

TERMS OF REFERENCE

SOS CV KE STATUTORY AND REGULATORY/ LEGAL COMPLIANCE CHECK

BACKGROUND:

SOS Children's Villages Kenya (SOS CV KE) is a member of SOS - Kinder Dorf International, the largest private child welfare organization in the world. SOS CV KE implements Programmes focusing on Alternative Family Care of children with inadequate parental care, education, health, youth empowerment, Family Strengthening and Advocacy. The organization has a presence in 7 of the country's 47 counties; these are Nairobi, Mombasa, Uasin Gishu, Meru, Kisumu, Busia and Homa Bay.

PURPOSE:

SOS Children's Villages Kenya (SOS CV KE) wishes to engage a suitable, competent partner to conduct a comprehensive statutory and legal/ regulatory compliance check of the organization. SOS CV KE believes a final report of a properly conducted statutory and legal compliance check will help the organization detect and prevent violations of rules and prevent the organization from fines and lawsuits by ensuring the organization and its employees follow all laws, regulations, standards, and ethical practices that apply to SOS CV KE and the respective sectors in which it operates.

The consultant is expected to review SOS CV KE (the organization and its operations) in the context of (i) statutory requirements (all relevant laws passed by respective County and national governments) and (ii) Regulatory/ legal requirements (relevant requirements issued by relevant regulatory bodies appointed by County and national governments).

SCOPE AND SPECIFIC TASKS :

To review (and make appropriate recommendations) on;

- a) SOS CV KE Internal guidelines, policies and procedures and other prescribed internal standards and behavior.
- b) Legal and statutory implications of SOS CV KE End of Involvement in Education & Health facilities process and actions; identify potential risks to the process and advise accordingly.
- c) Legal and statutory implications of SOS CV KE income generating activities and social business activities.
- d) Respective County government (7) and national government laws and regulations applicable to SOS CV KE.
- e) Research and report on various government regulations that SOS -Kenya needs to comply with.
- f) Identify any gaps or areas of weakness in the internal and external compliance that comprise potential legal risk and liability.
- g) Review SOS CV KE legal contractual documents e.g. contract templates and Memorandum of understanding (MOU) templates, identify potential gaps and advise accordingly.

- h) Review sample running long term contracts and agreements as advised and as entered into by SOS Kenya and advice on remedial measures where necessary in order to remain compliant and reduce exposure SOS Kenya to potential legal risks and liability.
- i) Compile a report advising SOS -Kenya on best practices for Legal Compliance.
- j) Submit a final statutory, Regulatory / legal compliance report to SOS -Kenya on the compliance findings and recommendations.

DELIVERABLES

- a) A draft and final statutory, legal/regulatory advisory compliance check report on the organization detailing the findings and recommendations and covering all areas of the TOR.
- b) . Presentation of the final report to the SOS CV KE management.

DURATION:

The consultant is expected to propose a workable period for delivering the above-mentioned assignment in consultation with SOS CV Kenya. The assignment should take an estimated 20 business days.

BUDGET:

The budget will be dependent on the proposed fee of the consultant who will be selected based on a competitive bidding process.

QUALIFICATIONS AND EXPERIENCE:

We are seeking a **registered professional legal consultancy firm with proven experience in conducting legal/regulatory and statutory compliance check for organizations, preferably for international NGOs.** The seconded lead consultant/partner must be **an advocate of the high court of Kenya and member of the Law Society of Kenya with demonstrated knowledge of the National and County Governments statutory, Legal/regulatory and Policy frameworks as relevant for INGOs.**

EXPRESSION OF INTEREST (EOI):

In addition to satisfying the requirements indicated under qualifications and experience above, interested firms should submit a proposal based on the Terms of Reference outlined above complete with:

- a) The methodology: this should describe your detailed understanding of the assignment and objective of the exercise and proposed approach towards achieving the proposed deliverables.

- b) A comprehensive work plan and delivery schedule with breakdown of actions to achieve the objectives/deliverables of the assignment, specifying budgeted hours, timelines and sequence of activities.
- c) Firms legal registration docs: At least the firms' registration certificate, tax compliance certificate and relevant professional certification.
- d) At least three reference letters from previous clients for similar consultancy services conducted with their contact information.
- e) Qualifications of the seconded experts/team to lead the assignment attach CV, Certificates and other testimonials
- f) Financial proposal

SUBMISSION:

Proposals should be submitted by email to nationaloffice.procurement@soskenya.org clearly indicating **“SOS CV KE statutory and legal/regulatory compliance check’ on the subject line to be received on or before Monday 25th January, 2021 mid night 2400 hrs.**

SOS CV Kenya reserves the right to accept or reject any or all submissions.