



MINISTRY OF ENERGY AND PETROLEUM

State Department For Petroleum

TENDER NOTICE

OPEN NATIONAL TENDER

The Ministry of Energy and Petroleum - State Department for Petroleum invites Expression of Interest from eligible interested firms for the following:

TENDER NO.	TENDER NAME	BID BOND	CLOSING DATE	REMARKS
MOEP/SDP/ ONT/03/2024-2025	Request for Expressions of Interest(EOI) for Developing a Grievance Redress Framework	NONE	04th March, 2025 at 11.00. am East African Time.	Open National Tender

OBJECTIVE

The main objective of the assignment is to develop Grievance Redress Framework for the Ministry. The specific objectives include:

1. Establishing and providing guidance for maintaining a grievance redress mechanism that is accessible, transparent, responsive and efficient for State Department for Petroleum stakeholders.
2. Providing for a process to record, categorize and prioritize stakeholder grievances.
3. Providing a roadmap for an environment that fosters a free and honest exchange of information, views, and ideas regarding resolving received grievances.
4. Develop and define clear roles and responsibilities of the various parties involved in handling and resolving grievances.
5. Develop mechanism that provides for resolution of the grievances in consultation with relevant stakeholders.
6. Providing for a process of escalating unresolved grievances to other relevant offices or authorities in line with the grievance management procedure.
7. Providing in the framework a process that ensures that grievances are addressed promptly and fairly.
8. Enhancing stakeholder trust and satisfaction through effective grievance management.
9. Identifying systemic issues and recommend improvements based on grievance trends.

ELIGIBLE FIRMS

Eligible and interested contractors/firms are requested to submit their expression of interest by providing information that includes and not limited to the following:

- i. Copy of Certificate of Incorporation/Registration of Company.
- ii. Brief description of the Firm(s) profile(s) indicating suitability to carry out this specific assignment, technical capabilities and available resources.
- iii. List of assignments of a similar nature successfully completed indicating client and year.

Interested candidates may obtain the Terms of Reference (T.OR) from the State Department for Petroleum website, www.petroleum.go.ke or the Government tender portal, www.tenders.go.ke free of charge or any other information from Supply Chain Management Office, Room 7-04, Ministry of Energy and Petroleum- State Department for Petroleum on the 7th floor, KASNEB TOWERS II during normal working hours (8.00 am to 5.00 pm, Monday-Friday, (excluding any public holiday or gazette holiday).

Complete Expression of Interest documents are to be enclosed in plain sealed envelopes clearly marked with tender Name, Reference Number and addressed to:

Principal Secretary
Ministry of Energy and Petroleum
State Department for Petroleum
P.O. Box 51614- 00100
NAIROBI
TEL: +2543310112
Email: ps@petroleum.go.ke

The Expression of Interest documents should be deposited in the Tender Box marked MOEP- SDP located at Ministry of Energy and Petroleum, **State Department for Petroleum KASNEB TOWERS II, 7th floor** so as to be received on or before **04th March 2025 at 10.30 am East African time.**

Expression of Interest will be opened immediately thereafter at Ministry of Energy and Petroleum, State Department for Petroleum, **KASNEB TOWERS II, 11th floor Boardroom** in the presence of candidates or their representatives who choose to attend.

Large documents that cannot fit in the Tender Box shall be received and registered at Supply Chain Management services office at KASNEB TOWERS II, 7th floor Room 7-09.

DIRECTOR/ SUPPLY CHAIN MANAGEMENT SERVICES
For: PRINCIPAL SECRETARY

TERMS OF REFERENCE FOR DEVELOPING A GRIEVANCE REDRESS FRAMEWORK

1.0 Background Information

The State Department for Petroleum was established by the Executive Order No. 1 of 2023 on Organization of the Government of the Republic of Kenya as one of the two State Departments under the Ministry of Energy and Petroleum. The State Department is mandated to develop and implement policies that create an enabling environment for efficient operation and growth of Kenya's petroleum sector. The Ministry sets strategic direction to facilitate the growth of the sector while providing long term vision for all sector players.

Specifically, the State Department for Petroleum, has the responsibility to initiate, develop, and review policies, strategies and programs in the oil and gas sector, it also provides guidance on legal and regulatory framework for spearheading upstream and mid/downstream petroleum operations.

Tullow Kenya B.V. and its Kenya Joint Venture Partners (KJV) discovered oil at the South Lokichar Basin in 2012. Appraisal wells have been drilled and Extended Well Tests (EWTs) successfully conducted. The EWTs demonstrated production rates and reservoir continuity over distances suitable for field development. A Field Development Plan (FDP) was submitted to the Energy and Petroleum Regulatory Authority (EPRA) on 10th December 2021 in line with Section 30 of the Petroleum Act (2019) for review and subsequent approval by the Cabinet Secretary (CS) responsible. The CS will thereafter submit the approved FDP plus the Production Sharing Contract (PSC) to Parliament for ratification in accordance with Article 71 of the Constitution.

Large-scale mining, oil and gas exploration and production can result in undesirable social-economic and environmental impacts. These may annoy, irritate or cause feelings of discomfort and unfairness among different stakeholders. These impacts are often magnified in ecologically-harsh and economically deprived settings like Turkana County. In such settings, grievances are likely to occur. A grievance in this context is defined as a complaint of dissatisfaction, harm, unfairness, or mistreatment raised by an individual or a group within the project area or beyond affected by project processes and activities. Sources of grievances are diverse, among others, benefit-sharing, job opportunities, environmental issues, access to information (unclear disclosure), supply of goods and services during project execution, land access and impact of spending on community projects.

The Government of Kenya has documented these grievances over time. While it may have resolved most of these, oil and gas industry players are increasingly concerned that such incidents typify a growing economic activism in the region, heightening the need for clear rules of engagement between investors and the host community. Increasing awareness of such grievances is also likely to put at risk existing investments, as well as the

region's reputation as a favored destination for investors, especially in extractive industries. Managing grievances, therefore, becomes an integral part of the stakeholder engagement strategy for and beyond the oil exploration and development phases. It is against this background that the government is developing a Grievance Redress Framework. The purpose of this Grievance Redress Framework is to put in place a simple, accessible systematic process for recording, processing, and promptly resolving grievances raised by the host community and other stakeholders.

2.0 Objective of the Assignment

The main objective of the assignment is to develop Grievance Redress Framework for the Ministry. The specific objectives include:

1. Establishing and providing guidance for maintaining a grievance redress mechanism that is accessible, transparent, responsive and efficient for State Department for Petroleum stakeholders.
2. Providing for a process to record, categorize and prioritize stakeholder grievances.
3. Providing a roadmap for an environment that fosters a free and honest exchange of information, views, and ideas regarding resolving received grievances.
4. Develop and define clear roles and responsibilities of the various parties involved in handling and resolving grievances.
5. Develop mechanism that provides for resolution of the grievances in consultation with relevant stakeholders.
6. Providing for a process of escalating unresolved grievances to other relevant offices or authorities in line with the grievance management procedure.
7. Providing in the framework a process that ensures that grievances are addressed promptly and fairly.
8. Enhancing stakeholder trust and satisfaction through effective grievance management.
9. Identifying systemic issues and recommend improvements based on grievance trends.

3.0 Scope of Work

The consultant/ consultancy firm is required to:

- a) Develop a comprehensive Grievance Redress Framework.
 - Design a Grievance Redress Framework including procedures.
 - Establish clear protocols for receiving, logging, investigating, and resolving grievances.
 - Provide for maintenance of a grievance tracking system.

- Ensure that the Grievance Redress Framework is gender-responsive.
- b) While implementation of the Grievance Redress Framework is the responsibility of the Ministry, the Framework should;
- Facilitate access to information and attending to complaints that may be resolved by providing information
 - Provide a free and accessible method for stakeholders to report and acknowledge grievances from stakeholders.
 - Facilitate the conduct of thorough and impartial investigations of grievances received.
 - Facilitate resolution through dialogue, mediation, or other appropriate methods, including verifying facts presented at grievance hearings using community knowledge
 - Facilitate access to a fair hearing and remedy
 - Provide for timely communication with complainants regarding the status and outcome of their grievances.
 - Provide for timely resolution of disputes before they escalate to unmanageable levels. This also includes referring any unresolved grievances to higher levels for action.
- c) Compliance with relevant policies, laws, and regulations.
- Ensure the Grievance Redress Framework is in compliance with internal policies and external regulations related to grievance redress.
 - Provide for the preparation of regular reports on grievance redress activities and outcomes.
- d) Analysis of grievance data to identify trends and systemic issues.
- Provide for the maintenance of a register of all grievances lodged
 - Provide for analysis of grievance data to identify patterns and root causes.
 - Provide for the recommendation and implementation of improvements to grievance handling based on such analyses
 - Provide for monitoring of the effectiveness of the Grievance Redress Framework and make adjustments as necessary
- e) Capacity build on grievance handling procedures.
- Train and guide staff on grievance redress procedures.
 - Recommend ongoing training and support to ensure consistent and effective grievance handling.
- f) Incorporate the following principles in the Grievance Redress Framework:
- The Grievance Redress Framework shall be readily accessible to all stakeholders at no cost and without retribution.
 - The grievance mechanisms, processes, or procedures shall not prevent access to judicial or administrative remedies.
 - Addressing of grievances shall be done in a discrete and culturally appropriate manner.
 - The Grievance Redress Framework shall also allow for anonymous complaints to be raised and addressed.

- The grievance resolutions will be binding and sufficiently legitimate and free from interference.
- The Grievance Redress Framework will be made known to all stakeholders including relevant time frames in the process and will provide adequate access to promote use and trust.

4.0 Reporting Obligations

The consultant will develop all the reports in English and will provide soft and final hard copies to the State Department for Petroleum as follows:

1. Ten (10) coloured-bound hard copies of final Grievance Redress Framework published in A4 size hard cover.
2. Ten (10) soft copies in electronic portable format and storage (flash disc) of the of the final Grievance Redress Framework.
3. One (1) soft copy of final Assignment Report
4. Two (2) hard copies of final Assignment Report

The reports will be reviewed and approved by the State Department for Petroleum

5.0 Duration of Consultancy

The Consultancy will be for a period of six (6) months from the effective date. Payments would be dependent on the achievement of milestones as set in the deliverables.

6.0 Deliverables

The consultant/consultancy firm must submit the deliverables outlined below. All reports shall be written in English and should be in clear and concise language.

	Deliverable	Duration	% Milestone payment
1	Inception Report: Inception Report detailing the consultants' proposed approach for the task. This will provide detailed description of the methodology and a detailed work plan for delivering the assignment.	End of Week 3	25%

	Deliverable	Duration	% Milestone payment
2	Draft Report: Draft Grievance Redress Framework which includes stakeholder engagement plans, field visit, stakeholder engagement reports, etc.	End of week 16	60%
6	Final Grievance Redress Framework	End of Week 24	15%

The Consultant shall make presentation of the final Grievance Redress Framework to stakeholders during validation workshop two (2) weeks after submission.

7.0 Methodology

Whereas the assignment objectives are clear, the consultancy firm is expected to develop and adopt a comprehensive methodology to guide in undertaking the assignment. For purposes of this consultancy, the general approach would be development of survey instruments for data collection, desk review of related literature, physical field visits to Turkana County for consultation, key informant interviews and stakeholder engagements through Focus Group Discussions (FGDs). The data collected should be analyzed for results and accurate reporting. Validation workshops are also to be adopted to ensure involvement of stakeholders in the process. The forums would also help verify the accuracy of the findings, provide clarity in interpretation of results as well as support in disseminating the findings to a larger audience.

8.0 Qualifications of the Consultancy firm/Consultant(s)

Consultancy Firm

The consultant/ consultancy firm must have the following qualifications and experience to be eligible for this assignment:

- A minimum of 3 years technical experience in handling grievances, redress or host community consultations.
- Significant knowledge and skills on grievance handling, redress, community consultations and policy dialogue.
- Demonstration at least 3 projects working in Turkana County, Kenya's ASALs or similar environment.

No	Expert	Qualification
1.	K1 - Team Leader	<ul style="list-style-type: none"> • At least a master's degree in social sciences, Economics, Public Administration, or a related field. • Professional training in relation to grievance redress, access to justice, extractives governance, peace-building and conflict management, community engagement or related field of study is preferable. • Minimum of 10 years' experience in supporting grievance redress management or a similar role, implementation and related activities. • Must have undertaken at least 3 projects handling grievance redress mechanism in the last 5 years.
2.	K2 - Lawyer	<ul style="list-style-type: none"> • At least a bachelor's degree in Law (LLB). • Must be an advocate of the High Court of Kenya. • Must be a member of the Law Society of Kenya in good standing. • Minimum of 5 years' experience in supporting grievance redress management or implementation of similar role. • Must have undertaken at least 3 projects handling grievance redress mechanism in the last 10 years.
3.	K3 - Environment Expert	<ul style="list-style-type: none"> • At least a university degree in the field of environment or related field. • Professional training in environment, health and safety or the field of specialization is preferred. • Must be registered with NEMA as a Lead Expert. • Minimum of 5 years' experience in supporting grievance redress management or implementation of similar role. • Must have undertaken at least 2 projects handling grievance redress mechanism in the last 10 years.
4.	K4 - Sociologist	<ul style="list-style-type: none"> • At least a university degree in the field of sociology, social science or related field

No	Expert	Qualification
		<ul style="list-style-type: none"> • Professional training in the field of specialization • Minimum of 5 years' experience in supporting grievance redress management or implementation of similar role. • Must have undertaken at least 2 projects handling grievance redress mechanism in the last 10 years.
5.	K5 - Engineer	<ul style="list-style-type: none"> • At least a university degree in the field of engineering or related field. • Professional training in the field of specialization. • Must be registered with Engineers Board of Kenya and a member of the Institution of Engineers. • Minimum of 5 years' experience in supporting grievance redress management or implementation of similar role. • Must have undertaken at least 2 projects handling grievance redress mechanism in the last 10 years.
6.	K6 - Security Expert	<ul style="list-style-type: none"> • At least a university degree in the field of security, safety or related field. • Professional training in the field of specialization. • Minimum of 5 years' experience in supporting grievance redress management or implementation of similar role. • Must have undertaken at least 2 projects handling grievance redress mechanism in the last 10 years

9.0 Responsibilities of the client and consultant

The client

The client will form a Technical Committee, which shall be responsible for coordination of activities of the consultant and approval of deliverables. The client will manage the Grievance Redress Framework contract on a day to day basis including processing funds for disbursement to the consulting firm. On a day-to-day work basis, the consultant shall work and report to the designated officer.

The client will support in facilitating field activities as arranged by the consultant through liaison with key stakeholders. This will include facilitating the provision of operational support in terms of technical inputs where necessary and approval where required.

The client will also provide free of charge all available existing information including data, reports and clips and will assist the Consultant in obtaining other relevant information and materials from governmental institutions and state authorities where necessary. However, it is the duty of the Consultant to check availability, quality and suitability of this information.

The consultant

The consultant shall undertake desk review of secondary materials and any other relevant information during the assignment. The Consultant will also adopt an appropriate methodology and develop data collection tools for the assignment, undertake implementation of the methodology, facilitate workshop sessions where required, prepare and submit the final Grievance Redress Framework and related deliverables as agreed.

The Consultant shall be responsible for their own working space, transport, accommodation, insurance, Airtime and other associated costs. 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 techniques/technology. It is also required that the data is generated through a consultative process that guarantees authenticity and ownership.

10.0 Conflict of interest

The Consultant is required to disclose any potential conflicts of interest arising out of other assignments. Where the Consultant currently represents any party, that would create a conflict of interests or to the extent any conflict of interest would arise in the future, the Consultant shall provide a copy of its policy and/or procedures with respect to conflicts management. In addition to the Consultant's conflict of interest and confidentiality policy, the Consultant shall detail any measure that may be required to avoid conflict of interests and ensure the confidentiality of information received in connection with the implementation of this assignment.