prospective Bidders reasonable time to take any amendments into account in preparing their bids, KRCS may at its sole discretion extend the deadline for the submission of bids based on the nature of the amendments.

1.1.5. Deadline for Submission of Bids

Bids should reach tenders@redcross.or.ke on or before **6th October 2021** at 11.00 a.m. Bids received after the above-specified date and time shall not be considered. **Tender Number GFPREQ01720: Consultancy to develop and digitalize legal literacy materials that are user friendly to persons with disability (PWD)**

Any bid received by KRCS after this deadline will be rejected.

*Bidders should provide a technical and financial proposal in two separate folders clearly Marked “**Technical Proposal**” and “**Financial Proposal**” both of which should then be sent to tenders@redcross.or.ke with the subject reading “*

The Proposal should be addressed as indicated above to reach the under signed by 6th October 2021 at 11.00 a.m. for opening meeting to take place at 12.00 noon.

Any bid received by KRCS after this deadline will be rejected.

1.1.6. Cost Structure and non-escalation

The bidder shall, in their offer (Financial Proposal), detail the proposed costs as per the template provided above.

No price escalation under this contract shall be allowed. KRCS shall not compensate any bidder for costs incurred in the preparation and submission of this RFP, and in any subsequent pre-contract process.

1.1.7. Taxes and Incidental Costs

The prices and rates in the financial offer will be deemed to be inclusive of all taxes and any other incidental costs.

1.1.8. Responsiveness of Proposals

The responsiveness of the proposals to the requirements of this RFP will be determined. A responsive proposal is deemed to contain all documents or information specifically called for in this RFP document. A bid determined not responsive will be rejected by the Organization and may not subsequently be made responsive by the Bidder by correction of the non-conforming item(s).

1.1.9. Currency for Pricing of Tender

All bids in response to this RFP should be expressed in Kenya Shillings. Expressions in other currencies shall not be permitted.

1.1.10. Correction of Errors.

Bids determined to be substantially responsive will be checked by KRCS for any arithmetical errors. Errors will be corrected by KRCS as below:

- a. where there is a discrepancy between the amounts in figures and in words, the amount in words will govern, and
- b. where there is a discrepancy between the unit rate and the line total resulting from multiplying the unit rate by the quantity, the unit rate as quoted will govern.

The price amount stated in the Bid will be adjusted by KRCS in accordance with the above procedure for the correction of errors.

1.1.11. Evaluation and Comparison of Bids

Technical proposals will be evaluated prior to the evaluation of the financial bids. Financial bids of firms whose technical proposals are found to be non-qualifying in whatever respect may be returned unopened.

1.1.12. Confidentiality

The Bidder shall treat the existence and contents of this RFP, and all information made available in relation to this RFP, as confidential and shall only use the same for the purpose for which it was provided.

The Bidder shall not publish or disclose the same or any particulars thereof to any third party without the written permission of KRCS, unless it is to Bidder's Contractors for assistance in preparation of this Tender. In any case, the same confidentiality must be entered into between Bidder and his Contractors.

1.1.13. Corrupt or Fraudulent Practices

KRCS requires that tenderers observe the highest standard of ethics during the procurement process and execution of contracts. A tenderer shall sign a declaration that he has not and will not be involved in corrupt or fraudulent practices. KRCS will reject a proposal for award if it determines that the tenderer recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question

Further a tenderer who is found to have indulged in corrupt or fraudulent practices risks being debarred from participating. Please report any malpractices to complaints@redcross.or.ke