



Republic of Kenya

**Kenya Marine Fisheries Socioeconomic Development  
Project (KEMFSED)**

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**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVES  
(MoALF&C)**

**STATE DEPARTMENT FOR FISHERIES, AQUACULTURE & THE BLUE  
ECONOMY (SDFA&BE)**

**KENYA MARINE FISHERIES AND SOCIO-ECONOMIC  
DEVELOPMENT (KEMFSED) PROJECT**

**TERMS OF REFERENCE**

**FOR A CONSULTANT FIRM**

**CONSULTANCY SERVICES FOR PROVISION OF TECHNICAL SUPPORT ON  
CMA GUIDELINES SOPS TOT AND PERFORMANCE MONITORING SYSTEMS.**

**Contract No. KE-MOALF-C1-2021-003-QCBS**

**Tender No. MOALF&C/SDFA&BE/8/2021-2022**

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## 1. Project Background

The Government of Kenya, through the State Department for Fisheries, Aquaculture, and Blue Economy (SDFABE) and with support from the World Bank, is implementing the Kenya Marine Fisheries and Socio-Economic Development (KEMFSED) project, which aims at supporting the country in its efforts to leverage emerging opportunities in the Blue Economy. The development project's overall goal is to improve management of priority fisheries and mariculture and increase access to complementary livelihood activities in coastal communities. The KEMFSED project, which will be implemented in Kenya's coastal counties including Kwale, Mombasa, Kilifi, Tana River, and Lamu, will strengthen the management of fisheries that are priority to coastal livelihoods, thereby securing stocks at sustainable levels of harvesting. At the same time, the project will strengthen coastal households' access to complementary livelihood activities toward diversifying sources of household income to reduce dependence on capture fisheries. By better managing and conserving marine and inland water resources, reducing illegal fishing activity, and enhancing the value of the fish products in the value chains, the sector is expected to enhance its contribution to the overall economy.

The project is comprised of the following three components:

- a) **Component 1: Governance and Management of Marine Fisheries** will focus on improving the management of marine fisheries in Kenyan waters. In furtherance of the same PDO, fisheries governance interventions will be promoted through strengthened co-management of nearshore fisheries, and infrastructure development to support the management of fisheries at both the national and county levels.
- b) **Component 2: Coastal Community Empowerment and Livelihoods** will contribute to the PDO by strengthening livelihoods in coastal communities through a combination of technical and financial support for the implementation of livelihood, social welfare, and environmental subprojects; provision of scholarship grants and complementary capacity-building and mentoring of beneficiaries;
- c) **Component 3: Project Management** this Component will finance support for project management at both national and county levels to ensure coordinated and timely execution of project activities.

### Co-Management concept

The management and conservation of fisheries resources in Kenya was centralized until 2005, when a more collaborative, community-centred 'bottom-up' approach was introduced. The previous top-down approach had failed due to many challenges including low levels of compliance, ineffective control of utilization and unsustainable management and conservation of the fisheries resources.

In order to ensure participation of resource users in the management of the local fisheries and other marine resources and ensure compliance, the Government of Kenya developed National Beach Management Unit (BMU) Guidelines that were implemented from 2005. In 2007, the Fisheries (Beach Management Units) Regulations, 2007 were gazetted and started implementation.

Fisheries co-management is a partnership arrangement that shares responsibilities between the government and other stakeholders in the management of fisheries resources. In Kenya, in the context of nearshore fisheries resources, co-management responsibilities are primarily shared

between county fisheries authorities and BMUs, with oversight by the National Government (State Department for Fisheries Aquaculture and the Blue Economy and Kenya Fisheries Service on issues of policy, standardisation of approaches and procedures, performance standards and capacity-building. Other stakeholders such as the tourism and fisheries private sector are also partners in the co-management system. In Kenya, BMUs have been established to promote structured community participation in fisheries management. BMUs consist of fishers, fish traders, boat owners and other beach stakeholders who traditionally depend on fisheries activities for their livelihood.

BMUs are mandated to co-manage fisheries resources together with Fisheries authorities under the Fisheries Act, BMUs regulations, and BMU by-laws. As outlined in the BMU Regulations of 2007, a BMU undertakes fisheries management activities within a designated co-management area (CMA). However, where members of adjacent BMUs routinely share common fishing grounds, a joint co-management area (JCMA) is formed and fisheries management activities are undertaken jointly by more than one BMU. Fisheries management activities within a CMA/JCMA are guided by a co-management plan or a joint co-management plan which specifies fisheries management measures that are to be undertaken to ensure the sustainable utilization of fisheries in that area.

## **2. Objectives of the Assignment**

The overall objective of the task is to provide technical support to the KEMFSED, (State Department for Fisheries Aquaculture and the Blue Economy (SDFABE), Kenya Fisheries Service (KeFS) and County Government fisheries authorities in the implementation of the sub-component two (1.2) of the KEMFSED project, in particular supporting development of guidelines for formation of fisheries co-management areas, Beach Management Unit (BMU) Standard Operating Procedures (SoPs), BMU performance monitoring system, review of the BMU training manuals and supporting their mainstreaming and application during the development of joint co-management areas (JCMAs) under the KEMFSED project through provision of relevant training and capacity-building.

## **3. Scope of work/specific tasks**

- 3.1. *Prepare an Inception Report* detailing: (i) proposed approach and methodology; (ii) consultants' team composition and respective roles; (iii) a detailed timeframe for implementation of all activities. Submit draft Inception Report to SDFABE and KeFS and revise in line with comments received.

### CMA guidelines

- 3.2. Familiarise with existing draft *Guidelines for the Formation of Fisheries Co-management Areas in Kenya* prepared under the auspices of the National CMA Guidelines Technical Committee
- 3.3. Source and review other relevant community guidelines or related publications in Kenya for other community-level natural resources management in fisheries, wildlife forestry and water.
- 3.4. Source and review other fisheries co-management area guidelines or related lessons-learned publications from other relevant countries, where available in English, including:

- *MLF (2017) Guidelines for establishment of collaborative fisheries management areas (CFMAs) in coastal and marine waters of Tanzania*
- *World Bank (2020) Fisheries Co-management in Mozambique: Lessons from the Artisanal Fisheries & Climate Change (FishCC) Project, 2015-19;*
- *WIOMSA (2019) Local Management of Marine Resources: A toolkit for communities in Kenya and mainland Tanzania.*

3.5. In partnership with KEMFSED, SDFABE, KeFS and the Technical committee, lead the organisation and facilitation of one or more consultative workshops or seminars<sup>1</sup> to review and revise existing draft National CMA Guidelines referred in 3.2 above, with a view to preparing final versions for both technical and community audiences. The workshop(s) should involve National Government, County government, NGO and community participants and should in particular seek to draw on lessons from experience in developing CMAs and JCMAs in Shimoni-Vanga (Kwale County), Malindi-Ungwana Bay (Kilifi County) and Pate Island (Lamu County) and some lessons from CFMAs of Tanzania.

3.6. Prepare final draft versions of CMA Guidelines, based on output from 3.5 above, as follows:

- i) version for technical officers and practitioners in English;
- ii) version for communities in Kiswahili.

Both versions should be designed with an emphasis on communicating information in an accessible, attention-capturing way incorporating visual, diagrammatic and graphic approaches as much as possible. In particular the version for communities should lean towards a pictorial design with less text (along lines of the WIOMSA toolkit, 2019).

3.7. Present above draft versions to TC, KEMFSED, the Director General, KeFS, SDFABE and other selected stakeholders representatives for comment and validation, in a small seminar setting.

3.8. Prepare and submit final revised version of the CMA Guidelines incorporating comments as appropriate to KEMFSED and DG KeFS for approval.

#### Preparation of BMU Standard Operating Procedures (SoPs)

Support KeFS in providing technical guidance to separate consultants contracted under KEMFSED for provision of legal services –by undertaking the following:

3.9. Familiarise thoroughly with existing fisheries legislation in Kenya relevant to fisheries co-management, in particular the Fisheries Management and Development Act of 2016; BMU Regulations and general Fisheries Regulations (both in process of revision as of June 2020) and other Regulations therein;

3.10. Source and review examples of relevant existing standard operating procedures (SoPs) for other community-level natural resources co-management organisations, if/where available, for example SOPs for community organisations in the fisheries, wildlife or forestry sectors in Kenya, or for BMUs in Uganda and Tanzania.

3.11. In partnership with KEMFSED, SDFABE, KeFS and established CMA and MCS technical committees, lead the organisation and facilitation of one or more consultative

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<sup>1</sup> Number of events to be determined in consultants' technical proposal based on their assessment of need

workshops or seminars<sup>1</sup> with the objective of identifying the structure and content of BMU standard operating procedures (SoPs), including *inter alia*:

- structure and functions of BMUs and BMU officers, including minimum qualifications for the latter;
- legal authority *viz-a-viz* supporting authorities on enforcement and national security issues;
- representativeness in BMU governance structure including gender, involvement of vulnerable and marginalized groups (VMGs), other social groups;
- financing considerations including relationship between BMUs, County Government and Fish Levy Trust Fund;
- BMU performance monitoring indicators and related data collection and data management protocols (see 3.14 below)
- optimal institutional arrangement for management of joint co-management areas (JCMAs), and other inter-governmental and inter-agency linkages relevant to co-management;
- Monitoring, Control and Surveillance (MCS) procedures that include intelligence gathering, planning and execution of patrol operations and arrests at the BMU and BMU Network levels
- Data collection, storage and reporting procedures that will enable day to day operations of BMUs in JCMAs
- Artisanal Fish handling and quality assurance procedures for fish quality assurance
- other gaps relating to establishment of fisheries co-management areas or joint co-management areas.

3.12. Prepare draft BMU Standard Operating Procedures and present to KEMFSED, SDFABE, KeFS, County Government Fisheries authorities and other selected stakeholders for comment, in a small seminar setting.

3.13. Prepare and submit final revised versions of SoPs to KEMFSED, SDFABE, KeFS and County Government incorporating comments from task 3.11 above as appropriate.

#### Web-based platform for BMU performance monitoring and reporting

3.14. With reference to 3.11 (bullet 5) above, namely development of BMU performance monitoring indicators and related data collection and management protocols, the consultants will work closely with separate IT consultants contracted to develop a web-based fisheries information management system (FIMS), also under KEMFSED project. The objective of such collaboration will be to develop a component within the FIMS for web-based management of BMU performance data, including: (i) a web-based data-entry portal, potentially also with a mobile phone app option for remote data entry; (ii) web-based data reporting functions including automated generation of charts with options for users to filter results by temporal and spatial parameters; and (iii) monthly or quarterly alerts to highlight omissions in BMU data entry.

The specific contribution of consultants herein will be to provide guidance to IT consultants on design and content of the above-outlined system, with programming to be done by separately-contracted IT consultants. As such, the consultants will prepare a technical note outlining a proposed design of a web-based system for BMU performance monitoring as outlined above and submit to KEMFSED, SDFABE and KeFs for comment, and will incorporate feedback as appropriate.

Thereafter the consultants will work closely with IT consultants in guiding, reviewing and improving development of the system to the point that it is approved by KEMFSED, SDFABE and KeFs and is operational.

### Training

3.15. Develop a training and sensitization plan aimed at raising awareness on fisheries co-management governance instruments in Kenya, targeting relevant KEMFSED, SDFABE and KeFS and County fisheries staff, BMU executive committees and assemblies, NGO staff working on fisheries co-management and other stakeholders within coastal counties, in line with guidance below. Submit a draft version of the plan to KEMFSED, SDFABE and KeFs for comment, incorporate comments and submit final version.

Development of the training plan should be done collaboratively with SDFABE, KeFS and county fisheries staff and with NGOs contracted under KEMFSED to support JCMA development, noting that the latter NGO partners will support roll-out of training in selected target areas/BMUs.

- i) The training plan should contain two main elements:
  - *Training-of-trainers (ToT)* training targeting KEMFSED, national (SDFABE and KeFS) and county fisheries staff, and relevant NGO personnel, including those working on JCMA development under KEMFSED.
  - *Roll-out of training to County extension staff and BMUs* covering all Indian Ocean BMUs within the 5 coastal counties. Roll-out training for BMUs should primarily target BMU executive committees but should also include summary awareness to BMU assemblies on key points relating to BMU governance and operations, including the roles and responsibilities of BMU assemblies;
- ii) The training plan should outline in detail,
  - *training approach and methodologies* respectively for different trainee audiences (ToT trainers, County extension staff and BMU members);
  - *type of training and communications materials to be produced for delivery of training*, respectively for ToT trainers, county extension staff and BMU members;
  - *proposed training teams*, respectively for ToT trainers, county extension staff and BMU members
- iii) The following areas of content should be included in the proposed training;
  - *Fisheries Management & Development Act, 2016*
  - *BMU Regulations (revised version of 2020)*
  - *Revised National CMA guidelines developed under 3.2 to 3.7 above*
  - *BMU Standard Operating Procedures developed under 3.8 to 3.12 above*
  - *BMU performance monitoring and reporting systems developed under 3.14 above*
  - *Existing BMU Training manuals that include (i) Training methods, (ii) BMU Orientation, (iii) Fisheries co-management, (iv) MCS, and (v) Fish handling*
- iv) All training should include both (a) evaluation of attendance and performance of each trainee (so, including appropriate feedback tools), and (b) evaluation of training by trainees (again with tool for providing feedback for improvement);
- v) Whilst training on the above areas should be as integrated as possible, in case delivery of one of the above outputs (eg. CMA Guidelines, BMU SoPs) becomes significantly delayed for some reason, it might be necessary to stagger part of the training rather than to delay it all. The Consultants will be guided by KeFs on this point.

- 3.16. In collaboration with KeFS (and in light of preparation of new BMU Standard Operating Procedures (SoPs) as per sections 3.9 to 3.13 above) review, revise and consolidate existing BMU training manuals referred in 3.15 (iii) above, to be used for training of ToT trainers, County staff, BMUs and stakeholders. Such documents target trainers, primarily KeFs & County fisheries officers and NGO practitioners.

This task will include review of the existing BMU training manuals that include (i) Training methods, (ii) BMU Orientation, (iii) Fisheries co-management, (iv) MCS, and (v) Fish handling and any other related training materials available for the support of community natural resource co- management to ensure they incorporate, and/or are complementary to, recent additions and revisions to fisheries co-management instruments, including revised BMU Regulations and BMU Standard Operating Procedures (SoPs) produced under these ToRs as per section 3.9 to 3.13 above.

- 3.17. Design and produce summary training materials that complement each of the training manuals referred in 3.16 above, but targeting BMU members (ie. handouts for trainees). Such materials should aim to communicate key points to BMU trainees in a simple, brief format, and should therefore be in Kiswahili. As much as possible such materials should be relatively brief, and they should make maximum use of coloured graphics and illustration and avoid lengthy or excessive narrative text. As such, consultants should consider including provision for input by a professional graphics designer and/or illustrator in their consultancy team.

Submit developed draft training and sensitization materials outlined in 3.16 and 3.17 above to KEMFSED, KeFS for comment, incorporate feedback and submit final versions;

- 3.18. Conduct training of trainers as per the training plan prepared under 3.15 above, involving KEMFSED, SDFABE, KeFS, County and NGO staff;

- 3.19. Facilitate and support roll-out of training to BMUs, as follows:

- (i) In areas targeted for JCMA development under KEMFSED (expected to cover 35-45 BMUs), roll-out of training to BMUs will be directly implemented by county fisheries staff and respective NGO partners contracted under KEMFSED to support JCMA development. The role of the consultants herein will be only to ensure those parties have the relevant training materials available to them and are well prepared (ie. through 3.17 and 3.18 above);
- (ii) In all other areas (expected to cover 40-45 BMUs), the consultants herein will directly support delivery of training to BMU executive committees and assemblies, in collaboration with county fisheries staff.

- 3.20. Prepare a final training report covering all training activities undertaken above, detailing for each training event: (i) date and location, (ii) participation, (iii) training agenda and content attaching training materials as annexes, (iv) training evaluation by participants and (v) evaluation of participants attendance and performance. Report should also include overall summary of challenges encountered, how they were resolved and recommendations for outstanding training needs and best-practice approaches for future training.

#### 4. Approach and Methodology

The consultants are expected to work closely with KEMFSED, SDFABE, KeFS and coastal county governments staff during the period of his engagement. They are expected to ensure that the process of reviewing and developing CMA Guidelines, SoPs, performance monitoring system and review of training manuals is highly consultative and participatory involving CMA Guidelines technical committee, BMUs, National and County government agencies, NGOs and CBOs and any other relevant stakeholders. The process of developing training and sensitization materials and SoPs for BMUs should involve technical officers from both National and County Governments with experiences in BMU management as well as the co-management committees established within the counties.

#### 5. Expected Deliverables, Time frame and payment

Key deliverables include the following reports:

- 5.1. Inception Report: as per para 3.1 of scope of work above, draft version to be submitted within 14 days of signing of contract.
- 5.2. Quarterly Progress Reports: detailing: (i) progress made over the reporting period against the scope of work and expected deliverables contained in these terms of reference; (ii) workplan for the coming period; (iii) challenges faced and how they were overcome and/or request for support needed from KEMFSED, SDFABE, KeFS or county authorities in the coming period to overcome such challenges; (iv) any other recommendations relevant to completion of the assignment. Quarterly reports will be made available to the County co-management committees in order to support performance oversight and ascertain that the consultancy objectives are addressed;
- 5.3. Final National Guidelines for formation of fisheries Co-management Areas (CMA) in Kenya presented in two versions as referred in 3.6 above;
  - i) A version for technical officers and practitioners in English;
  - ii) A version for communities in Kiswahili
- 5.4. Standard Operating Procedures (SoPs) for Beach Management Units (BMUs)
- 5.5. Revised versions of BMU training manuals targeting trainers that include (i) Training methods, (ii) BMU Orientation, (iii) Fisheries co-management, (iv) MCS, and (v) Fish handling
- 5.6. Complementary training and sensitization materials targeting BMU trainees
- 5.7. Technical note on Design and content of BMU performance monitoring system, as outlined in 3.14 above;
- 5.8. Training report as detailed in 3.20 above;
- 5.9. A final technical report in English detailing all work undertaken and progress made, with the following format:
  - Executive summary
  - Background to the assignment and the target area
  - Objective of the assignment
  - Progress made (including detailed timeline of all activities & numbers of participants by gender) and outputs achieved as per Scope of Work in ToRs
  - Constraints encountered and how there were addressed
  - Recommendations for future needs in relation to fisheries CMA development and BMU capacity development in Kenya

- Appendices as appropriate (photos, meeting minutes, training minutes etc)

### **Time frame and Payment schedule**

The tasks will be conducted within 24 months of contracting. The payment shall be done in installments after submission and acceptance of the following deliverables;

- Inception Report - 20%
- Final National Guidelines for formation of fisheries Co-Management Areas (CMA) in Both English and Kiswahili versions - 20%
- Standard Operating Procedures (SoPs), training and sensitization materials for Beach Management Units (BMUs) - 20%
- Training report - 20%
- A final technical report - 20%

### **6. Reporting, Supervision and Responsibility**

The technical supervision and approvals for this consultancy will be made by the KEMFSED Sub-component 1.2 coordinator through the County Co-Management Committees chaired by County Director of Fisheries in their respective counties. The consultant will provide an update on a weekly basis with regards to the progress on tasks implementation.

### **7. Submission of application and qualifications**

#### ***7.1. Qualifications of the applicant firm***

The task shall be carried out by a qualified firm or institution assembling a team with substantial expertise relevant to the scope of work and must composed of (i) a **Fisheries Co-Management Specialist** with a strong background in fisheries co-management, ecosystem approach to fisheries management and marine protected areas, (ii) a **Training coordinator/specialist** with strong experience in community training and capacity building in a fisheries context, (iii) a **Community engagement specialist**. The consultancy firm may include other team members with necessary qualification to fulfil the scope of work outlined in this ToRs.

#### ***7.2. Qualification of the team members***

The applicant firm is expected to identify and propose a team containing team members with minimum qualifications as outlined below. The firm is free to propose additional team members as it deems appropriate.

##### ***(i) Team Leader/ Fisheries co-management specialist***

- Master of Science degree, in fisheries or marine science, natural resources management
- Bsc Degree fisheries or marine science, natural resources management or related field
- At least ten years of relevant experience on fisheries management in Kenya, including working with BMUs in marine and coastal fisheries, with good understanding of co-management approaches to fisheries and fisheries management systems including Ecosystem Approach to Fisheries (EAF).
- Demonstrable experience leading projects of similar nature at the national, regional and international level.
- Highly developed communication skills to reach a broad spectrum of social, professional, cultural and gender categories
- Strong report writing and analytical skills.

- Strong IT literacy and competency
- Fluent English and Kiswahili languages

**(ii) *Training coordinator/specialist***

- Master Degree in Education, Information Technology, BIT
- Bachelor's degree in Education, Information Technology or related or relevant field from a recognized university
- Possess a Training-of-Trainers (ToT) Certificate
- At least 10 years of experience on education and training on community groups, preferably working with BMUs in coastal counties of Kenya
- Significant demonstrable experience preparing both training manuals for training-of-trainers and also communications and training materials for community-level trainees
- Demonstrable experience leading similar relevant trainings with corporate bodies, government agencies and Non-governmental organizations or education institutions
- Proficient in computer skills, including Microsoft Word, PowerPoint and Excel
- Excellent interpersonal skills, leadership, team building, time management public speaking and problem-solving skills
- Excellent verbal and written communication skills especially in the English and Kiswahili language
- Organized and able to create multiple timelines, budgets, and schedules
- Be conversant with fisheries co-management governance instruments that including Fisheries Management and Development Act, BMU Regulations, guidelines etc
- Ability to clearly and effectively communicate, expressing requirements and expectations to a wide range of fisheries stakeholders (BMUs, County and National fisheries officers, NGOs, etc.)
- Be conversant with marine resource users socio-cultural backgrounds
- Fluent in both English and Kiswahili languages

**(iii) *Community Engagement Specialist***

- Master of Science in community development, Social Development, natural resources management
- Bsc Degree in community development, natural resources management or related discipline;
- At least 10 years relevant experience working with coastal communities in Kenya including strong experience facilitating community dialogue and consultation;
- Advanced communication skills necessary for engaging with the appropriate spectrum of government and non-government stakeholders across the range of relevant professional, cultural and gender groups;
- Strong understanding of county and coastal community governance systems in Kenya;
- Strong experience and understanding of social inclusion approaches to community engagement;
- Strong experience with approaches to specific-issue community sensitisation, awareness-raising and related communications techniques and materials development;
- Demonstrably strong report writing skills
- Fluent in English and Kiswahili languages.

***.iv) Environmental and Safeguards Specialist***

- Have Masters' degree in Environment science, Natural Resources Management or any other equivalent and relevant qualification from a recognized institution;
- Have a Bachelor's degree in Environmental Science, Natural Resource Management or any other equivalent and relevant qualification from a recognized institution;
- Have worked for a minimum period of ten (10) years in the fields of Environmental, Natural Resources, Marine Resource, solid waste management and social assessment for development projects.
- Have Experience of at least five years with operational environmental safeguards policies of the World Bank (especially Operational Policy (OP) 4.01 Environmental Assessment);
- Be well versed with project compliance with environmental safeguards requirements and National Environment Management Authority (NEMA) compliance procedures;
- Be registered with National Environment Management Authority (NEMA)
- Be familiar with Donor Funded Project and Coastal Kenya and have thorough Knowledge of environmental issues in relation to the project area;
- Have working knowledge on Occupational Health and Safety methods;
- Have broad understanding of national environmental legislation, both at the national and county level;
- Have excellent oral and written communication skills.
- Have Certificate in computer application skills from a recognized institution
- Be fluent in English and communication in Kiswahili will be an added advantage.