



**8<sup>th</sup> December 2023**

## **Terms of Reference**

### **A Study Assessing the Performance of County Assemblies oversight function in strengthening Devolution in Kenya, 10 Years Later.**

#### **1. Background and Introduction:**

A decade ago, Kenya embarked on the path of enacting a critical component of the 2010 Constitution, which marked a significant departure from the centralized governance model that had characterized the nation from its early days of independence. The primary objective of devolution was to bring government closer to the people, ensuring more responsive and accountable leadership while acknowledging the country's diverse cultural, economic, and social landscapes. The effects of devolution have been multi-faceted. On the positive side, it led to the equitable distribution of resources, channeling funding directly to the counties for local development projects and services such as healthcare, education, infrastructure, and agriculture. This direct allocation sought to narrow regional disparities that had persisted for decades, ensuring that marginalized and previously neglected areas received their fair share of resources.

County assemblies are the legislative arms of the county governments in Kenya. Established under the 2010 Constitution, these assemblies are tasked with making laws that pertain to their respective counties, ensuring accountability, and representing the interests of their constituents. The ten years of devolution have witnessed county assemblies evolving into vibrant platforms where local concerns and aspirations are given a voice, fostering greater citizen engagement and participation in governance. Since the advent of devolution, much focus has been given to the county executive and little on County Assemblies, despite the important role that they are expected to play in protecting devolution. These assemblies play a pivotal role in shaping local governance, yet they have often been overshadowed by their more popular counterparts. In addition, the legislative branches at the national level, particularly the Senate, ought to have an observable relationship with the county assemblies reflective of the devolved governance structure established by the 2010 Constitution. Collaboration between county assemblies and the Senate is essential for effective governance. At the centre of this collaboration is a channel of information exchange where perspectives and concerns of both county assemblies and the Senate can be shared and understood.

The purpose of this consultancy is to conduct comprehensive research aimed at assessing the performance of county assemblies' oversight function in the last 10 years and their contribution to the strengthening of the devolution process. The research seeks to provide insights into the effectiveness, challenges, and opportunities faced by county assemblies in fulfilling their constitutional mandate and supporting the decentralization of governance in Kenya.

## **2. About the Project**

With support from the National Endowment for Democracy (NED), Mzalendo Trust is implementing a project titled *Enhancing Citizen Awareness, Legislative Accessibility and Transparency for Greater Accountability*. The project seeks to promote transparency and accountability of Parliaments (Regional, National and Sub-National) and strengthen citizen and civil society engagement with elected representatives and related legislative processes.

## **3. Objectives: The main objectives of this consultancy are as follows:**

- To evaluate the performance of county assemblies in terms of carrying out their oversight functions, including the major hits and misses.
- To analyze the impact of collaboration between county assemblies in carrying out the oversight function and opportunities for deepening the function to deepen devolution.

## **4. Scope of Work: The consultancy will include the following tasks:**

- Review relevant legal and policy documents related to the county assembly oversight function in Kenya.
- Conduct a literature review to gather existing research, reports, and studies on the performance of county assemblies in their oversight function.
- Assess the oversight function of county assemblies, focusing on their impact on local governance.
- Identify challenges faced by county assemblies in fulfilling their functions, including administrative, legal, and resource-related challenges.
- Analyze the collaboration and coordination between county assemblies and the Senate in their county oversight roles.
- Evaluate the effectiveness of county assemblies in promoting equitable distribution of resources and services at the county level.

- Develop evidence-based recommendations for improving the performance of county assemblies and enhancing their oversight function.
- Develop appropriate research methodologies, including sampling of counties, data collection methods such as surveys, interviews, focus group discussions, and case studies.
- Collect primary and secondary data from selected county assemblies, stakeholders, experts, and citizens.
- Analyze the collected data using appropriate qualitative and quantitative methods.

#### **4. Deliverables: The following deliverables are expected from the consultancy:**

- Inception report detailing the research methodology, data collection tools, a list of Key informants and work plan.
- Interim report presenting preliminary findings and analysis.
- Draft research report encompassing the research findings, analysis, conclusions, and recommendations.
- Final research report incorporating feedback from stakeholders and experts.
- Presentation of findings during the validation and the launch of the study.

#### **5. Timeline:**

The study is expected to be conducted over a period of 3 weeks (15 Working days), commencing on **8th January 2023**.

#### **6. Qualifications:**

The consultant must possess the following qualifications:

- Masters in political science, Public Administration, Law or any other related field;
- Demonstrated experience in conducting research, particularly in the Kenyan context.
- Proficiency in qualitative and quantitative research methods.
- Strong analytical and report writing skills;
- Relevant experience of at least 10 years;
- Experience in research methodology, selecting and evaluating information as well as conducting and evaluating interviews e.g. FGDs and KII methodologies
- Strong interviewing and storytelling skills;
- Ability to work independently within strict timeframes;
- Availability during engagement period;
- High level of professional integrity and;
- Good communication skills.

## 7. How to apply

- The Consultant is required to submit a technical and financial proposal as part of their application.
- The technical proposal should include a summary of the applicant's qualifications, experience and a detailed methodology, outlining how they will approach and complete the quantitative and qualitative aspects of the assignment within the timeframe outlined. The technical proposal should also contain CVs of key team members and professional references.
- The financial proposal should indicate the all-inclusive fixed total contract price and be supported by a breakdown of costs by activities i.e a detailed budget outlining all anticipated costs, including researcher fees, travel expenses, data collection costs, and any other relevant expenses, should be provided as part of the proposal.
- The proposal should be sent to **community@mzalendo.com** by 22nd December 2023 End of Day.
- The application subject line should clearly indicate '**A study assessing the performance of County Assemblies oversight function in strengthening Devolution in Kenya, 10 Years Later.**'
- Any clarification should be emailed to community@mzalendo.com before **22nd December 2023** by 12am.

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### About Mzalendo Trust

[Mzalendo](#) ('Patriot' in Swahili) Trust is a Kenyan non-partisan Parliamentary Monitoring Organization started in 2005 and whose mission is to 'promote open, inclusive, and accountable Parliaments in Kenya and Africa.' We do so by creating and managing civic tech tools, producing evidence-based research, and leading and facilitating advocacy and partnerships with Parliaments, citizens, and other relevant stakeholders. Mzalendo believes that success in its work will build more effective and responsive legislation and political processes that ultimately support Kenya's national development goals. In line with our [Strategic Plan 2021-2025](#), we anchor our work on three main pillars: Openness, Inclusion, and Accountability.