



**TECHNOLOGY SERVICE PROVIDERS ASSOCIATION
OF KENYA**

REQUEST FOR PROPOSALS

**TERMS OF REFERENCE (TOR) FOR A LEGAL CONSULTANT TO WORK ON THE
PROPOSED AMMENDMENTS ON THE COMPUTER AND CYBER CRIMES BILL,
2016.**

General Information:

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|------------------------------|--|
| Work Description: | Legal consultant for the proposed amendments on the Computer and Cyber Crimes Bill, 2016 |
| Project Title: | Computer and Cyber Crimes, Bill 2016 Project |
| Duration: | 10 Days |
| Procurement No. | TESPOK001/01/2017 |
| Application Deadline: | |

INTRODUCTION

About TESPOK

Technology Service Providers of Kenya (TESPOK) is a professional, non-profit organization representing the Interests of Technology service providers in Kenya. Established in 1999, the strength of the Association rests on its ability to be truly representative of the Kenyan industry as a whole.

Vision

“To be the driver of ICT growth and excellence in Africa”

Mission

“To be the voice of Information Technology, influencing policy, direction and development in the industry”

BACKGROUND INFORMATION

The ICT industry in Kenya has made several attempts to develop a law on cyber security. The ICT Ministry together with the Kenya Law Reform Commission (KLRC) have drafted Computer and Cyber Crimes (CCC), Bill 2016. The Bill was approved by Cabinet on the 6th April, 2017 and forwarded to the Attorney General for publication before tabling in the National Assembly.

The objective of the CCC Bill, 2016 is to provide for offences relating to computer systems timely and effective collection of forensic material for use as evidence, and to facilitate international co-operation in dealing with cybercrime matters e.g. unauthorized access of computers, passwords; computer forgery, computer fraud, cyber bullying, aiding or abetting in the commission of an offence, offences by a corporate and limitation of liability and offences committed through the use of a computer system.

TESPOK was involved in the development of the Bill, however; some critical industry proposals and positions with regards to how the industry operates were not captured. The key issues with the current draft CCC Bill 2016 could have adverse effects on the sector operations and investment opportunities. Hence TESPOK seeks to recruit a legal consultant with good understanding of the legislative processes in Kenya to support in the legal justification and drafting of the proposed amendments in support of the ICT business framework in Kenya.

TERMS OF REFERENCE

The terms of reference shall cover the details of the scope of the assignment to the legal consultant. The work shall include all the activities related to the Computers and Cyber Crime (CCC) Bill, 2016 industry amendments. This assignment may require the consultant to spend some time out of Nairobi.

Scope of Work

Under the direct supervision of the Chief Executive Officer, the consultant shall undertake the following tasks:

1. Conduct detailed review of the impact of the Computers and Cyber Crime (CCC) Bill, 2016 to the ICT framework in Kenya with regards to existing laws
2. In consultation with the secretariat advise and incorporate the draft changes in the Bill for presentation to various stakeholders.
3. Provide legal advice and direction on legislative processes that should be considered
4. Provide legal advice on any other relevant issues related to the project
5. Prepare Detailed reports on the work undertaken and present the same to TESPOK.

Deliverables

1. Proposed workplan to cover the duration of the assignment;
2. A submission of a report.

Methodology

Phase 1 will include a desk review assessment of relevant documents;

Phase 2 will adopt a consultative and participative approach. This will include discussions with key stakeholders. The consultant will carry out the analysis of the findings in consultation with TESPOK. The Consultant will conclude with the submission of a draft report based on the findings.

QUALIFICATIONS OF THE CONSULTANT

Functional Competencies

1. Legislative drafter with minimum 7 years' experience with in depth knowledge on Kenya legal framework.
2. Minimum of 5 years' experience in consultancy services and various stakeholder engagements in related projects.
3. Demonstrated Knowledge and experience in Policy formulation.
4. Knowledge and experience of working with the ICT industry in Kenya.
5. Ability to meet set deadlines.
6. Efficient Team player.

Core Competencies:

1. Ability to deliver quality outputs in a timely manner while understanding and anticipating the evolving client needs.
2. Strong organizational skills;
3. Ability to work independently, and deliver to organizations standards.
4. Sound judgment, strategic thinking and the ability to manage competing priorities;

Required Skills and Experience:

Education:

- University Degree in Law from a recognized University, Diploma in law from the Kenya School of Law.
- Diploma in Legislative Drafting.
- Master's degree in relevant field is desirable.

Language:

- Excellent written and spoken English.

Duration of the Assignment

The duration of the assignment is 10 working day spread over a period of 3-4 months.

RESPONSE DEADLINE

Closing date for applications: 2nd February 2018

Application and selection procedure Submit:

1. Letter of interest;
2. Profile and Resume of key staff
3. Quotation with daily rates via email to the email address tespok@tespok.co.ke

For queries contact Project Manager via email address leonard@tespok.co.ke or telephone using the contacts below.

OUR CONTACTS

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