

Project/Activity Name:	IMPLEMENTATION OF DATA PROTECTION ACT 2019
Agresso Work Order:	KE0000HIKE20
Country:	KENYA

REQUEST FOR PROPOSAL - 20240306KE

**IMPLEMENTATION OF DATA PROTECTION ACT 2019
(SHORT TERM ASSIGNMENT)**

RFP Release Date:	Thursday 28 th March 2024
Proposal Submission Deadline:	Wednesday 24 th April 2024
Question/ Inquiry Submission Deadline:	Friday 12 th April 2024
Electronic submission to the attention of:	Procurement Kenya
Electronic submission:	procurement-ke@heifer.org
Contact information for inquiries about this RFP:	procurement-ke@heifer.org
Performance Period:	May – October 2024

1. INTRODUCTION

Heifer International is a global development organization on a mission to end hunger and poverty in a sustainable way. Working with farmers and their communities to identify and invest in business opportunities that deliver living incomes. Since launching in 1944, Heifer 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. We work with local farmers and food producers because we believe ending poverty begins with agriculture.

Heifer International 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 approach, Heifer works with communities to strengthen the local economy, diversify diets with better nutrition, and responsibly manage water and soil systems for future generations. Heifer implements its projects through 1) Community development and 2) enterprise development approaches. Each of the projects focuses on three priority directions, namely, strengthening, and diversifying the resource base, strengthening country program efficiency, and increasing outreach and impacts through the utilization of innovative value chain systems.

2. BACKGROUND

Reference is made to the below data protection acts to regulate the collection, processing, storage, use, and disclosure of personal data in both public and private sectors. The act seeks to ensure that individuals have control over their personal information while promoting responsible data handling practices by organizations.

1. The Data Protection Act, 2019.
2. The Data Protection (General) Regulation 2021 (the general regulations)
3. The Data Protection (Civil Registration) Regulations 2020)
4. The Data Protection (Complaints Managing and Enforcement Procedures) Regulations 2021
5. The Data Protection (Registration of Data Controllers and Data processors)

The Data Protection Act, 2019 under section 18 and 19 makes it mandatory for the registration of data controllers in Kenya. Heifer International Kenya meets the threshold for registration as a data controller with the office of the data protection commissioner in Kenya.

3. OBJECTIVE

The purpose of this consultancy is to provide targeted services to implement the data protection law for Heifer International Kenya and to oversee the process of registration of the organization with the office of the data commissioner in Kenya.

4. SCOPE OF WORK

The implementation of the data protection act for the country office will involve the below scope of work;

1. Registration with the office of the data protection commissioner
2. Conduct a data protection impact assessment.
3. Guide the organization towards adherence to the principles of data protection.
4. Draft and guide the implementation of the data protection policy.
5. Guide the implementation of procedures for incident reporting of personal data breaches to the office of the data protection commissioner.

5. EXPECTED DELIVERABLES

- Certificate of registration from the office of the data protection commissioner (Receipt to confirm the registration is complete while awaiting the certificate).
- Report from the data protection impact assessment for implementation.
- Report on adherence to the principles of data protection for Heifer International Kenya.
- Drafted data protection policy for Heifer International Kenya
- Reporting matrix for incident reporting of personal data breaches for Heifer International Kenya.

6. REPORTING AND COMMUNICATION

The focal point for short term consultant for implementation of the data protection act Kenya will be the Director of Operations. The consultant will report to the Director of Operations during the

duration of the engagement.

7. RESOURCES AND ACCESS

The consultant shall have access to project-related data, reports, and documentation as required for the consultancy. However, the consultant shall not disclose, share, or use this information for any purposes beyond the scope of this project without prior written consent from Heifer Kenya.

8. EVALUATION CRITERIA

The selection committee will evaluate all proposals based on the following criteria. Firms are encouraged to provide detailed and specific responses in alignment with these criteria.

Application Evaluation Focus	Percentage
Accuracy and relevance of the proposed technical approach and methodology	20%
Completeness of proposal according to the RFP (general information, activity plan, budget, team expertise)	10%
Proposed team expertise and competencies to address project components	20%
Relevance and capability/skill to implement and manage the assignment	30%
Budget justification and cost realism	20%
Total	100%

9. APPLICATION REQUIREMENTS

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

- a) Letter of expression of interest and demonstration of capability
- b) A technical proposal detailing your understanding and how you propose to undertake the assignment with general information approach as below.
 - i. **Capacity Statement:** The technical capacity statement, including past experiences and activities related to the assignment.
 - ii. Organization and/or individual overview highlighting related assignments completed.
 - iii. The capacity and portfolio of the lead consultant, detailed profile of the lead consultant, including their qualifications, experience, and expertise relevant to the assignment.

- iv. At least three references from other clients for which similar assignments
- v. A clear and comprehensive work plan (draft), outlining the major activities and schedule.
- vi. **Financial proposal** –Applicants should submit a detailed budget in Excel format in **KES & USD**
- c) The bidding consultancy firm and/or individual **MUST** attach the following documents (where applicable) below with their bid or proposal to Heifer International Kenya
 - Certificate of Incorporation or Business Registration Certificate.
 - Valid CR12 Certificate.
 - KRA online PIN Certificate.
 - Valid Tax Compliance Certificate.
 - Trade reference and clientele list including their respective contacts.

Failure to submit any of the required documents may result in the disqualification of the application.

10. APPLICATION PROCEDURE

The proposal (duly signed) from the consultant should comprise a letter of expression of interest quoting the consultancy fee. Applications will be accepted preferably in soft copy through email and mentioning the subject line; “**SHORT-TERM IMPLEMENTATION OF DATA PROTECTION ACT**” to procurement-ke@heifer.org on or before **Wednesday 24th April 24**

11. LATE SUBMISSIONS AND MODIFICATIONS

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

12. AWARD PROCESS AND CONTRACT MECHANISM

Heifer will issue a fixed award agreement based on the submission and Heifer’s acceptance of deliverables. Once an award is issued, it will include the payment schedule with the deliverables specified above.

No.	Deliverable Task	Due Date
1.	Proposal Submission	24 th April 2024
2.	Selection Committee Evaluation, Review & Award	08 th May 2024



3.	Notification of award	09 th May 2024
4.	Signing award	10 th May 2024

13. VALIDITY OF PROPOSALS

Proposals submitted shall remain open for acceptance for Twenty-One (21) 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 is contractually binding.

14. 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 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.

15. 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. Regarding 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.

16. DIVERSITY AND INCLUSION

Heifer International values diversity, equity, inclusion and belonging ("DEIB"), and believe that effectively accessing and managing diverse talent leads to improved outcomes. HPI takes a broad view of diversity, and inclusive of varied backgrounds including, but not limited to, age, experience, race, ethnicity, sexual orientation, gender, gender identity, disability status, national origin, and culture. HPI expect third-party providers to respect and reflect HPI's value of DEIB. HPI's ongoing monitoring of third-party service providers incorporates an assessment of vendors' commitment to, adherence with, and track record of accessing and retaining diverse and inclusive workforces.