Request for Proposals (RFP)

To : **Offerors**
From : **Global Partnership for Sustainable Development Data (the Global Partnership)/**
United Nations Foundation (UNF)
Subject : **Kenya Legal Expert on Data**

RFP Issue Date : **21 June, 2022**
RFP Closing Date : **1 July, 2022**
RFP Closing Time : **17:00 hours U.S. Eastern Time.**
Performance Period : **8 weeks**

The Global Partnership is looking for a highly experienced legal expert to assist in the development of policy frameworks, in Kenya, in response to the increasing use of artificial intelligence (AI). The expert should have demonstrated experience in data and technology related legislation and policies, including data protection and regulatory advocacy, and in delivering training on technology and regulation to a diverse audience.

The Global Partnership invites qualified experts ("Offerors") to submit a proposal for the requested services. The Contract resulting from this award will be a **Services Agreement.**

Offerors are encouraged to read this RFP in its entirety, paying specific attention to the scope of services, instructions, and requirements. Issuance of this solicitation does not, in any way, obligate UNF to award a contract, nor will UNF pay for any costs incurred in the preparation and submission of a proposal. The agreement resulting from this RFP will be provided to the most responsive Offeror whose offer will be the most advantageous to the Global Partnership in terms of cost, functionality, and other factors as specified in this RFP.

Section 1: Background and Purpose

Background: Global Partnership for Sustainable Development Data
The Global Partnership for Sustainable Development Data is a fast-growing, dynamic international partnership bringing together over 650 different organizations including governments, UN agencies, private companies, civil society organizations, and many others. The Global Partnership convenes, connects and catalyzes action to address the problems of poor data use, access, quality and production, and to work with stakeholders to fully harness the new opportunities of the data revolution in the service of sustainable development. For more information, please visit www.data4sdgs.org.

Background: United Nations Foundation

The United Nations Foundation links the UN's work with others around the world, mobilizing the energy and expertise of business and non-governmental organizations to help the UN tackle issues including climate change, data, global health, peace and security, women's empowerment, poverty eradication, energy access, and U.S.-UN relations. The United Nations Foundation hosts and provides administrative, financial and contractual services for the Global Partnership. For more information, visit www.unfoundation.org.

Background: The Project

The Global Partnership is undertaking a project on behalf of the German Ministry of Federal Affairs (BMZ) and GIZ Kenya under the auspices of the "FAIR-Forward – Artificial Intelligence for All" that pursues three main goals:

- Remove entry barriers to AI – access to training data and AI technologies for local innovations.
- Strengthen local technical know-how on AI – capacity development in Africa and Asia.
- Develop policy frameworks ready for AI – ethical AI, data protection and privacy.

A multi-stakeholder working group drawing from government, think-tanks, academia, non-governmental organizations (NGOs), journalists, human rights advocates, civil society, local and international NGOs, private sector, and legal experts, among others, is being established to contribute to the development of an AI Practitioners Guide in Kenya. A mix of technical and non-technical AI experts in the practitioner's group will strengthen exchanges and build capacity, while promoting the guide within their stakeholder groups.

The appropriate policy and regulatory approach may foster the development and adoption of AI by various sectors. The risks associated with evolving applications of AI and machine learning, including data standards, privacy considerations, ethical issues, criminal and civil liability, are all properly the subject of regulation.

Section 2: Scope of Services

The Global Partnership is therefore seeking the services of an experienced and competent legal expert to perform the following key tasks:

1. Conduct a mapping of lawyers, legal firms and other related regulatory actors that are active in data protection as well as the AI and data ethics space in Kenya. The consultant will lead a legal, regulatory and ethics task-team established to contribute to the development of the Guidelines for AI Practitioners in Kenya.
2. Undertake an extensive review of the legislative/legal, regulatory and ethical environment, including provisions in Kenyan law and regulations that could promote or hinder the development and application of AI in diverse sectors in Kenya. This might include sampling cases or rulings for jurisprudence within the local context.
3. Working with the legal, regulatory and ethics task team, and in partnership with the GPSDD, and GIZ Kenya prepare content and conduct a training session for the multi-stakeholder community of practice on the legislative, legal and regulatory environment applicable/related to AI in Kenya, including key considerations for the different stakeholders participating in the group. This may

include also looking at good practices at the global level, enabling legislation, laws, or regulations, while highlighting sticking points that could potentially create barriers to the development and application of AI for social good in Kenya.

4. Engage selected members and collate feedback from the larger community of practice on areas of improvement in legislation, laws, and regulations in Kenya; including and where needed/possible, proposed amendments to specific clauses, articles, and provisions that remove entry barriers for AI for social good, therefore promoting an enabling environment for AI while safeguarding civil and privacy rights of citizens.

5. Contribute content for a chapter in the AI Practitioners Guide, factoring in key recommendations from number 4 above and highlighting key legislative, legal, or regulatory considerations for diverse stakeholders seeking to apply AI in Kenya. The chapter should offer actionable guidance on the dos and don'ts in this area.

Key Deliverables
- Member list of lawyers, legal or legislative experts/firms and other related data protection and regulatory players that are active in the AI space in Kenya
- Established legal, regulatory and ethics task team comprising members drawn from the above list keeping in mind domain expertise and diversity
- One training session for the multi-stakeholder community of practice on the legislative/legal and regulatory environment in Kenya
- A legal and regulatory chapter in the AI Practitioners Guide offering actionable guidance on the scope, barriers, and opportunities in this area.

Qualifications
- Education/training: Master's degree in law, public policy or related field
- Language: Excellent business language skills in English
- General professional experience: 5 years of professional experience in the public, non-profit and private sector
- Specific professional experience:
  - 3 years of experience in data and technology related legislation and policies, including data protection and regulatory advocacy
  - 2 years of experience in delivering training on technology and regulation to a diverse audience
- Leadership/management experience: 2 years of experience in project management, 1 year of experience in facilitation and moderation of multi-stakeholder processes
- Regional experience: 2 years of experience in Kenya and/or East Africa.
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Section 3: RFP Conditions

UNF reserves the right to:
- Reject any or all offers and discontinue this RFP process without obligation or liability to any potential Offeror or other party.
- Accept other than the lowest price offered.
- Award a contract on the basis of initial offers received, without discussions or requests for best and final offers.
- Award more than one contract.

Nothing in this RFP is, or should be, relied on by the Offeror as a promise or representation by UNF. UNF does not make any representation or warranty as to the completeness of this RFP or have any liability for any representations (express or implied) contained in, or omissions from, this RFP. This RFP and any replies to any written notifications are transmitted to the Offeror solely for the purposes of the Offeror preparing and submitting a Proposal. Each Offeror shall keep the RFP and its contents confidential.

Any information or materials submitted in response to this RFP and/or as a proposal (whether successful or unsuccessful) shall become the property of UNF and will not be returned. In submitting a proposal, the Offeror must agree that the offer shall remain firm for a period of no less than **120** days from the RFP closing date. Failure to follow the specifications and requirements provided in this RFP may result in disqualification.

Section 4: Proposal Preparation Instructions

Proposals are expected to be comprehensive and include the information set forth below. Elaborate or unnecessarily voluminous proposals are not desired. Proposals must be submitted in English.

1. **Cover Letter**
   A one (1) page cover letter on the Offeror's letterhead should be submitted and should include the following:
   a. A reference to the RFP subject
   b. The primary contact person with respect to this RFP: the individual's name, address, phone number and email address
   c. A statement confirming the Offeror does not have a conflict of interest with this RFP, real or perceived
   d. Signature of the person(s) duly authorized to sign on behalf of the Offeror and bind the Offeror to statements made in response to the RFP

2. **Proposal narrative, no more than three pages**
   The proposal narrative will include:
   ● A brief description of the Offeror's experience and expertise in the field that illustrates overall qualifications and capabilities to meet the terms of the RFP
   ● A brief description of the Offeror's understanding of the scope of services and proposed methodology for the work
   ● A brief description of the proposed approach to the assignment, including timelines

3. **Resume or CV**

4. **List of past and current clients**

5. **Cost requirements**
   Assignment of 35 days in total.

   The Offeror should state the daily rate required to meet the services outlined. All costs must be in U.S. Dollars. The daily rate of the expert assigned should cover all personnel costs including ancillary personnel costs, costs of backstopping, communication, reporting and all overheads, profit, interest, risk etc.

Backstopping shall be understood to mean in particular the following services provided by the successful Offeror: performance monitoring, steering of adaptation to changing framework conditions, ensuring the flow of information between the Offeror and the Global Partnership, personnel responsibilities with respect to the contractor's experts, process-oriented technical and conceptual steering of contract performance and ensuring the administrative management of the project.

Travel and conference/workshop costs will be arranged separately and should not be included in the budget.

Proposal Submission: Proposals, including any attachments (limited to 6MB), should be sent electronically in PDF format to: proposals@data4sdgs.org. Be sure to include in the subject line: Kenya Legal Expert on Data. UNF will not accept proposals received by fax or mail.

All proposals are due by the date and time stated above. Any proposal received after the required time and date specified for receipt shall be considered late and non-responsive. Late proposals will not be evaluated.

Section 5: Selection

The Global Partnership will review candidates with the goal of selecting a consulting firm most advantageous to the successful execution of this work, based on the qualifications listed above, as demonstrated by the resume or CV, proposal narrative, and additional material, if applicable. The Global Partnership will consider the Offeror's capability to deliver the scope of services, and the feasibility of the approach. The Global Partnership will also consider the overall costs to ensure that they are reasonable to deliver the services. The Global Partnership may meet with one or more Offerors prior to selection.

Section 6: Contract Terms

Payment
Payment terms for the award shall be on a day rate basis. Payment is dependent upon receipt of valid invoice and timesheet, and contingent upon successful completion of deliverables and related activities. Payment shall be made in U.S. dollars via check or electronic funds transfer/bank wire. The final payment terms in the contract will control, not this RFP. No advance payments will be provided.

GIZ Terms and Conditions
The contract shall include applicable flow downs from the August 2020 GIZ general terms and conditions of contract for supplying services and work.