

REPUBLIC OF KENYA  
MINISTRY OF PETROLEUM AND MINING  
KENYA PETROLEUM TECHNICAL ASSISTANCE PROJECT

**CONSULTANCY SERVICES TO REVIEW THE MID AND  
DOWNSTREAM PETROLEUM REGULATIONS IN KENYA**

**REQUEST FOR EXPRESSIONS OF INTEREST  
(CONSULTING SERVICES - FIRMS SELECTION)**

Ref: KE-MOE-66379-CS-QCBS  
Credit No. 55260 KE  
Project ID No. P145234.

The Government of Kenya (GoK) has received financing from the World Bank's International Development Assistance (IDA) towards the cost of the Kenya Petroleum Technical Assistance Project (KEPTAP) whose overall objective is to strengthen the capacity of the Government of Kenya to manage its petroleum sector and wealth for sustainable development. It is intended that part of the proceeds of this credit be applied to eligible payments under the contracts for provision of consultancy services for the review of midstream and downstream petroleum regulations. The total duration of the assignment is expected to be 24 weeks.

**1. Objective**

The objective is to review the recommended technical regulations for the midstream and downstream petroleum regulations and advise on their improvements. Specifically, the Consultant is required to draft the detailed legal texts of the recommended regulations into legal format ready for recommendation to the Cabinet Secretary for approval in accordance with the provisions of the Petroleum Bill and Energy Policy

**2. The scope of the assignment will include but not limited to: -**

- i) The Consulting firm will be required to review the following documents in so far as they relate to this assignment:
    - (a) The Energy Act, 2006 and the regulations there under;
    - (b) The draft regulations under the Energy Act 2006;
    - (c) The draft Petroleum Bill, 2015;
    - (d) The draft Energy Policy, 2015;
    - (e) Institutional Review, Strategy Review, LPG Cost of Service Study conclusions & recommendations
    - (f) Any other relevant materials for purposes of carrying out this assignment.
  - ii) The existing regulations to be reviewed are:
    - (a) Midstream petroleum regulations:
      - i. The draft Energy (Licensing of Petroleum Refining Businesses and Facility Construction) Regulations, 2012;
    - (b) Several downstream petroleum regulations, however not limited to:
      - ii. The Energy (Petroleum Information and Statistics) Regulations, 2013;
      - iii. The Energy (Retail facility Construction and Licensing) Regulations, 2013;
      - iv. The Energy (Licensing of Petroleum Road Transportation Business) Regulations, 2013;
      - v. The Energy (Petroleum Strategic Stocks) Regulations, 2008;
      - vi. The draft Energy (Licensing of Petroleum Business and Petroleum Facility Construction) Regulations, 2012;
      - vii. The draft Energy (Operation of Common User Petroleum Logistics Facilities) Regulations, 2012;
      - viii. The draft Energy (Minimum Operational Stocks and Capacity Sharing) Regulations, 2014; and
      - ix. The draft Energy (Lubricants Facility Construction and Business Licensing) Regulations, 2013
  - iii) Identify gaps & recommend international best practices for closure and in particular for the new crude oil related midstream regulations.
  - iv) Re-draft the existing rules and regulations and/or propose additional ones for submission to the CS, taking into account proposed changes under the Petroleum Bill, the Energy Policy and international best practices.
  - v) Coordinate the drafting process with the State Law Office and Kenya Law Reform Commission to ensure the drafts meet acceptable legal drafting standards and ensure the drafts are not in conflict with any existing law
  - vi) Present the draft regulations to the Energy Regulatory Commission
  - vii) Organize a workshop with stakeholders to discuss the draft regulations, consolidate and incorporate comments in the draft regulations.
  - viii) Make presentations in a stakeholders' forum (Government & Private Sector) to discuss the public comments with a view to coming up with agreed positions for each draft regulation.
  - ix) Incorporate the outcome of the stakeholders' forum into the final legal format ready for recommendation to the Cabinet Secretary.
3. The Ministry of Petroleum and Mining (MoPM) through the Project Management Unit (PMU) (Client) now invites **Eligible Consulting Firms** ("Consultants") to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services. The shortlisting criteria are: Significant international experience advising governments and national regulatory authorities on developing mid & downstream legislation and regulations, preferably in a similar country environment with a similar sector maturity level; International experience in operations of crude oil and petroleum products (inclusive of LPG and lubricants); Knowledge of mid - and downstream legislative framework within Kenya; Demonstrable track record of success i.e. acceptance of the drafted legislation in particular involving subsidiary legislation for mid- & downstream sector; Provide evidence for relevant projects (minimum 3) successfully completed, clearly indicating the year undertaken, the country, and the name of the client and project/report acceptance confirmation by the client.
4. The attention of interested Consultants is drawn to paragraph 1.9 of the World Bank's Guidelines: Selection and Employment of Consultants [under IBRD Loans and IDA Credits & Grants] by World Bank Borrowers January 2011 ("Consultant Guidelines"), setting forth the World Bank's policy on conflict of interest.
5. Consultants may associate with other firms in the form of a joint venture or a sub-consultancy to enhance their qualifications.
6. A Consultant will be selected in accordance with the Quality & Cost-Based Selection (QCBS) method set out in the Consultant Guidelines.
7. Further information can be obtained at the address below during office hours: Monday to Friday: 08.00 to 17.00 hours.
8. Complete **Expressions of Interest** documents in plain sealed envelopes with consultancy **reference and name clearly marked on top** should be delivered in person, sent by email to the address shown below or placed in the tender box at our offices on the 24<sup>th</sup> Floor, Nyayo House, Kenyatta Avenue by **31<sup>st</sup> July 2018** at 1000 hours Kenyan local time.

**Postal Address:**  
Project Management Unit  
Attn: Procurement Specialist  
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**NAIROBI - KENYA**  
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**Physical Address:**  
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24<sup>th</sup> Floor, Nyayo House, Kenyatta Avenue  
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