



**Terms of Reference (TOR) for Consultancy to Develop a Comprehensive Beneficial Ownership Transparency Toolkit Aimed at Advancing Understanding and Implementation of BOT Principles in Kenya.**

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**REFERENCE NUMBER: TIK/PFM/001/2025**

**ASSIGNMENT:** Consultancy to Develop a Beneficial Ownership Transparency toolkit

**CONSULTANCY PERIOD:** 90 days

**DEADLINE DATE FOR SUBMISSION OF EXPRESSION OF INTEREST:** 25<sup>th</sup> April 2025

**POSTING DATE:** 8<sup>th</sup> April 2025 - Re-advertisement

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**Organizational Profile**

Transparency International Kenya (TI-Kenya) is a not-for-profit organization founded in 1999 in Kenya with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International movement that are all bound by a common vision of a corruption-free world. TI-Kenya's vision is "A corruption-free Society" and the mission is to champion the fight against corruption by promoting integrity, transparency, and accountability in both public and private spheres.

**Project Background and summary of the scope of the assignment**

TI-Kenya is implementing a project to enhance beneficial ownership transparency in Kenya. The overall objective of the project is to promote the implementation of Beneficial Ownership Transparency in Kenya, by awareness creation and enhancing the understanding of Beneficial Ownership Transparency (BOT) among the relevant stakeholders, through development of a BOT toolkit. The toolkit will foster understanding of beneficial ownership as contained in the FATF standards, and other international standards that inform country's implementation of BOT. A second aim is to provide awareness of laws in Kenya, aiming at adapting legislation and regulations to comply with international transparency measures, especially in view of responding to the FATF standards. Additionally, this toolkit will contain policy considerations that Kenya law enforcement entities can use to implement legal and supervisory frameworks to identify and collect BOT information, which is now a requirement of the international standards. The toolkit also will provide an understanding of the conflicting concepts on company ownership, and how these affect the implementation of BOT.

## Purpose of the Assignment

The toolkit will serve as a resource to enhance comprehension of beneficial ownership concepts as outlined in the Financial Action Task Force (FATF) standards, Kenyan law, and other international frameworks that guide countries in implementing BOT measures. A key objective of this initiative is to raise awareness of existing Kenyan laws, with a focus on adapting legislative and regulatory frameworks to align with international transparency requirements, particularly in compliance with FATF standards. Moreover, the toolkit will include policy recommendations tailored for Kenyan law enforcement and regulatory entities. These recommendations will support the establishment and operationalization of legal and supervisory mechanisms to effectively identify, collect, and manage BOT information, in line with international standards. Additionally, the toolkit will address the challenges posed by conflicting concepts of company ownership, shedding light on how these inconsistencies impact the successful implementation of BOT measures in Kenya. Through this initiative, TI-Kenya aims to foster a robust legal and institutional framework for BOT, contributing to greater transparency and accountability in ownership structures.

## Specific Tasks

The overall goal of the assignment is to develop a BOT toolkit aimed at enhancing the adoption and effective implementation of BOT measures in Kenya, while the specific objectives include: -

- a. To assess existing international policy frameworks, continental declarations, and Kenyan laws that govern the implementation of Beneficial Ownership Transparency (BOT) in Kenya.
- b. To assess the current progress in the implementation of BOT in Kenya, highlighting key gaps and challenges, including issues arising from conflicting concepts related to beneficial ownership.
- c. To develop a BOT toolkit entailing practical guide and actionable strategies on enhancing adoption and effective implementation of BOT measures in Kenya.

## Key Deliverables/ Outputs:

1. **Inception Report:** A detailed report outlining the consultant's understanding of the assignment, including: The proposed methodology, a comprehensive work plan, data collection tools, timelines for completing the data collection and entry tasks. The inception report will also include an interim analysis based on a review of relevant literature.
2. **Draft report/toolkit:** Building on the interim findings and guided by the approved inception report, the consultant will submit a draft toolkit aligned with the study's specific objectives and overall goals.
3. **Validation engagements:** This will entail:

- a. Presentations of the draft BOT toolkit to target stakeholders.
  - b. Collection of stakeholder inputs and feedback for validation of the proposed toolkit.
4. **Final Toolkit and Presentation template:** The final deliverables will include:
- a. A comprehensive BOT toolkit addressing the study objectives and incorporating feedback from all review stages.
  - b. A policy brief (maximum 15 pages) highlighting opportunities and risks, with a focus on how Kenya can leverage BOT implementation to combat Anti-Money Laundering (AML), Terrorism Financing (TF), and Illicit Financial Flows (IFFs).
  - c. A condensed PowerPoint presentation summarizing the toolkit into clear, actionable slides tailored for policymakers.

### Specific tasks:

The consultant shall work in close cooperation with the TI-Kenya's Project Team including Research and Enterprise Executive to ensure deliverables are developed according to organisational standards and policies. The consultant is expected to:

- i. Develop an inception report, detailing the work plan and methodology to be used to undertake the assignment.
- ii. Undertake (using the methodology developed) an overview of BOT international frameworks, standards and country laws which guide the implementation of BOT in Kenya.
- iii. Find out whether there are gaps and challenges, including issues arising from conflicting concepts related to beneficial ownership.

To develop a BOT toolkit entailing practical guide and actionable strategies on enhancing adoption and effective implementation of BOT measures in Kenya A feedback loop will be built in to allow TI-Kenya to review draft tools, methodology, draft and final reports produced under this consultancy. All submissions are required in English, electronic form and within the set deadlines. The Consultant is responsible for editing and quality control of language. TI-Kenya retains the sole rights with respect to all distribution, dissemination, and publication of the deliverables.

### Qualifications and Attributes Required.

Individuals interested in this assignment must meet the following minimum requirements:

- i. Bachelor's Degree in Economics, Law, Social Sciences, Statistics, Public Policy and administration (Master's Degree preferred).
- ii. 5+ years' experience conducting substantive and demonstrable research work in Good governance, more specifically on Beneficial Ownership Transparency, AML/TF, Illicit Financial Flows (IFFs).
- iii. Expertise in quantitative and qualitative data collection and analysis.

- iv. Excellent networking, communication and interpersonal skills.
- v. Experience and understanding of gender responsive mainstreaming in project implementation (an advantage);
- vi. Experience of working with clients in civil society, particularly advocacy-oriented NGOs and ability to establish and maintain effective partnerships and working relationships.
- vii. Competent and dedicated person who can be reached for feedback.
- viii. Track record of successful completion of similar assignments.
- ix. Willingness and flexibility to work within the set deadline.
- x. Strong computer skills including experience with Google Sheets and Office applications of Excel, PowerPoint, and Word.

### Timelines

The assignment is expected to take 90 days.

### Application process

- Qualified candidates should submit their expressions of interest in one combined document (PDF) of not more than 15 pages covering both technical (include a cover letter, detailed methodology and work plan) and financial aspects.
- Provide a copy of CV (or CVs for those working as a team and their profiles) indicating work experience relevant to the consultancy with at least **three professional referees** (with at least one being a recent supervisor to a similar consultancy assignment).
- Provide evidence of /similar assignments undertaken before.
- Provide a copy of Current tax compliance Certificate

### Submission of Bids

The deadline for submission of expressions of interest is **25<sup>th</sup> April 2025**. Applications should be sent by email to [consultancyapplication@tikenya.org](mailto:consultancyapplication@tikenya.org). Please indicate **TIK/PFM/001/2025 - Consultancy to develop a beneficial ownership Transparency toolkit** on the subject line in your email application. Only shortlisted candidates will be contacted

### Complaint's Process

This call for Expression of Interest does not constitute a solicitation and TI-Kenya, reserves the right to change or cancel the requirement at any time during the Expression of Interest (EOI) process. TI-Kenya also reserves the right to require compliance with additional conditions as and when issuing the final solicitation documents. Submitting a reply to a call for EOI does not automatically guarantee receipt of the solicitation documents when issued. Invitations to bid or requests for proposals will be issued in accordance with TI-Kenya rules and procedures. Any grievances and or complaints arising from the evaluation process and

final tender award can be addressed, in writing, to the Executive Director as well as the TI-Kenya Tender Complaints Committee.

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