



**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**

**TERMS OF REFERENCE FOR:**

**REQUEST FOR EXPRESSION OF INTEREST**

**FOR:**

**Development of Standard Operating Procedures and ISO Certification for the Office of Data Protection Commission (Consultancy Firm)**

**Contract No: KE-ICTA-388921-CS-QCBS**

**Issue Date: 16<sup>th</sup> July 2024**

**Closing Date: 31<sup>st</sup> July 2024**

**Client:**

The Chief Executive Officer,  
ICT Authority  
Telposta Towers 12<sup>th</sup> Floor, Kenyatta Ave  
PO Box 27150 - 00100 Nairobi Kenya  
Tel: +254 20 2089061/ 2211960 Fax: +254 20 2211960  
Email: [procurement@ict.go.ke](mailto:procurement@ict.go.ke) , [info@icta.go.ke](mailto:info@icta.go.ke)  
Website: [www.icta.go.ke](http://www.icta.go.ke)

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# **Development of Standard Operating Procedures and ISO Certification for the Office of Data Protection Commission (Consultancy Firm)**

## **1.0 Background**

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.

**1.1 Component 1: Digital Infrastructure and Services-**The aim of this component is to increase access to high-speed internet for individuals, industry, and government—the ‘foundation of the foundations’ of a digital economy and strengthen Kenya’s role as regional digital leader—while leveraging investments from the private sector

**1.2 Component 2. Digital Government and Services-** This component will invest in the foundational digital services, platforms, architectures, and policies needed to transform the way the Government communicates and conducts its internal operations.

**1.3 Component 3. Digital Skills and Markets-** This component aims to equip 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.

**1.4 Component 4. Project Management-** This component will support project implementation, coordination, for the Project Implementation Unit (PIU) within ICTA and capacity building.

**1.5 Component 5: Contingent Emergency Response Components-**This component will be activated in the event of an emergency.

The Gok intends to apply a portion of the proceeds of the Credit to cover activities under sub-components 1.2, component 2.3a (Providing TA and capacity building for the ODPC for developing a business model for the ODPC, to assure cost recovery). The project aims to enable the Office of the Data protection Commissioner (“Office”) embark on a journey to implement ISO standards effectively, emphasizing the importance of quality assurance and compliance. ISO (International Organization for Standardization) standards provide globally recognized frameworks that guide our efforts to ensure our services, and operations meet rigorous quality, safety, and regulatory requirements. The Office plans to adopt the ISO 9001 Quality Management System standard, with future prospects of incorporating ISO 27001 and ISO 27701 standards.

## **2.0 Objectives of the Assignment**

The objectives of the assignment are to:

- a) Perform a gap analysis of the existing management system/documentation of the Office against the requirements of the standards and produce a gap analysis report
- b) To establish, implement and maintain an efficient quality management system in accordance with the requirements of the International Standards ISO 9001:2015.

## **3.0 Scope of the Consulting Services**

The specific objectives of the assignment are to:

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- a) Determine the scope of ISO 9001:2015 implementation under the first phase and finalize the same through discussion with the Office ISO project steering team.
  - b) Define methodology and work plan of implementing the assignment up to application for certification.
  - c) Perform a gap analysis of the existing management system/documentation of the Office against the requirements of the standards and produce a gap analysis report.
  - d) Finalize the activity plan with the Office ISO project steering team based on GAP analysis and ISO 9001:2015 requirements
  - e) Develop a customized training course material in soft copy (as well as hard copy) for conduct of all necessary trainings for all levels of staff.
  - f) Conduct trainings on ISO 9001:2015 that will include the following levels;
    - a. Top/Senior management briefing; an overview of the requirements of the standards, implementation methodology and benefits to the Office.
    - b. Awareness training for selected employees of the Office on the requirements of the standards, their role in implementation and maintenance of the systems and the benefits to the Office.
    - c. Detailed training on planning, documentation, implementation and internal auditing of the quality management system for the Office ISO project steering team
    - d. Train and qualify selected employee of the Office as internal auditors.
  - g) Assist in coordination of required management progress reviews during the QMS installation.
  - h) Develop all necessary documentation including risk-based management as required in ISO 9001:2015 and guide the Office ISO project steering team on implementing the same.
  - i) Advise the Office ISO project steering team on change management strategies and the success factors to support effective implementation of the system.
  - j) Assist in planning, conduct and guide the initial internal audits using the trained and qualified employee as Internal Auditor.
  - k) Assist in evaluation of performance of the implemented ISO 9001:2015 Quality Management System through internal audits including addressing non-conformities, review of corrective actions taken and documentation of such reviews.
  - l) Assist in coordination and participate (as observer) in first management reviews after the conduct of internal audits.
  - m) Provide guidance in the preparation and review of final documents prior to application for certification.
  - n) Guide the Office ISO project steering team to complete the application package for certification and in addressing the necessary correction or corrective actions identified from certification application n review (desk audit), onsite certification audit, and any necessary final review of documentation.

#### 4. Duration and Location of the Assignment

The duration of the assignment shall be up to **Twelve (12) Months** from contract commencement date.

The ISO 9001: 2015 will be implemented in work package distributed in 3 phases. The consulting firm shall distribute the consulting assignment into approximately 3 equal phases based on deliverables indicated below. The phases shall be reviewed and agreed upon with the Office ISO project steering team or the project manager before work commences.

| Phases         | Activities  | Deliverables  |
|----------------|---|---|
| <b>Phase 1</b> | <ul style="list-style-type: none"> <li>a) Gap analysis of the current system in place.</li> <li>b) Provision of comprehensive guidelines for the development of ISO documents and facilitate this effort through consulting and appropriate training.</li> <li>c) Preparation and provision of mandatory procedures required by the standard and developing the quality policy, quality objectives and quality manual.</li> <li>d) Revision of existing Standard Operating Procedures and development of new procedures where necessary in consultation with the process owners and the ISO team and in line with the ODPC strategic objectives and ISO standard requirements.</li> <li>e) Provision of weekly progress reports to assist the Office in monitoring progress of ISO 9001:2015 implementation.</li> </ul> | <ul style="list-style-type: none"> <li>Gap Analysis reports</li> <li>Project Implementation plan</li> <li>Templates for policies and SOPs</li> <li>Quality policy document</li> <li>Quality objectives</li> <li>Quality manual</li> <li>Audit reports</li> <li>Updated SOPs</li> <li>Weekly status reports</li> </ul> |
| <b>Phase 2</b> | <ul style="list-style-type: none"> <li>a) Ensure that staff are appropriately trained on the requirement and processes of ISO 9001:2015.</li> <li>b) Training reports on ISO 9001:2015</li> <li>c) Trained and provided certificates for the ISO internal auditors and ISO lead auditors.</li> </ul>  | <ul style="list-style-type: none"> <li>Training materials</li> <li>Attendance registers</li> </ul>  |
| <b>Phase 3</b> | <ul style="list-style-type: none"> <li>a) Customized training materials for the Office, which shall be used for future reference in maintaining the system.</li> <li>b) Provision of a final report on the project at the end of the contract detailing the scope, the</li> </ul>   | <ul style="list-style-type: none"> <li>Training materials</li> <li>Project reports and handover documents</li> </ul>  |

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|  | deliverables and the status at the end of the contract period. |  |
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## 5. Reporting Requirements and Timelines for Deliverables

The consulting firm will present the following reports, QMS documents, training and QMS certificates:

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

| <b>Output</b>                        | <b>Description of Output</b>  | <b>Timeline for submission of output after contract commencement</b> | <b>Number and Format of reports presentation</b> |
|--------------------------------------|---|--|--|
| Inception Report                     | Detailed plan with approach for carrying out the tasks outlined, including work-plan. The plan will have allocated resources and responsibilities, fostering a systematic approach to achieve ISO 9001 compliance   | 3 weeks  | 2 hard copies and 2 digital copies               |
| Gap Analysis Reports                 | A gap analysis of the ODPC's processes. The report will establish monitoring mechanisms and key performance indicators for ongoing evaluation, providing a roadmap for organizations to align quality management systems with the ISO 9001 standards.   | 7 weeks  | 2 hard copies and 2 digital copies               |
| Quality management systems documents | QMS documents are integral to the establishment, maintenance, and continuous improvement of a ODPC's QMS. They typically include documents such as a Quality Manual, which provides an overview of the QMS framework, and various procedures detailing specific processes within the ODPC. Additionally, work instructions, forms, and records may be part of the QMS documentation, serving as tools for implementing and monitoring quality-related activities. | 5 Months   | 2 hard copies and 2 digital copies               |

|                                  |   |           |                                    |
|----------------------------------|---|-----------|------------------------------------|
|                                  | The purpose of these documents is to standardize practices, facilitate compliance with industry standards and regulations, and enable effective communication of quality-related information throughout the organization. QMS documents play a crucial role in fostering a culture of quality and continuous improvement within an organization.  |           |                                    |
| Status/Progress Reports          | Monthly reports on the status of the project  | Monthly   | 2 hard copies and a digital copy   |
| Training certificates            | <p>Training staff of ODPC to build capacity under the following groups:</p> <ul style="list-style-type: none"> <li>a) Top / senior management training</li> <li>b) All ODPC staff Awareness</li> <li>c) ISO Steering committee training</li> <li>d) Select staff training on the ISO 9001 lead implementer and lead auditor courses.</li> </ul> <p>Provision of customized training materials for the Office, which shall be used for future reference in maintaining the system.</p> | 10Months  | 2 hard copies and 2 digital copies |
| Final Report and QMS Certificate | <p>Submission of final report on the project at the end of the contract detailing the scope, the deliverables and the status at the end of the contract period.</p> <p>Perform a pre-certification audit to assist the ODPC in preparing the certification audit.</p>   | 12 Months | 2 hard copies and 2 digital copies |

All draft and final reports (in specified formats and copies) shall be submitted in the prescribed format to:

The Chief Executive Officer,  
ICT Authority

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Telposta Towers 12<sup>th</sup> Floor, Kenyatta Ave  
PO Box 27150 – 00100  
Nairobi Kenya  
Tel: +254 20 2089061/ 2211960 Fax: +254 20 2211960  
Email: [procurement@ict.go.ke](mailto:procurement@ict.go.ke) , [info@icta.go.ke](mailto:info@icta.go.ke)  
Website: [www.icta.go.ke](http://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:

**Data Commissioner**

Office of the Data Protection Commissioner  
Britam Tower, Hospital Road, Upperhill  
PO Box 30920 - 00100 Nairobi Kenya  
Tel: 0207801800  
Email: [procurement@odpc.go.ke](mailto:procurement@odpc.go.ke) with a copy to: [info@odpc.go.ke](mailto:info@odpc.go.ke)

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

## 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 after contract commencement | Percentage of the contract amount |
|-------|---|---------------------------------------|-----------------------------------|
| 1.    | Submission and Acceptance of Inception Report                                     | 3 Weeks                               | 10%                               |
| 2.    | Submission and Acceptance of Gap Analysis Reports and project implementation plan | 7 Weeks                               | 20%                               |
| 3.    | Submission and Acceptance of Quality Management Systems documents                 | 5 Months                              | 25%                               |
| 4.    | Training Certificates   | 10 Months                             | 20%                               |
| 5.    | Final Report and QMS Certificate  | 12 Months                             | 25%                               |

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

## 7. Minimum requirements for consultant's qualifications and experience

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

- a. **Core business and years in business:** The firm shall be registered/incorporated as a consulting firm with core business in the field of implementation of ISO 9001 consultancy or equivalent for a period of a minimum of Seven (7) years.
- b. **Relevant experience:** The firm shall demonstrate as having successfully executed and completed at least two assignments of similar nature, complexity and in a similar operating environment in the last five years. Details of similar assignments, with name and address of the client, scope, value (if not confidential), and period should be provided and submitted.
- c. **Technical and managerial capability of the firm:** The firm shall demonstrate as having the requisite technical capacity and managerial capacity to undertake the assignment in the submitted company profile(s), with additional details on team qualifications as indicated below.



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

The consulting firm shall be required to undertake the assignment as a multidisciplinary team comprising of a team lead and key experts. The details provided should include academic qualification and professional qualification of key experts, general experience, specific experience and, if applicable, registration/licensing from a recognized professional body. The consulting firm shall demonstrate well-qualified and experienced experts as required and appropriate for the execution of the assignment. The firm should possess the necessary resources to undertake assignments of such nature, including equipment and software required. The key experts shall personally carry out (with any assistance of other experts and staff deemed appropriate) the services as described in this TOR.

### **8.1 Team Leader/ Project Manager**

- i. A minimum of a Master's degree in Business Management and Administration, Strategy, Project Management, Information Systems, Economics or related fields.
- ii. A minimum of 10 years of general experience in ISO 9001 training and consulting and
- iii. Demonstrated expertise in the implementation of Quality Management Systems for government entities, with a minimum of two (2) government projects successfully completed, including achieving certification.
- iv. A member of the National Quality Institute (NQI) or relevant body.

### **8.2 ISO 9001 Lead Implementer**

- i. A minimum of bachelor's degree in Business Management, Administration, Project Management, Strategy, Information Systems, Economics or related fields.
- ii. A minimum of 6 years general experience in successfully implementing ISO 9001 certification, training and consulting in similar organizations.
- iii. A minimum of 10 years of general experience in ISO 9001 training and consulting and
- iv. A member of the National Quality Institute (NQI) or relevant body

### **8.3 ISO 9001 Lead Auditor**

- i. A minimum of a bachelor's degree in Business Management, Administration, Project Management, Strategy, Information Systems, Economics or related fields.
- ii. A minimum of 6 years of general experience in implementing Quality management systems and conducting internal audits to evaluate the QMS's effectiveness.

- iii. A minimum of 10 years of general experience in ISO 9001 training and consulting and
- iv. Relevant certifications in quality management or ISO standards and a
- v. A member of the National Quality Institute (NQI) or relevant body.

### 9. Estimated Time Input for Key Experts

The number of key experts and the estimated time input for each key expert for the assignment are presented in Table 3.

**Table 3: Estimated Time Inputs for Key Experts**

| S/No  | Key and support Staff       | No | Estimated Time Input (staff-months) |
|-------|-----------------------------|----|-------------------------------------|
| 1)    | Team Leader/Project Manager | 1  | 12                                  |
| 2)    | ISO 9001 Lead Implementor   | 1  | 12                                  |
| 3)    | ISO 9001 Lead Auditor       | 1  | 12                                  |
| Total |                             | 3  | 36                                  |

### 10. Management and Accountability of the Assignment

The Consulting firm will report to the Management Representative and eventually to the Data Commissioner, Office of the Data Protection Commissioner as the Client and the principal contact for the consultancy.

### 11. Responsibilities of the Client

The ODPC will ensure availability of meeting facilities and relevant laws and reports as may be necessary to the Consultancy firm. Additionally, ODPC will:

- a) Provide all the support required by the Consulting firm like facilitation in holding meetings, organizing and conduct of training programs, the provision of office facilities, document/record availability and any other requirements for timely completion of ISO 9001:2015 implementation.
- b) To ensure that there is compliance to the requirements as suggested in a timely manner so that delays in implementation of requirements of ISO 9001:2015 are avoided.

### 12. Responsibilities of the Consultant

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- a) The Consulting firm will be responsible for their office accommodation, computers, logistics/transport, office equipment/stationery and furniture and all operational requirements.
  - b) Carry out all the activities as specified in the terms of reference so as to enable the Office obtain ISO 9001:2015 certification.
  - c) Depute trainer(s)/expert(s) to assist and guide the Office in all the activities including training and documentation & implementation of ISO 9001:2015 requirements and facilitate submission of application to Certification Body for ISO 9001:2015 certification.
  - d) Submit the progress report to the steering committee of the Office on monthly basis or as and when required.