Reference Number:  TIK/SY/002/2019- (Re-advertisement)

Description: Review of the Legal Framework Guiding School Titling Processes and Protection of Schools at Risk

Posting Date: 13th December 2019

Deadline for Submission of Bids: 31st December 2019

About Transparency International Kenya

Transparency International Kenya (TI-Kenya) is a not-for-profit organization founded in 1999 in Kenya with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International movement that are all bound by a common vision of a corruption-free world.

Project Background

The Shule Yangu Alliance Campaign is a national network of like-minded stakeholders from civic, government and private sector working to ensure protection of public schools against illegal land-grabs, support the Government to issue title-deeds to public schools and support communities to own their schools.

Purpose of the assignment

The core objective of this assignment is to examine ways in which the titling of public schools can be accelerated and how schools at risk can be protected through better response from legal institutions mandated to implement effective policy, laws and administrative procedures.

In order to ensure there is effective protection of public schools at risk including those with existing land disputes and contestation cases, Shule Yangu Alliance Campaign wishes to undertake a critical analysis of the legal provisions on protection of public-school land including jurisprudence by the courts on decisions relating to public schools with land cases. In addition, the effectiveness of the interventions by the Judiciary, the Office of the Attorney General, the National Lands Commission, and the Office of the Director of Public Prosecutions needs to be
critically analyzed in order to address the gaps and challenges in the interventions by the State on addressing public-schools’ land disputes.

**Terms of Reference**

With the focus on schools at risk (those without titles and those in active land contestation), and by working closely with the Shule Yangu project team, the consultant’s scope of work will include but not limited to:

1. Developing an inception report highlighting the design and the methodology to be used;
2. Map out the public schools with land disputes highlighting status on the redress of these cases including challenges faced and recommendations;
3. Identify the legal factors that impede the titling of public schools, with special focus on demarcation of responsibilities between County and National Governments, Succession issues, Sponsored Schools issues and Legal Contestations;
4. Analyze jurisprudence and court decisions on the schools with land court cases and provide recommendations to the various duty bearers based on the same;
5. Interrogate the various forms of State intervention assessing their successes and challenges;
6. Provide Legal, legislative and policy recommendations (including a brief on legislative change/development based on the recommendations) on ensuring there is effective protection of public schools at risk and public land defenders.
7. Compile a data base (list) of the said schools (those with cases in court etc and show status of cases).
8. Develop a report and invite stakeholders to participate in assessment and validation of the said report;

**Deliverables**

The deliverables of this assignment are as follows:

1. An inception report and work plan clearly detailing an understanding of the research project and methodology to be used in the assessment;
2. Development of an evaluation tool which shall be submitted alongside the final report;
3. Draft interim report submitted to the Shule Yangu team detailing the progress of work undertaken;
4. A Policy brief on legislative change/development;
5. Submission of a Power Point Presentation summarizing the report and firstly;
6. Final report incorporating comments from key stakeholders with proper reference and citation of all sources and cases used in undertaking the assessment;

Duration

The assignment is expected to take 20 days

Qualifications of the consultant

1. A Bachelor’s degree in law. A post-Graduate degree will be an added advantage;
2. Be admitted as an Advocate of the High Court of Kenya;
3. A minimum of 5-10-years’ experience working in public policy, Land governance and anti-corruption;
4. Familiarity on lands rights, human rights, education and public accountability-based advocacy approaches;
5. Able to show experience working on similar consultancies.

COMPETENCIES

- A person of high integrity that will model Shule Yangu and TI-Kenya’s core values;
- Demonstrable ability to document cases effectively;
- Good research and analytical skills

Application process

Qualified candidates should submit documents (PDF) of not more than 10 pages including:

1. Expression of interest including proposed methodology and work plan;
2. Curriculum Vitae;
3. Financial bid detailing cost for the above deliverables;
4. Contact details of at least three referees (one being recent referee engaged on similar activity);
5. Evidence of previous relevant studies/work undertaken.

Complaints process

This call for Expression of Interest does not constitute a solicitation and TI-Kenya reserves the right to change or cancel the requirement at any time during the EOI process. TI-Kenya also reserves the right to require compliance with additional conditions as and when issuing the final solicitation documents. Submitting a reply to a call for EOI does not automatically guarantee receipt of the solicitation documents when issued. Invitations to bid or requests for proposals will be issued in accordance with TI-Kenya rules and procedures. Any grievances and or complaints
arising from the evaluation process and final tender award can be addressed, in writing, to the Executive Director and the Transparency International -Kenya Tender Complaints Committee.

**Submission of bids**
The deadline for submission of expressions of interest is **31st December 2019**.

Applications should be sent by email to **procurement@tikenya.org**.

Please indicate: “**Review of the Legal Framework Guiding School Titling Processes**” in the subject line of your email application.