



REPUBLIC OF KENYA

**MINISTRY OF MINING, BLUE ECONOMY AND MARITIME
AFFAIRS**

State Department for Mining

**EXPRESSION OF INTEREST FOR CONSULTANT SERVICES
TO UNDERTAKE CAPACITY BUILDING PROGRAMS IN
THE MINING SECTOR (RE-ADVERTISEMENT)**

TENDER NO. MMBE & MA/SDM/17/2023-2024

BACKGROUND

The Constitution of Kenya 2010 makes provisions on “natural resources” which means the physical non-human factors and components, whether renewable or non-renewable, including— rocks, minerals, fossil fuels and other sources of energy. Article 60 of the Constitution provides for the principles of land policy, which include sustainable and productive management of land resources. Under Article 62 (1) (f) of the Constitution “all minerals and mineral oils as defined by law” are classified as public land and by Article 62 (3) they are vested in and are held by the national government in trust for the people of Kenya.

Further, the Constitution also outlines the obligations of the State in respect of the environment which include, inter alia, to: ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; and utilize the environment and natural resources for the benefit of the people of Kenya.

The Constitution also spells out the national values and principles of governance, which bind all State organs that, among others, guide decision-making, or implementation of any law affecting the mining sector. The Constitution thus provides some overarching principles that should guide the implementation of any laws governing the mining sector.

The Mining Act, 2016

The purpose of the Act is to give effect to Articles 60, 62 (1)(f), 66 (2), 69 and 71 of the Constitution in so far as they apply to minerals; provide for prospecting, mining, processing, refining, treatment, transport and any dealings in minerals.

Ownership of minerals

Every mineral in its natural state, under or upon land in Kenya; in or under a lake, river, stream, or water courses in Kenya; in the exclusive economic zone and an area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the National Government in trust for the people of Kenya. The State also has a right of pre-emption of all strategic minerals raised, won or obtained within the territory of Kenya.

Administration of the Act

The Cabinet Secretary (CS) in charge of mining is responsible for the administration of the Mining Act and has powers to develop regulations to provide for activities in the mining life cycle. Further, the law provides for a Mineral Rights Board that will support the CS on administration aspects such as granting and revoking licenses, designating areas for mining operations such as small scale and artisanal mining, and excluding areas from mining activity.

The CS can declare certain minerals or deposits to be strategic by advising and seeking approval of the Cabinet. The Act also establishes two directorates to assist with the administration – the Directorate of Mines and the Directorate of Geological Survey. Together, they will manage the activities and information related to mining operations in the country including establishing operational linkages between the national and county governments.

The State Department for Mining derives its mandate from the Executive Order No.1 of January, 2023 on the Organization of Government of the Republic of Kenya and it includes:-

- (i) Development of policies on the extractive industry;
- (ii) Undertaking mineral exploration and mining policy management;
- (iii) Maintaining an inventory and mapping of mineral resources;
- (iv) Development of mining and minerals development policies and standards;
- (v) Maintenance of Geological Data (Research, Collection, Collation, Analysis);
- (vi) Policies on the Management of Quarrying of Rocks and Industrial Minerals;
- (vii) Mining Capacity Development and Value Addition; and
- (viii) Management of Health Conditions and Health and Safety in Mines.

The State Department has oversight responsibilities over the National Mining Corporation (NMC), the Mineral Rights Board (MRB), Kenya National Mining Institute and the Geologist Registration Board (GRB).

OBJECTIVES OF THE ASSIGNMENT

The Programme aims at enhancing awareness among stakeholders on the mining sector regulatory environment, mineral processing and value addition techniques, ASM function, the legal and policy arrangement, roles and responsibilities of each of the actors in aiding the realization of sector goals, enhancing the contribution of the mining sector in the economy, and sustainable mining activities.

TARGET GROUP

The capacity building exercise targets external stakeholders and in particular Licensees, Public Sector Organizations, the Judiciary - Environment and Land Court, Parliament - Environment, Forestry and Mining Committee, Private Sector Players, Universities and Research Institutions and their Partners, the National Police Service, National Government Administrative Officers - County Governors and CECs responsible for Mining and Artisanal Mining Committees, and Community Based Organizations(CBOs).

TRAINING AREAS AND COVERAGE

The consultants will be required to train and capacity build on the following broad areas.

Assignment 1: Constitutional, legislative and policy framework.

Assignment 2: Mine health and safety, environmental protection and sustainable mining .

Assignment 3: Financial literacy, basic record and book keeping.

Assignment 4: Marketing cooperatives, savings and credit, credit rating and access to financing

Assignment 5: Mineral Processing, value Addition and Alternative Mineral processing Techniques

Assignment 6: Policy Development

Assignment 7: Bills Development

GENERAL EVALUATION CRITERIA

Mandatory/Preliminary criteria

- Certificate of incorporation.
- Tax compliance certificate
- Provide a copy of CR12 or Identity card

TECHNICAL CRITERIA

S/NO.	CRITERIA	POINTS
1.	Academic and Professional Qualifications – Minimum of a Bachelor’s degree in relevant area. Academic qualifications- 10 marks Professional Qualifications – 10 marks	20
2.	Ten years Relevant experience in capacity building programs. 2 marks for each year worked.	20
3.	Evidence of similar assignment undertaken in the past. 2 marks for each assignment .eg. previous contracts LSOs	20
4.	Provide a methodology of undertaking the assignments on the identified areas of capacity building	30
5.	Proof of financial capability. Provide two years Audited Accounts. 2021 and 2022.	10
TOTAL		100

*Only consultants earning 70 marks and above will be shortlisted and requested to submit Request for Proposal.

DELIVERABLES AND TIMELINES

Deliverables	Description	Timeline
Inception Report	i. Report detailing the consultant’s understanding of the assignment; and	1 Week
Training	i. Power point presentation slides on the area of capacity building ii. Conduct the actual capacity building in the designated point to be identified by the State Department for Mining and its assignees;	1 week in each assigned cluster of trainees

TERMS AND CONDITIONS

- i. The consultants shall maintain confidentiality and shall not disclose any confidential information that they may come across in the course of the assignment without prior authorization;
- ii. The final capacity building document(s) shall remain the property of the State Department for Mining and may not be reproduced or distributed without express authority of the State Department.

CONFLICT OF INTEREST STATEMENT

The consultant is required to disclose any potential conflicts of interest arising out of other assignments. Where the consultant currently represents any party or potential stakeholders that would create conflict of interest or to the extent, any conflict of interest would arise in the future, the consultant shall provide a copy of its policy or procedures with respect to conflicts management. The consultant shall also be required to sign a non-disclosure agreement with the State Department. Information relating to this assignment shall not be disclosed to other parties without official authority of the State Department issued by the Principal Secretary in writing.

CORRUPT OR FRAUDULENT PRACTICES

The State Department requires that the consultant observe the highest standards of conduct and ethics during and after the consulting assignment. The consultant shall be required to sign a declaration that he/she has not and shall not be involved in any corrupt or fraudulent practices.

The State Department will reject proposals for award if it determines that the consultant recommended for award has engaged in corrupt or fraudulent practices in competing for this consulting assignment.

DISCLAIMER

The EOI is an expression of interest only and not an offer document. Responses to it must not be construed as acceptance of an offer or imply the existence of a contract between the parties.

CONTACT INFORMATION

Any questions regarding this consultancy should be sent to the email address tenders@mining.go.ke

EOI SUBMISSION

Eligible firms are to submit their clearly labelled “**EXPRESSION OF INTEREST (EOI) FOR CONSULTANCY SERVICES TO UNDERTAKE CAPACITY BUILDING IN THE MINING SECTOR**” (RE-ADVERTISEMENT) TENDER NO. MMBE & MA/SDM/17/2023-2024” by hard copy to be deposited in the Tender Box situated on 2nd Floor, Works Building so as to be received not later than **10:00 a.m.** East African Time on **Thursday, 2nd November, 2023.**

The Envelop should be clearly addressed to:

**The Principal Secretary
State Department for Mining
Ministry of Mining, Blue Economy and maritime Affairs
Public Works Building, Ngong Road
P.O. Box 30009-00100
NAIROBI**

EOI OPENING

The EOI documents will be opened in the presence of bidders’ representatives who choose to attend at Works Building, 3rd Floor, Ministry Boardroom on **Thursday, 2nd November, 2023.**

This EOI is available in the Government of Kenya Tender Portal www.tenders.go.ke and State Department for Mining website www.mibema.go.ke

The State Department for Mining reserves the right to accept or reject any or all applications.

ANNEX I: CURRICULUM VITAE TEMPLATE

Surname, First Names:

Nationality:

Address:

Telephone:

E-mail:

KEY QUALIFICATIONS:

Please provide:

- i) A summary of your experience and training highlighting the most relevant for the proposed assignment and;
- ii) The responsibilities that you exercised.

Education (University Level and above only):

Name of University - City -Country	Period		Degree Obtained	Main Topic / Major
	From	To		

PROFESSIONAL TRAINING:

Name of Training Institution- City - Country	Type of Training	Period		Certificates or Diploma Obtained
		From	To	

EMPLOYMENT RECORD:

Begin with your most recent employment. For each job since your Bachelor's Degree achievement, please indicate:

- Name of the Employer
- Type of Activity/Business of the Employer
- Title / Function
- Place of Employment
- Brief Description of main accomplishments and responsibilities

REFERENCE:

Please indicate the name and address of three persons with no family relationship with

yourself, familiar with your character and titles.

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I hereby certify that the responses which I provided above, are all to the best of my knowledge, true, complete and accurate. I acknowledge that an inaccurate statement or essential omission in a personal declaration or another document required by the State Department for Mining, Ministry of Mining, Blue Economy and Maritime Affairs might result in the rejection of my application and/or termination of this Contract.

Date:

Signature: