



## **CONSULTANCY TO CONDUCT A BASELINE STUDY ON BUSINESS COMPLIANCE WITH ANTI-CORRUPTION REQUIREMENTS IN KENYA**

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### **1.0 Introduction**

The Kenya Association of Manufacturers (KAM) was established in 1959 as a private sector body and has evolved into a dynamic, vibrant, credible and respected business membership association that unites industrialists and offers a common voice for businesses.

A thriving private sector is central to achieving the objectives of Kenya's Vision 2030. In fact the success of Vision 2030 is largely premised on the role of the private sector in achieving the countries growth objectives and, thereby, creating greater wealth and employment opportunities.

The concept of social development despite being a key pillar of development has remained unprioritized in many countries. In Kenya, there are several social concerns that have greatly affected growth especially economic growth. The top key concerns include low ethical accountability. Corruption remains a big impediment to the achievement of Kenya's development goals. On this, Reports indicate that in 2019, Kenya obtained a score of 28 out of 100 in the global Corruption Perceptions Index (CPI) released by Transparency International and listed at position 137 out of 180 countries. The score from the Index is extremely below the global average score of 43 and the Sub-Saharan average score of 32. Corruption allegations continue to rise in the Country's public governance and by private persons who continue to be seen to bear the responsibility for be accomplices to the corruption in the public sector. The Kenyan Government has put in place a number of policy, legal and intuitional frameworks in a bid to address this social vice. The Bribery Act is the latest legal framework that seeks to address bribery management in the Country. The Act provides for obligations for the private sector to put in place to prevent and address bribery in the country.

Bribery often occurs in transactions necessary for a private firm to conduct business, such as paying taxes; obtaining an operating license, import license or construction permit; or obtaining an electrical or water connection. If unchecked, Corruption can be a serious impediment to private sector development and broader economic growth. Evidence indicates that corruption generally has a negative impact on firm-level costs and decisions. It poses a significant barrier to market entry, it increases uncertainty which impedes long term and fixed

capital investment, limits growth and productivity, and is a particular problem for small and medium size enterprises which lack the clout, capital and connections to circumvent the problem.

The Kenya Association of Manufacturers is currently implementing a programme known as the Private Sector Business Integrity Programme which is supported by GIZ. The programme seeks a focused approach to driving policy and legislative changes to realize corporate governance compliance.

**KAM therefore seeks to engage a consultant to consultancy to conduct a baseline study on business compliance with anti-corruption requirements in Kenya.**

## **2.0 Objective of the Consultancy**

The objective of the consultancy is **to conduct a baseline study on business compliance with anti-corruption requirements in Kenya.**

## **3.0 Scope of work**

The scope of work will cover the following areas:

1. Conduct a literature review to review of the policy legal and institutional frameworks on anticorruption in Kenya which businesses are required to comply with such as the Ethics and Anti-corruption Act, Bribery Act, Leadership and Integrity Act, 2012, Anti-Corruption and Economic Crimes Act, 2003, the Proceeds of Crime and Anti-Money Laundering Act, 2009, among others.
2. Conducting key informant interviews and focus group discussions to gather the opinions and views of stakeholders.
3. Submit a draft study documenting the findings of the baseline study to KAM for review prior to subjecting the draft to a stakeholder's forum.
4. Subject the draft study to stakeholder's forum for review and additional input.
5. Submit a final report incorporating the views and suggestions of the stakeholders to technical and steering committee and stakeholders for adoption and agreement on a private sector position.

## **4.0 Expected outputs**

The following are the expected outputs;

1. Inception report with key deliverables and an activity plan.
2. Draft study containing feedback and comments from relevant stakeholders gathered during the validation workshops reviewed and approved by KAM.
3. Reports of stakeholder's forum and technical review meetings.

4. Final study documenting the findings of the baseline study reviewed and approved by KAM.

### 5.0 Timeframe and implementation schedule

The consultant will work under the overall supervision of the Kenya Association of Manufacturers, Head of KAM Consulting and relevant officers. The consultancy is to be performed for **Twenty-one (21) days, starting in the month of October 2020.**

The proposed timeline excludes the time gap in between relevant meetings between the consultant and stakeholders; as well as time that may be required for KAM to review the output for approval purposes.

<b>Task</b>	<b>No of days</b>	<b>Deliverables</b>	<b>Timeline</b>
Submit an <b>Inception Report.</b>	2	Inception report	By end of October 2020
Submit the Draft Baseline study Report	10	First draft of the research Report and Sustainable forestry Action Plan	By October 2020
<b>Participate in 3 meetings</b> (internal and external feedback): <ul style="list-style-type: none"> <li>• 2 meeting with KAM technical internal team.</li> <li>• 1 validation meeting with KAM manufacturers and relevant stakeholders.</li> </ul>	6	3 meeting reports.  2 <sup>nd</sup> Draft Baseline study Report	By October 2020
<b>Submit a final Baseline study Report</b>	3	Final Baseline study Report.	By October/ November 2020.
<b>Total number of days</b>	<b>21 days</b>		

### 6.0 Qualifications of the Consultant

The consultant can be an Individual or Firm and must have extensive experience in conducting research on policy and legislative issues, as well as a clear understanding of the anti-corruption environment in Kenya.

### 7.0 Educational Qualifications of Individual/ Lead consultant (s) in the case of a Firm

1. Have Business, economics, law or related social science field.
2. Be a holder of a Masters qualifications in Business, economics, law or related social science field. A PhD would be an added advantage.

### 8.0 Professional Experience of Individual/ Lead consultant (s) in the case of a Firm

1. Minimum of 10 years' experience in law, business, commerce, economics, or related social science field.
2. Experience working with Government or private sector or similar organisation.
3. Demonstrable experience in working with the various arms of Governments related to the subject matter.
4. Experience in research and related policies and legislation.
5. Ability to engage with a cross-section of stakeholders in the public and private sectors.
6. Experience working with the national and county levels.
7. In-depth knowledge and understanding of the Kenyan context on anti-corruption environment, corporate governance, business or manufacturing sector.
8. Experience in conducting similar research will be an advantage.
9. Have excellent writing and research skills.
10. Excellent communication skills as well as the ability to communicate fluently in English. (spoken and written)
11. Proven ability to work under pressure and meet deadlines.
12. Have proven track record, knowledge and experience in business and corporate governance as well as anti-corruption issues in Kenya or at a regional context.
13. Have excellent communication and project delivery skills.

### **9.0 Application for consultancy**

Interested consultants are requested to submit physical copies of technical and financial proposals by **16th October 2020 stating "KAM ANTI CORRUPTION BASELINE STUDY"**;

#### **Technical proposal**

1. Description of the firm and the firm's qualifications;
2. Copy of Company Certificate of incorporation
3. Tax Compliance Certificate (Valid)
4. Statutory KRA PIN and VAT certificate copies
5. Brief description of Understanding of the requirements for services, including assumptions;
6. Proposed approach and methodology;
7. Proposed team structure;
8. Proposed project team members;
9. Executive brief of relevant similar projects undertaken in the past two (2) years.

#### **Financial proposal**

1. A summary of the price;
2. The period of its validity;

**Curriculum Vitae and two recommendations** (For a firm should contain CVs for all Consultants involved in the Consultancy)

Physical address: KAM Procurement  
Kenya Association of Manufacturers  
KAM House  
Mwanzi Road, Opposite Westgate Mall  
P.O Box 30225 -00100  
Nairobi

#### **10.0 Payment terms (provisions)**

Kenya Association of Manufactures policy is to pay for contractual services based on performance of contractual services rendered.

#### **11.0 Evaluation of proposals**

A two stage procedure will be utilized in evaluating the proposals, with evaluation of the Technical component being completed prior to any price component. Scores will be awarded for the technical proposal.

The price component proposal will be opened only for those firms/ institutions whose technical component meets the requirements for the assignment, as indicated by a score of more than 70%.

*Please note only successful candidates will be contacted.*