**REPUBLIC OF KENYA**

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COUNTRY: KENYA

PROJECT:  KENYA DIGITAL ECONOMY ACCELERATION PROJECT (KDEAP)

IMPLEMENTING AGENCY: Information and Communications Technology Authority (ICTA)

PROJECT ID: P170941: Credit Numbers 7289-KE and 7290-KE

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TERMS OF REFERENCE FOR:

REQUEST FOR EXPRESSION OF INTEREST
FOR

CONSULTING SERVICES FOR DEVELOPMENT OF THE OPEN UNIVERSITY OF KENYA'S, GOVERNANCE
& STRATEGIC INSTRUMENTS AND THE ICT STRATEGIC PLAN.
(CONSULTING FIRM)

Contract No: KE-ICTA-411201-CS-QCBS

Issue Date:  12ᵗʰ November 2024

Closing Date: 28ᵗʰ November 2024 at 10:00 AM East African Time

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## 1. Background and context

The Government of the Republic of Kenya (GoK) has received financing in the amount equivalent to US$390 Million equivalent from the World Bank towards the cost of the first phase of the Kenya Digital Economy Acceleration Project and it intends to apply part of the proceeds to payments for goods, works, non-consulting services and consulting services to be procured under this project.

The project will include the following components: 1) Digital Infrastructure and services to provide high speed infrastructure 2) digital government and services 3) Digital skills and Markets.

This Tor relates to the digital skills and markets component which will support equipping young Kenyans with digital skills and strengthen their abilities to access and compete in domestic and regional markets through supporting skills development, to study mechanisms to improve access to affordable devices and through enhancing the enabling environment for e-commerce to support Kenya's role as a regional digital hub.

### About the OUK

The Open University of Kenya (OUK) stands as a pivotal Public Specialized University, engaging in teaching, learning and research within the areas of national strategic importance. Chartered in August 2023, under section 24(1)(b) of the Universities Act (No. 42 of 2012), OUK is dedicated to fostering openness, inclusivity, affordability, flexibility, and facilitating access to high-quality higher education opportunities for all by recognizing prior learning experiences. Positioned at the forefront of technological advancement, OUK leverages state-of-the-art Information and Communications Technology (ICT) infrastructure, including Enterprise Resource Planning (ERP) systems and a robust Learning Management System (LMS), to enhance its educational offerings.

In Africa, open universities enroll between 25 per cent and 37 per cent of the total student enrollment population. According to the sessional paper number one of 2019, the government anticipates that OUK will accommodate 30% of all degree programs nationwide. Additionally, the university is tasked with delivering timely digital and life skills training for both employment and entrepreneurship. Digital proficiency stands out as a primary emphasis for the Open University.

One of the key priorities for the Open University will be fostering pertinent digital skills and competencies to bolster Kenya's digital economy. Aligned with this focus, OUK's inaugural programs will revolve around nurturing digital skills and entrepreneurship

Being a new University, the OUK must formulate governance structures & strategic instruments and operational policies to steer its mission and realize its goals . This is essential for positioning the university to fulfill its role in advancing both the digital economy and the nation as a whole. Moreover, leveraging digital technology will be crucial in establishing robust governance, management, delivery, and quality assurance systems.

## 2. Objectives of the Assignment

The overall objective of this assignment is the development of the Governance and strategic instruments of the Open University of Kenya, key Governance instruments and key operational

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policies to be identified through a consultative forum. These instruments shall guide the University in achieving its long-term vision, fulfilling its mission, and addressing key challenges and opportunities within the higher education landscape.

Some of the policies and instruments to be developed are:

1. ICT Strategic plan
2. Anti-plagiarism Policy
3. Gender Mainstreaming Policy
4. Gender based violence policy
5. Information and Communication Technology Policy
6. Intellectual Property Rights Policy
7. Library and Information Services Policy
8. Environmental Policy
9. Quality Assurance Policy
10. Extension and Outreach Policy
11. Science Technology and Innovation (STI Strategy)
12. OUK Service Charter
13. University Master Plan
14. Artificial Intelligence Policy
15. Short Courses Policy
16. Succession planning policy
17. Separation and exit policy
18. Work environment, health and development policy
19. Official communication policy
20. Labor relations policy
21. General provisions policy

The specific objectives of the services sought include:

a) Carry out a comprehensive study to establish key impact areas for the Open University of Kenya and its positioning in advancing the digital economy in Kenya and the wider region.
b) In consultation with the Open University of Kenya and other stakeholders, identify key policies and governance structure for the University.
c) Midterm Review of the OUK strategic plan for 2024-2028.
d) Develop and align the identified key policies and governance instruments with the University Strategic Plan and ICT strategic plan.
e) Validate the OUK and ICT strategic plan and the policies through stakeholder engagement.
f) Develop the Open University of Kenya master plan
g) Develop the Open University of Kenya ICT Strategic plan.

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## 3. Scope of Services and Specific Tasks of the Assignment

### 3.1 Scope of Work

The consultancy services will encompass collaborating with the University Council, Management, Staff, and pertinent external stakeholders to formulate crucial policies, governance and strategic instruments, and review the Strategic Plan for the period 2024-2028 and develop the ICT strategic plan for OUK. The scope of work is limited to the Open University of Kenya.

### 3.2 Specific Tasks

The specific tasks of this assignment are categorized into four main activities, namely:

1. Situational analysis

   This tasks will entail the following:

   a) Conducting a comprehensive review of the current state of higher education in Kenya, considering ongoing educational reforms, technological advancements and educational trends.

   b) Analyzing policies and frameworks impacting the Open University of Kenya's educational objectives, including national development agendas, education acts, regulations and guidelines. These include but not limited to the Constitution of Kenya, the Vision 2030, Medium Term Plans, BETA, East Africa Community vision 2050, Africa Agenda 2063, SDG 2030 Agendas, sector policies and law, among others.

   c) Investigating current global educational trends, benchmarking against best practices outlined by UNESCO, the World Bank, regional education bodies, and other relevant international and national educational standards.

2. Policy and Governance Instruments development
   a) Developing a refined Vision and Mission Statements aligned with the OUK's educational mandate and informed by the situational analysis.
   b) With the University stakeholders, identifying the governance instruments to develop

3. Policies identification and development
   a) Identifying key stakeholders within the education sector, evaluating their roles, interests, and potential contributions to advancing the OUK's educational objectives
   b) Identifying the policies to develop
   c) Actual policy development

4. Strategic plan review, ICT strategic plan and master plan development
   a) Engaging in a consultative process to identify the key result areas for the upcoming strategic planning period, develop the Strategic Goals, Strategic Objectives, and corresponding Strategic Activities aligned with the institution's educational approach.
   b) Analyzing existing and potential risks affecting the achievement of the objectives. Recommend mitigation measures and establish a robust monitoring and evaluation framework.

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c) Review and enhancement of the current draft strategic plan
d) Develop Open University of Kenya ICT Strategic Plan.
e) Aligning the Open University of Kenya's strategies with anticipated future educational reforms, technological advancements, and emerging pedagogical approaches ensuring adaptability and sustainability
f) Develop the University master plan

5. Costed Implementation plan: Developing an implementation matrix detailing targets, resource plan, and responsibilities for executing the governance and Strategic instruments
   a) Developing an implementation matrix detailing targets, resource plan, and responsibilities for executing the developed Governance and Strategic instruments.

6. Validation of strategic documents and policies
   a) Facilitating stakeholder meetings and workshops to validate the draft OUK Strategic documents (ICT strategic plan and master plan), ensuring alignment with stakeholder expectations and insights.

7. Submission of all the reports associated with the works.
   a) Compiling and submitting the finalized, policies, governance and the Strategic documents based on stakeholder inputs and findings, to the Open University of Kenya.

## 4. Duration and location of Assignment

The consultancy period will span **Six (6) Months** from the date of contract commencement. The assignment will take place at the Open University of Kenya Offices situated at the Konza Technopolis and at the NACOSTI buildings in Kabete.

## 5. Reporting requirements and timelines for deliverables/reports

Table 1 shows the reporting requirements and timelines for the project deliverables.

**Table 1: Reporting requirements and timelines for deliverables/reports**

| OUTPUTS/ DELIVERABLES | DESCRIPTION | TIMELINE FOR SUBMISSION OF DELIVERABLES AFTER CONTRACT COMMENCEMENT | Format of presentation |
|---|---|---|---|
| **Inception Report** | This report will detail the following; Demonstrate Project understanding, Delivery Methodology and approach in achieving the project objective, communication and risks mitigations, work plan and stakeholders mapping. | 1 Month | 8 hard copies and 2 digital copy |
| **Situational Analysis Report** | The report will present findings from a thorough examination of higher education in Kenya, including an analysis of policies affecting the Open | 3 Months | |

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| OUTPUTS/ DELIVERABLES | DESCRIPTION | TIMELINE FOR SUBMISSION OF DELIVERABLES AFTER CONTRACT COMMENCEMENT | Format of presentation |
|---|---|---|---|
| | University of Kenya's educational goals. It will also explore global educational trends and compare the university's practices with established standards from UNESCO, the World Bank, and other relevant organizations. | | 8 hard copies and 2 digital copy |
| **Identified governance instruments and Policies report** | This report will detail: 1. The ten proposed policies and 2) the University Governance instruments to be developed. The report must also contain specific items which will go into the instruments. In addition, the ten policies must be categorized into academic & research, administrative, finance and other areas of interest to the Open University of Kenya. Further, the structure of the Open University of Kenya master plan and the ICT strategic must be presented in this report. | 4 Months | 8 hard copies and 2 digital copy |
| **Interim Report** | The Consultant will furnish an interim status update report on the progress of the master plan, ICT strategic plan, governance structures, and policy development at a midpoint between commencement, and anticipated conclusion. This report will encompass a risk analysis derived from resource needs, timelines, and any emerging concerns. Crucially, it will feature appendices comprising draft documents. | 5 Months | 8 hard copies and 2 digital copy |
| **Final Report** | This is the final document to be submitted within the last month of the project. The report will have the outputs of the assignment, which include: The Master plan, the ICT strategic plan, the ten policies and any other identified governance instruments for the Open University of Kenya.. Additionally, the report will contain refined organization's vision | 6 Months | 8 hard copies and 2 digital copy |

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| OUTPUTS/ DELIVERABLES | DESCRIPTION | TIMELINE FOR SUBMISSION OF DELIVERABLES AFTER CONTRACT COMMENCEMENT | Format of presentation |
|---|---|---|---|
| | statement, mission statement, and strategic goals. Finally, it will include summaries of strategic initiatives and action plans, policies and procedures, the implementation plan, monitoring and evaluation framework, and risk management and contingency plans. | | |

All draft and final reports (4 original hard copies and a digital copy) shall be submitted in the prescribed format to:

The Chief Executive Officer,
ICT Authority
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Website: www.icta.go.ke

Attention:
The Project Coordinator
KDEAP

And additional four (4) hard copies and a digital copy of each required deliverable to the address below:

The Vice Chancellor,
Open University of Kenya (OUK)
KoTDA, 1st Floor, Konza Technopolis
PO Box 2440 - 00606  Nairobi Kenya
Tel: +020 2000211 / 020 2000212
Email: vc@ouk.ac..ke , info@ouk.ac.ke
Website: https://ouk.ac.ke/

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## 6. Payment Schedule

The proposed payment schedules based on satisfactory performance of the contract which will be negotiated with the successful consultant will be as presented in Table 2 below.

**Table 2: Proposed payment schedule**

| S/No. | Deliverables | Timelines for submission of deliverables after contract commencement | Percentage of the contract amount |
|---|---|---|---|
| 1) | Submission and Acceptance of Inception report | 1 month | 10% |
| 2) | Submission and Acceptance of trend status Report | 3 Months | 20% |
| 3) | Submission of the Identified governance instruments and Policies report | 4 Month | 20% |
| 4) | Submission of Interim Report | 5 Month | 20% |
| 5) | Submission and Acceptance of Final Reports | 6 month | 30% |

Upon submission of every report, the consultant is expected to make a presentation of the submitted report to the Client and the Open University of Kenya in a scheduled meeting. The acceptance of the report shall be recorded in the minutes of the meeting.

## 7. Minimum Consultant's qualifications and experience requirements

The shortlisting criteria for the Consulting Firm will involve the following:

a) **Core business and years in business:** The firm must be registered or incorporated as a consulting firm with the core business in the field of strategic planning, policy development, and governance structures review or related fields for a minimum of five (5) years.
b) **Relevant experience:** The firm shall demonstrate having successfully executed and completed at least two (2) assignments of similar nature and complexity in similar operating environment in the last five (5) years. Details of these assignments, including client names and addresses, scope, value, and duration, must be provided.
c) **Technical and managerial capability of the firm:** The firm shall demonstrate having requisite technical and managerial capacity to undertake the assignment in the submitted firm's profile. A company profile outlining the firm's expertise and capabilities should be provided as part of the submission.

## 8. Team composition and minimum qualification and experience requirements for key experts

The consultant shall demonstrate well qualified and experienced experts as required and appropriate for the execution of the assignment. They should possess necessary resources to undertake works of such nature, including equipment and software required. The key experts shall personally carry out (with any assistance of other experts deemed appropriate) the services as described in this TOR.

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**Table 3: Key Experts**

| Consultant Team |
| --- |

### 1.  Team Leader(One)

**Educational Requirements:** A minimum of a master's degree in a relevant field (Strategic planning, Organizational Development, Project Management, ICT, Business or related discipline) from a reputable tertiary institution recognized in Kenya.

**General Experience**: Minimum of seven (7) years in a strategic plan and/or policy development for an organization comparable to Open University of Kenya.

**Specific Experience**: The expert should have experience of minimum five (5) years in analytical skills relevant for the development of a strategic plan, University policies and Governance documents.

### 2.  Stakeholder engagement expert (one)

**Educational Requirements:** A minimum of a masters degree in either Business management, economics, Information Systems, ICT, education, Public Policy or a related discipline.

**General Experience**: The minimum years of experience should be 5 years in a relevant field. The candidates must possess strong local networks and experience in cultivating industry partnerships in Kenya

**Specific Experience**: The candidate will have experience of minimum 2 years in policy, strategic plan or University Governance instruments development.

### 3.Policy development Expert(One)

**Educational Requirements:** A minimum of a masters degree in either, Strategy and policy, Public Policy, Business management, economics, Information Systems, ICT, education or a related discipline.

**General Experience**: The minimum years of experience should be five (5) years in a relevant field. The candidates must possess strong local networks and experience in strategy and policy development.

**Specific Experience**: The candidate will have experience of minimum 2 years in policy, strategic plan or University Governance instruments development.

### 4. Research Assistant (Two)

**Educational Requirements:** A minimum of a Master's degree in educational policy, ICT or any other relevant field of study from a university recognized in Kenya.

**General Experience**: Must have a minimum of five years' research experience in academic or industry set up

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**Specific Experience**: The expert should have experience of minimum three (3) years as a research assistant or a researcher for a similar assignment.

### 5. ICT and Innovation Advisor (One)

**Educational Requirements: A minimum of a** Bachelor's degree in Information Technology, Computer Science, or related field from a university recognized in Kenya.

**General Experience**: The advisor should possess a minimum of five years' experience in setting up and maintaining technology infrastructure in Kenya's context

**Specific Experience**: The advisor should have experience of minimum two years in areas of innovation or research and product development.

### 6. Legal and Compliance Advisor (1)

**Educational Requirements:** A minimum of a Bachelor's degree in law from a university recognized in Kenya.

**General Experience**: Must have a working experience of a minimum of 5 years in a University setup or any institution of learning. In addition, they should have been involved in policy, strategic plan or any University governance instrument.

**Specific Experience**: The advisor should have experience of minimum 2 years work related experience in areas of policy research, governance instrument development and strategic plan or policy development.

## 9. Estimated time inputs for key experts

The number of key experts and the estimated time input for each key expert for the assignment are presented in Table 4.

**Table 4: Estimated Time Inputs for Key Experts**

| S/No | Key and support Staff | No | Estimated Time Input (staff-weeks) |
|---|---|---|---|
| 1) | **Team Leader** | 1 | 10 |
| 2) | **Stakeholder engagement** | 1 | 6 |
| 3) | Policy development Expert | 1 | 6 |
| 4) | Research Assistant | 2 | 10 |
| 5) | **ICT and Innovation Advisor** | 1 | 2 |
| 6) | **Legal and Compliance Advisor** | 1 | 4 |
| **Total** | | **7** | **36** |

## 10. Management and Accountability of the Assignment

The Client for the services will be ICTA. The Client will be represented by the Chief Executive Officer (CEO). The Project Coordinator will be the Consultant' supervisor and shall be responsible for the coordination of activities of the consultant. On a day-to-day work basis, the consultants shall work

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and report to the OUK's appointed focal person.

## 11. Responsibilities of the Client

ICTA will engage the consultant on behalf of OUK, requiring the consulting firm to carry out the identified tasks with a focus on achieving the expected outputs and outcomes outlined in this TOR. The firm is encouraged to leverage local expertise at the same time ensuring inclusivity through gender balance and PWDs where possible.

OUK will endeavor to:

1) Supplying available data, studies, and relevant literature necessary for completing the identified tasks.
2) Granting access to required university officials, relevant MDAs and SAGAS, as well as key education and industry players as applicable.
3) Facilitating stakeholder engagement meetings to allow the consultant to gather pertinent information relevant to the tasks at hand.
4) Offering timely feedback on reports and deliverables.

## 12. Responsibilities of the consultant

The consultant shall be responsible for the provision of all the necessary resources to carry out the services such as market surveys and any other required resources. The consultant is expected to undertake activities that will ensure that outputs are consistent with the professional and legal requirements. All outputs will be presented using modern technology. It is also required that the data is generated through a consultative process that guarantees authenticity and ownership.

The consultant bears the responsibility of providing all essential resources for rendering the services, including research and assessment as well as any other necessary requirements. The consultant is tasked with undertaking activities to ensure that the outputs align with professional and legal standards. It is imperative that a consultative approach is employed when carrying out the tasks. Furthermore, the consultant is accountable for delivering all pertinent resources, including, but not limited to, the reports prescribed as outputs and any other required resource to OUK upon the conclusion of the project.

**END OF TOR**