

MINISTRY OF PETROLEUM AND MINING
KENYA PETROLEUM TECHNICAL ASSISTANCE PROJECT

**CONSULTING SERVICES FOR THE INSTITUTIONAL DEVELOPMENT
OF THE PETROLEUM REGULATORY AUTHORITY IN KENYA**

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

Ref: KE-MOE-40134-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 accruing 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 institutional development of the petroleum regulatory authority in Kenya. The consultancy will run for a period of four (4) months

1. Objective

The objective of this assigned is to develop an organizational structure, job profiles, business processes and operational procedures for the establishment and operationalization of the Kenya Petroleum Regulatory Authority covering the down-, mid - and upstream value chain. This will enable the government to effectively establish an independent and transparent functioning authority with its mandate as stipulated in the Petroleum Bill.

2. The scope of the assignment will include but not limited to: -Phase 1 - Institutional Design

1. Familiarize with existing petroleum legal and regulatory framework. This includes, however, not limited to: The Constitution, Petroleum Bill and Energy Policy, Energy Act, the Model PSC, Study reports such as Institutional Review report, Legal & Regulatory Framework study report, Down - and Midstream Regulations, Energy Regulator Committee Strategy Review, Draft Upstream Regulations, and Towards an Oil & Gas Master Plan study among others.
2. Review existing mid and downstream regulatory institution design and identify how to integrate with the upstream regulatory aspects.
3. Familiarize with sector development and status of various oil and gas project being undertaken and supported by various government agencies such as State Department of, KEPTAP, NOCK, KPC, NEMA, OAG&DJ, and ERC etc. and assess subsequent coordination mechanisms.
4. Undertaken functional diagnosis for the establishment of the regulatory authority and seek state department endorsement prior proceeding.
5. Conduct benchmark study in analogue countries in terms of external environment, (future) size of the upstream sector, and regulatory institutions with similar powers and functions. As a minimum Kenya should be benchmarked with some African countries. Recommend most applicable organizational international best practices.
6. Make proposal of authority's institutional governance structure as well as its organizational structure and design enabling a transparent and independent authority and provide the rationale.
7. Advise the client on the staffing numbers, job profiles and reporting lines, competencies, salary band widths and recruitment schedule, categorized and phased in Tiers (minimum 3 - reflecting short, medium, long term) meeting both the upstream, mid and downstream sector development timeline as well as the mandatory legal requirements.
8. Provided information on the existing human resources capacity for authority within the country to fill in the proposed structure. Identify gaps and make recommendation for closure.
9. Make recommendations on the Institutionalization and operationalization the petroleum regulatory authority

Phase 2 - Business Processes, Operational Procedures & Communication Protocol.

Upon approval of phase 1, by the state department of petroleum, the detailed scope of work for phase 2 includes;

1. Develop the business, financial and operating model which shall include the financing and budgetary aspects of initial GoK funding, its self-sufficiency and relevant sustainability. Take note of the existing models at the down-, midstream regulator authority. Provide recommendations for gap closure, if any.
 2. Design the processes and procedures covering human resource, legal, financial and regulatory modus operandi accordingly to international quality assurance and control standards.
 3. Develop a human resource management policy for qualification, recruitment, assessment, remuneration, evaluation and promotion of staffing situations with an identification of influence on best in class international performance of the Authority.
 4. Develop human capacity building strategy utilizing sources from diaspora, temporary seconded staff, training and formal civil servants' transfers and make recommendations
 5. Provide an internal and external communication protocol facilitating upstream petroleum data management, due diligence process of investors and grievances handling mechanism.
 6. Develop an implementation timeline for the processes, procedures and communication protocol recommend an implementation timeline for each.
 7. Provide an overall action plan for the institutional design of authority and its operationalization.
- 3.** The Ministry of Petroleum and Mining (MoPM) through the Project Management Unit (PMU) (Client) now invites eligible consulting firms ("Consultant") to indicate their interest in providing the consultancy Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Assignment. The short listing criteria include; In-depth international expertise in establishing Petroleum Regulatory Authorities, especially upstream regulatory institutes. Demonstrate years of significant knowledge and experience in conducting and facilitating petroleum sector institutional development including, feasibility studies, restructuring, financial and operational modelling. Demonstrate a track record of success by providing a list of minimum three (3) contracts of similar nature, complexity in development of upstream petroleum regulatory authority and its implementation results. Demonstrate experience in development of regulatory environment with similar environment as Kenya
- 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, or by email to the address shown below or placed in the tender box at our offices on the 24th Floor, Nyayo House, Kenyatta Avenue by **31st July 2018** at 1000 hours Kenyan local time.

Postal Address:

Project Management Unit
Attn: Procurement Specialist
Ministry of Petroleum and Mining
P.O Box 30582 - 00100
NAIROBI - KENYA

Physical Address:

Project Management Unit
Attention: Procurement Specialist
24th Floor, Nyayo House, Kenyatta Avenue
NAIROBI, KENYA.