<table>
<thead>
<tr>
<th>Project/Activity Name</th>
<th>KENYA LIVESTOCK MARKETING AND RESILIENCE PROJECT (KLMP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agresso Work order:</td>
<td>KE864HIKE00</td>
</tr>
<tr>
<td>Country:</td>
<td>KENYA</td>
</tr>
</tbody>
</table>

REQUEST FOR PROPOSAL - 20231207KE

KENYA LIVESTOCK MARKETING AND RESILIENCE PROJECT (KLMP) BASELINE STUDY

Funded By:

Swedish International Development Cooperation Agency (SIDA)

<table>
<thead>
<tr>
<th>RFP Release Date:</th>
<th>14th December 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal Submission Deadline:</td>
<td>15th January 2024</td>
</tr>
<tr>
<td>Question/ Inquiry Submission Deadline:</td>
<td>03rd January 2024</td>
</tr>
<tr>
<td>Electronic submission to the attention of:</td>
<td>Procurement Kenya</td>
</tr>
<tr>
<td>Electronic submission:</td>
<td><a href="mailto:procurement-ke@heifer.org">procurement-ke@heifer.org</a></td>
</tr>
<tr>
<td>Contact information for inquiries about this RFP:</td>
<td><a href="mailto:procurement-ke@heifer.org">procurement-ke@heifer.org</a></td>
</tr>
<tr>
<td>Performance Period:</td>
<td>February – May 2024</td>
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</table>
1. GENERAL INFORMATION

This document is being issued to solicit applications from potential consultant(s) to conduct the Kenya Livestock Marketing and Resilience Project (KLMP) Baseline Study. The overall purpose of the baseline is to provide an understanding of the status of performance objectives and indicators in the proposed area that will provide a basis for planning, target setting and estimating the extent to which the project will achieve intended objectives/impact.

The terms of reference contains the background information, the desired methodology, including objectives, the timeframe for conducting the baseline study, and a list of deliverables. This document also contains information about the expertise required to execute the Baseline Study and guidance on how to submit a proposal for review. Heifer Kenya anticipates awarding a fixed award for the Kenya Livestock Marketing and Resilience Project (KLMP) Baseline Study and will make payments based on submission and Heifer’s approval of deliverables. The award agreement will include a payment schedule with specific deliverables; all payments require 15-business days processing after approval of deliverables.

2. BACKGROUND ON HEIFER PROJECT INTERNATIONAL

Heifer Project International (www.heifer.org) is a global development organization on a mission to end hunger, poverty and care for the earth in a sustainable way. Working with farmers and their communities to identify and invest in business opportunities that deliver Living Incomes (LI). Since launching in 1944, Heifer Project International has assisted more than 40 million families to build sustainable food and farming businesses that strengthen rural economies and put people on a pathway to Sustainable Living Income (SLI) through community-based training, appropriate technologies, and agricultural resources, enabling communities to lift themselves out of poverty and hunger on to a path of self-reliance and economic prosperity. We work with local farmers and food producers because we believe ending poverty begins with agriculture.

Heifer Kenya has been operating in Kenya since 1981 with a mission to work with communities to end hunger and poverty and care for the Earth and its vision is “a world of communities living together in peace and equitably sharing the resources of a healthy planet”. Using a Values-Based Holistic Community Development (VBHCD) approach, Heifer Kenya works with communities to strengthen the local economy, diversify diets with better nutrition, and properly manage water and soil systems for future generations. Heifer Kenya implements its projects through 1) Community development and 2) enterprise development approaches carry out its development activities by designing and implementing solely or through partnerships appropriate development projects with the key objective of ending hunger and poverty in the world.

3. KLMP BACKGROUND

The proposed Kenya Livestock Marketing and Resilience project (KLMP) is part of the Heifer Kenya Signature Program, Practice for Change. The project will be implemented in nine Counties across Kenya, namely: Kajiado, Isiolo, Busia, Kakamega, Nandi, Uasin Gishu, Trans-Nzoia,
Nakuru and Bungoma. The overall goal of KLMP is to strengthen the production and marketing systems for improved livelihoods and resilience among 38,000 poultry and beef-producing households moving them towards achieving a living income of USD 4,331 annually by 2026. KLMP is a co-created intervention between SIDA and Heifer Kenya in alignment with the new SIDA Kenya strategy (2021-25).

The proposed project, KLMP, provides the opportunity to expand into the beef value chain in the Arid and semi-Arid lands (ASALs) and deepen Heifer’s interventions in the Lake Basin Economic Block (LBEB), targeting value chains with the highest impact among the smallholder farmers, Youth and Women. The poultry value chain is one of the strongest value chains within the Region, as identified through consultation with respective County Governments and stakeholders in the LBEB. The KLMP project will contribute to Heifer Project International’s Vision 2030, which aims to support 10 million smallholder farmers globally to achieve a Sustainable Living Income (SLI) by 2030, through activities focused on strengthening production and marketing systems. It will support the scaling up of best practices developed in previous projects, including the SIDA’s Kenya Market Led Dairy Supply Chain Project (KEMDAP), implemented from 2017-2022.

KLMP will strengthen production and productivity, leverage technology, provide blended financing, and mobilize strategic partnerships. This initiative will improve farmer-owned agribusiness (FOAB) capacity to become competitive entities to participate in the market systems, engaging with the private sector as an input distribution channel and product aggregation, value addition, and linkage to the markets. The value chains will be transformed by integrating a trading and Market Information System (MIS), stakeholder engagement, access to insurance, and infrastructure development. Project interventions will promote livelihood improvement, decrease pressure on natural resources under threat from climate change, and support the restoration of range land by building resilience among pastoralists. The project will increase the involvement of Women and Youth within agricultural market systems, including Women and Youth as change agents essential in crucial decision-making processes related to access and production. The project will work through Private Public Partnerships (PPP) to identify key influences on demand, including direct consumer engagement to understand and address consumption barriers, stereotypes, and misconceptions.

4. PROJECT OVERALL GOAL AND SPECIFIC OBJECTIVES

The overall goal of the project is to strengthen the production and marketing systems for improved livelihoods and resilience among 38,000 poultry and beef-producing households in Kenya. In line with the above project goal, KLMP will work to achieve the below result areas/ objectives:

**Result 1:** Improved poultry and beef production systems, contributing to improved resilience and livelihoods of smallholder farming households.

**Intermediate Results (IR1):**
- IR-1.1: Increased access to appropriate services and technologies for improved poultry and beef production.
**Result 2:** Strengthening Market systems, Infrastructure, and Business relationships.

**Intermediate Results (IR2):**
- IR-2.1: Thirty-eight thousand (38,000) producers organized into viable 16 beef and poultry enterprise hubs/FOABs for enhanced efficiency and inclusivity in market access and service delivery.
- IR-2.2: Increased consumption of poultry and beef products among 500,000 individuals.

**Result 3:** Sustainable rangeland restoration and NRM conservation by pastoralists and agro-pastoralists.

**Intermediate Results (IR3).**
- IR-3.1: Improved enabling environment for sustainable and inclusive poultry and beef value chains.

**Result 4:** Women and youth empowerment for livestock value chains.

**Intermediate Results (IR4).**
- IR-4.1: Increased participation of women and youth of the targeted 38,000 poultry and beef producing households in the selected value chain activities

### 5. PURPOSE AND OBJECTIVE

The project plans to conduct a baseline study in the project area to establish a point of reference for the project’s key performance indicators against which future progress can be compared with where we were at the onset of the project for overall impact estimation. The baseline survey is meant to generate information/data that will be used as a basis for project planning, management, monitoring, reporting, learning, and evaluation. The baseline values established will be used to complete the Project M&E Plan and to continuously monitor and measure and report progress realized by the project interventions towards the attainment of set targets on project goal, objectives, results and intermediate results.

Table 1: Summary of the Baseline study.

<table>
<thead>
<tr>
<th>Project</th>
<th>Kenya Livestock Marketing and Resilience Project (KLMP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Survey Type</td>
<td>Baseline Study</td>
</tr>
<tr>
<td>Project Coverage</td>
<td>Kajiado, Isiolo, Busia, Kakamega, Nandi, Uasin Gishu, Trans-Nzoia, Nakuru and Bungoma.</td>
</tr>
<tr>
<td>Study Objectives</td>
<td></td>
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<tr>
<td>---------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>• To gather data that will be used to ascertain the general level of livelihoods among poultry and beef producing households within the project target areas in line with the project set indicators.</td>
<td></td>
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<tr>
<td>• To establish benchmarks upon which to establish the contribution of the project and partners’ interventions on the livelihoods of poultry and beef producing households within the project target areas.</td>
<td></td>
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<tr>
<td>• To obtain information on what extent Women, Youth and Men are involved in the poultry and beef production in the target project locations.</td>
<td></td>
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<tr>
<td>• To get information on the key factors in policy, cultural and institutional environment that limit farmer participation in poultry and beef value chains.</td>
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<tr>
<td>• To ascertain gender context specific issues (e.g., barrier to entry) that can impede the overall success of the project.</td>
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<tr>
<td>• To find out the current state of beef and poultry production and market systems in the project target areas and provide evidence-based recommendations that will be tapped into for programmatic decision making and project improvement.</td>
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<table>
<thead>
<tr>
<th>Proposed Methodology</th>
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<tbody>
<tr>
<td>Mixed methods consisting of quantitative and qualitative techniques:</td>
</tr>
<tr>
<td>• Household interviews with an estimated sample size of 742 households where 362 are beef farming households and 380 are poultry farming households. If no random sampling is used a design effect of two should be used making the sample size 1,484.</td>
</tr>
<tr>
<td>• Focus Group Discussions (FGDs) - 3 FGDs per county totalling to 27. Separate FGDs for women, men and youth.</td>
</tr>
<tr>
<td>• Key Informant Interviews - 3 KIIs per county with key stakeholders totalling to 27.</td>
</tr>
<tr>
<td>• Desk reviews</td>
</tr>
</tbody>
</table>

6. **SCOPE OF WORK**

The project baseline study should use both qualitative and quantitative methods, including but not limited to Household survey, Focus Group Discussions with target program participants, and Key
Informant Interviews with community leaders, government officials and other relevant public and private stakeholders. The first stage shall be the desk review to inform the design the data collection tools followed by the review, testing and validation of Baseline questionnaire. The second stage will be collection and analysis of quantitative variables while the third stage shall involve collection and analysis of qualitative data to compliment results of quantitative survey. The consultant shall develop a robust methodology that is technically sound, build on the already existing tools that captures the global indicators (GIs) to capture the project specific indicators (PSIs) and share all tools with Heifer Kenya before field engagement. The set of tools must be able to collect both quantitative and qualitative data and should be user friendly, simple, and participatory for administration at the community level.

The methods should be the most appropriate to addressing the evaluation objectives. This should be specific and as detailed as possible regarding existing information sources, data collection instruments, protocols and procedures. The consultant will be responsible for defining and carrying out the overall approach. This will include specification of the techniques for data collection and analysis, structured field visits and interactions with participants and other key stakeholders of the project. The consultant must ensure the meaningful and safe participation of women and girls in the baseline data collection and analysis. Tools, methodology and findings should be reviewed and validated by Country and Regional MEL teams.

It is envisaged that the scope of work for the consulting firm will during this study will include, but not necessarily limited to the following:

- Conduct a desk review of project documents for clearer understanding of the project and assignment.
- The consulting firm/consultant will adopt and apply Heifer's existing questionnaires available on Survey CTO for the global indicators.
- The consulting firm/consultant will in addition design questionnaires for project specific indicators to be included into the standard GIs questionnaire, share with project team for review, finalize and upload into the SurveyCTO.
- The consulting firm/consultant will provide trainings to enumerators on baseline data collection using Survey CTO.
- The consulting firm/consultant will lead the quantitative and qualitative data collection using pre-loaded survey questionnaire, which will be supplemented with focus group discussion and key informant’s interviews where applicable.
- The consulting firm/consultant will conduct data review and cleaning in the SurveyCTO and prepare the data for analysis.
- The consulting firm/consultant will analyse data using SPSS or other suitable applications.
- The consulting firm/consultant will develop first draft project baseline report in English, coordinate the input process and produced the final report in English and share with Project team for review.
7. QUALITY CONTROL AND OVERSIGHT

To ensure quality control, baseline process will be participatory involving the consulting team, Heifer MEL, and project team. The activity shall begin with holding inception meeting with the consultant after selecting the best proposal to ensure that both the consulting team and HPI team have a common understanding regarding the whole baseline exercise. The meeting shall clarify among others rationale for the baseline study, scope, performance indicators to baseline, study population, sampling procedure, sample size and the baseline implementation strategy. Thereafter, the consulting team and the Heifer Kenya MEL and project staff shall develop and review data collection tools to ensure that the study generates relevant data.

We propose that before the consulting team produces a narrative report, they will first present and discuss baseline summary findings and reporting format with HPI MEL and program teams. Lastly the consulting team shall produce and share draft report with the MEL manager and Programs director for review. The MEL manager and project team shall review a draft report and provide feedback to the consulting team for consideration.

8. DATA COLLECTION AND ANALYSIS

Data collection shall be done through the electronic -based platform, survey CTO that will be uploaded on data collection devices used by the consulting team. During fieldwork, the consulting team will combine audio recording with notetaking while the interviews are going on to ease data interpretation. Additionally, the baseline survey team members will conduct all KIIIs and FGDs as part of the qualitative research approach. The study will adopt multiple data sources and a triangulation method to ensure validity of the data throughout the Baseline process. Data collected from KIIIs will be validated with quantitative findings. We propose that before the consulting team produces a narrative report, they will first present and discuss baseline summary findings and reporting format with HPI MEL and program teams.

The consulting team shall develop a robust analysis plan for qualitative and quantitative data to generate credible results. The quantitative analysis will involve generation of frequencies, descriptive statistics, and cross tabulations of different indicators. The consulting team shall also be required to share data analysis plan with HPI MEL and project team to ensure a collective understanding on the expected results generated from the analysis. The consulting team shall work closely with HPI MEL team right from data cleaning to production of the results to be presented in the narrative report.
The baseline study approach should have strong focus on application of participatory approaches and proven methodology that fits well in the context of local communities and stakeholders. The sampling methodology must have statistical representation of different sub-sections like counties, ethnic groups, livelihood zones, wealth group, enterprises, gender, age categories of target participants, and vulnerable households as applicable. To address gender, more participatory in-depth methodologies should be used including FGDs with women and youth, Key Informant Interviews and any other participatory tools that would bring out gender issues and recommendations clearly.

9. DELIVERABLES

- **Inception report**
  The inception report shall outline the key scope of the work and intended work plan. The inception report shall be submitted after 5 working days of commencing the Consultancy and its highlights presented to Heifer Kenya in an Inception meeting. The Inception report should at minimum include:
  - Conceptual framework for undertaking the baseline evaluation.
  - Proposed evaluation methodology, including detailed field procedures, data collection framework and data collection tools.
  - Discussion of any limitations to the proposed methodology or approach
  - Quality control measures
  - Communication protocol
  - Work plan/schedule indicating key deliverables and milestones, including outputs and timeline.
  - Composition and roles of the team
  - Financial proposal
  - Reviewing the PIRS and developing the data analysis strategy
  - Reporting the evaluation findings in the inception report.
  - The team to do the assignment and their profiles

- **Draft report**
  The draft consultancy report, addressing the TOR, should be produced in English for Heifer Kenya to provide feedback within 6 working days from the date of approval of the consultancy. The report should be concise and within 50 pages including annexes and Executive Summary, and at a minimum should contain the following sections:

  - Acknowledgements
  - List of Acronyms and abbreviations
  - Table of contents
  - Executive summary
  - Background (project description and purpose of the evaluation)
  - Evaluation methodology, implementation details, and limitations
  - Results and findings:
- General baseline study findings
- Global Indicators
- Project Specific Indicators
- Summary of GI and PSI indicators values – you can also put this as Annex one
- Issues and Challenges
- Potential opportunities/lessons for project implementation strategy
- Conclusions and Recommendations
- Annex-1
  - Populated Results level Indicator Performance Tracking Table (IPTT)
  - Evaluation instruments: questionnaires, interview guides, etc. as applicable
  - Any other annexes: maps, graphics, etc.

**Final report** – The final report will be produced 7 working days after receiving comments on the draft report. The report outline should be as per the draft baseline study report outline.

**Final version of quantitative data sets:** (raw and clean datasets) in agreed upon format and qualitative transcripts should be presented to Heifer Kenya to facilitate final payment.

**Global Indicators Monitoring (GIM) data set.**

### 10. Proposed Deliverable Schedule:

<table>
<thead>
<tr>
<th>No.</th>
<th>Deliverable/Task</th>
<th>Responsible</th>
<th>Due date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short list decided, notified and revisions requested as needed</td>
<td>Heifer</td>
<td>19th January 2024</td>
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<tr>
<td>2</td>
<td>Selection and notification</td>
<td>Heifer</td>
<td>26th January 2024</td>
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<td>3</td>
<td>Contract signed</td>
<td>Heifer</td>
<td>31st January 2024</td>
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<tr>
<td>4</td>
<td>Inception report and tool design completed</td>
<td>Consultant</td>
<td>7th February 2024</td>
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<tr>
<td>5</td>
<td>Draft report</td>
<td>Consultant</td>
<td>March 2024</td>
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<td>6</td>
<td>Validation</td>
<td>Heifer Kenya &amp; Consultant</td>
<td>April 2024</td>
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<td>7</td>
<td>Final report</td>
<td>Consultant</td>
<td>May 2024</td>
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### 11. Payment or Disbursement Schedule

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<th>Percentage (%)</th>
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<tr>
<td>1</td>
<td>First Tranche</td>
<td>Upon signing of the contract</td>
<td>30%</td>
</tr>
<tr>
<td>2</td>
<td>Second Tranche</td>
<td>Submission of the draft report</td>
<td>30%</td>
</tr>
<tr>
<td>3</td>
<td>Third Tranche</td>
<td>Submission of the final report</td>
<td>40%</td>
</tr>
</tbody>
</table>
12. RELATIONSHIP AND RESPONSIBILITIES OF THE HEIFER KENYA TEAM

Heifer Kenya will assign the KLMP PME officer, in consultation with the Heifer Kenya PME Manager, to coordinate the implementation of this activity. The Regional and Global MERL teams will support the Heifer Kenya MEL team to review the developed data collection tools, the inception report and draft report submitted by the consultant. During implementation, the consultant may seek and receive additional advice or guidance from the above-mentioned staff.

The consulting firm will participate in preparation and planning process of the Baseline study exercise. They will coordinate the baseline study team and conduct the baseline exercise. The firm will be responsible for keeping the Heifer Kenya staff informed of their progress throughout the assignment. The firm will be expected to produce the baseline study deliverables as stipulated in the TOR and as committed to in the contract. The firm will also be expected to return all materials and or documents hard or soft copies provided to the team by Heifer Kenya to facilitate the exercise.

13. REQUIRED EXPERTISE

Heifer Kenya is looking for a firm/individual with substantial experience performing assessments in similar development interventions in a developing country setting. More specifically, the lead consultant should have a proven track record in conducting evaluations of complex projects, experience with country situations like that of Kenya and with similar projects, especially related to sustainable livelihood projects. The consultant team must have expertise and experience in Market Systems Development (MSD) in agriculture and livestock sectors. Additionally, the consultant team should have expertise in gender analysis, local economic and enterprise development, excellent analytical skills and report writing skills in English.

Required expertise, skills and knowledge are as follows:

The consultant profile should include:
1. An evaluation specialist with a minimum of ten years’ experience in Program/project evaluation in an international development context. Often a mixed approach that incorporates the technical skills of an evaluation specialist but includes input from a sector specialist is most effective.
2. Demonstrated capabilities and experience working or evaluating donor funded projects.
3. Demonstrated ability to design and plan the evaluation approaches and research methodologies, including quantitative and qualitative research methods. Where feasible and proportionate, the person or team should include skills and expertise required to design, plan and conduct baseline studies.
4. Relevant subject matter knowledge and experience such as agricultural sector, food security and nutrition, gender/women empowerment, social inclusion, and economic empowerment to
ensure the evaluation design and research methods are as relevant and meaningful as possible
given the goal and objectives of the project and the context in which it is being delivered. The
measurement of these must be clearly indicated/elaborated.

5. Demonstrated ability to manage a potentially large-scale and complex evaluation and research
process, including interpreting baseline data and conducting a final evaluation; An evaluation
framework must be elaborated.

6. Demonstrated ability to design, manage and implement primary research in potentially
challenging project environments, pandemic, or endemic hit communities.

7. Design and manage data and information systems capable of handling large datasets for
monitoring and evaluation purposes.

8. Consideration of the extent to which the evaluator or evaluation team has appropriate country
knowledge. This includes language proficiency to conduct the research required or that
resources be available e.g., translators to enable the research to go smoothly.

14. APPLICATION REQUIREMENTS

Only legally registered consultancy firms and/or individuals are ELIGIBLE to apply and should
submit the following documents upon application:

1. Technical Proposal [not to exceed 10 pages]

   A. General Information [not to exceed 2 pages]
      - Organization overview
      - Capacity statement
      - Website
      - Attachments:
        - legal registration to work within Kenya
        - Evidence of satisfactory records of performance, integrity, and business ethics.
        - Evidence of adequate management and financial capacity to manage the award.

   B. Technical Approach [no to exceed 8 pages]:
      - A detailed methodology on how the assignment will be conducted, including a qualitative
        sampling strategy, data collection methods, field procedures, quality control practices and
data analysis.
        - List and briefly describe the team and its proposed personnel, indicating what role each
          proposed individual will have; CVs of team members to be provided in an attachment.
          Lead Consultant’s (who will lead the assignment) Maximum 3-page CV highlighting
          related assignment completed, role in the completed assignment. Other Team
          members’ (who will involve in the assignment) 2 paragraph short CV highlighting
          related assignment completed and role
      - A clear and comprehensive work plan, outlining the major activities, parties responsible
        and time schedule.
Organizational capacity statement, including past experiences and activities related to the theme of the study, and experience. Reference information must include the location, award numbers, and brief description of work performed.

- At least three references of other clients for which similar evaluation assignments were undertaken with contact information for each.

C. The bidding consulting firm must attach the following documents below when submitting their bid or proposal to Heifer Kenya

- Certificate of Incorporation or Business Registration Certificate.
- Audited financial statements for the last three years.
- Valid CR12 Certificate
- KRA online PIN Certificate.
- Tax Compliance Certificate.
- Trade reference and clientele list including their respective contacts.

2. Financial Proposal (in USD)

Proposed budget must be submitted separately, electronically. The proposed budget should have sufficient detail to allow evaluation of costs proposed. It should at least contain:

- Itemized budget
- Narrative explanations of line items
- Heifer Kenya reserves the right to request further information supporting detailed costs and prices.

15. APPLICATION PROCEDURE

The proposal (duly signed) from the consultancy firm should comprise technical and financial proposals. Proposals will be accepted preferably in soft copy through email and mentioning the subject line; “BASELINE STUDY - KENYA LIVESTOCK MARKETING AND RESILIENCE PROJECT (KLMP)” to procurement-ke@heifer.org on or before Monday 15th January 2024

16. LATE SUBMISSIONS AND MODIFICATIONS

Proposals received after the submission deadline will not be considered. Offerors are responsible for ensuring that their proposals are submitted according to the instructions stated herein. Heifer Kenya retains the right to terminate this RFP or modify the requirements upon notification to the Offerors.

17. SELECTION CRITERIA

The proposals submitted must clearly demonstrate alignment with the SOW outlined above with appropriate level of details. An agreement will be signed with the Offeror whose proposal follows the instructions in this RFP. Proposals will be evaluated according to the following criteria:
### Proposal evaluation focus

<table>
<thead>
<tr>
<th>Evaluation Focus</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Accuracy and relevance of the proposed technical approach and methodology</td>
<td>20%</td>
</tr>
<tr>
<td>Completeness of proposal according to the RFP (general information, activity plan, budget, team expertise, etc.)</td>
<td>20%</td>
</tr>
<tr>
<td>Proposed team: expertise and competencies to address project components</td>
<td>20%</td>
</tr>
<tr>
<td>Relevance and capability/skill to implement/manage the assignment</td>
<td>30%</td>
</tr>
<tr>
<td>Statutory compliance - Taxation, registration Professional affiliation Registration</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
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</table>

The selection committee will evaluate the technical proposal based upon the criteria listed above and the financial proposal will evaluate the reasonableness of costs and cost-effectiveness in the budget.

#### 18. VALIDITY OF PROPOSALS

Proposals submitted shall remain open for acceptance for ten (10) days from the last date specified for receipt of the proposal. This includes, but is not limited to pricing, terms and conditions, service levels, and all other information. If your organization is selected, all information in this document and the negotiation process are contractually binding.

#### 19. LIMITATIONS

This Request for Proposal does not represent a commitment to award a contract, to pay any costs incurred in the preparation of a response to this RFP, or to procure or to contract for services or supplies. Heifer Kenya reserves the right to fund any or none of the applications submitted and reserves the right to accept or reject in its entirety and absolute discretion any proposal received because of the RFP.

#### 20. INTELLECTUAL PROPERTY

Section 1. Ownership Generally. Subject to Section 2 below, any intellectual property (including but not limited to copyrights, trademarks, service marks, and patents), intellectual property rights, deliverables, manuals, works, ideas, discoveries, inventions, products, writings, photographs, videos, drawings, lists, data, strategies, materials, processes, procedures, systems, programs, devices, operations, or information developed in whole or in part by or on behalf of Contractor or its employees or agents in connection with the Services and/or Goods (collectively, the "Work Product") shall be the exclusive property of HPI. Upon request, the Contractor shall sign all documents and take all actions necessary to confirm or perfect HPI's exclusive ownership of the Work Product.
Section 2. Prior-Owned Intellectual Property. Any intellectual property owned by a Party before the Effective Date ("Prior-Owned IP") shall remain that Party's sole and exclusive property. With regard to any of Contractor's Prior-Owned IP included in the Work Product, Contractor shall retain ownership, and hereby grants HPI a permanent, non-exclusive, royalty-free, worldwide, irrevocable right and license to use, copy, reproduce, publicly display, edit, revise, perform, and distribute said intellectual property, in any format or any medium, as part of the Work Product.

Section 3. Work Made for Hire. To the extent copyright laws apply to the Work Product, the Parties agree that (a) HPI specially ordered or commissioned the Work Product, (b) the Work Product is a "work made for hire" under United States copyright laws, and (c) HPI shall be deemed the author thereof and shall own all right, title, and interest therein. To the extent such rights, in whole or in part, do not vest in HPI as a "work made for hire", Contractor hereby, irrevocably grants, assigns, and transfers to HPI, exclusively and in perpetuity, all of the Contractor's rights of any kind or nature, now known or hereafter devised, in, too, and in connection with the Work Product, and HPI shall solely and exclusively own any rights therein, and in the elements thereof, including but not limited to any allied, ancillary, subsidiary, incidental, and adaptation rights. The contractor hereby waives all rights known as "moral rights", and any similar rights, which Contractor may have in connection with the Work Product. The description of Services and/or Goods provided in this Agreement shall in no way limit the way HPI may use the Work Product.

21. APPLICABLE REGULATIONS

Offerors must be legally registered to operate within Kenya and comply with local applicable legislation, including but not limited to labor law, financial requirements, taxes, etc.