

# AFICS Kenya Consultancy Services

## Consultancy Policy, October 2017

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<b>Foreword</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>2</b>
<b>Policy purpose</b> .....	<b>2</b>
<b>Policy rationale and scope</b> .....	<b>2</b>
<b>External experts and subcontracting</b> .....	<b>3</b>
<b>Roles and responsibilities</b> .....	<b>3</b>
<b>Work permits and related authorizations</b> .....	<b>3</b>
<b>Remuneration</b> .....	<b>4</b>
<b>Payment of fees</b> .....	<b>4</b>
<b>Payment of expenses</b> .....	<b>5</b>
<b>Taxes on income and deductions</b> .....	<b>5</b>
<b>Conflict of interest declaration</b> .....	<b>5</b>
<b>Quality assurance</b> .....	<b>6</b>

### **Foreword**

At AFICS-Kenya, we aim at instilling honesty, integrity and business ethics into all aspects of our work. It is with this in mind that we have developed this consultancy policy to ensure transparency and fairness in our conduct as an organization. It also articulates the obligations of consultants working under our umbrella, regardless of whether they are AFICS-Kenya members or externally recruited. We urge all consultants to familiarize themselves with it so as to ensure that their experience with us is mutually beneficial.

I would like to take this opportunity to acknowledge Dr. Sheila Wamahiu, formerly of UNICEF, for volunteering her time to draft the Policy. I would also like to recognize the invaluable inputs of other members of the AFICS-Kenya Subcommittee on Advocacy and Development Activities in support of the United Nations for their inputs.

Ambassador John O. Kakonge

President, AFICS-Kenya

## **Introduction**

AFICS-Kenya Consultancy Services forms part of AFICS-Kenya, a non-governmental organization affiliated to the United Nations system. The Association draws its membership from among the citizens of many countries who reside in Kenya and, in some cases, other countries, having served the United Nations or related organizations in this and other regions of the world. This Consultancy policy builds on the potential of AFICS-Kenya's members, who have much to contribute to the social and economic development of the country, and to helping it to meet its national and global commitments. Members of AFICS-Kenya are encouraged to bring to the table their diverse expertise and international experience and engage in consultancy on behalf of the organization in the following four core areas:

- Facilitating capacity-building through workshops, seminars and in-house training activities
- Undertaking evaluation and impact assessments
- Doing policy analysis and developing policy reports and briefs
- Conducting research

This Consultancy Policy has been adopted by AFICS-Kenya to:

- > Encourage and develop AFICS-Kenya's links with counties, governments, corporations and international agencies both within and outside Kenya through high quality consultancy activities which, in turn, enhance the expertise of members, facilitate new opportunities and give us greater visibility
- > Provide a clear consultancy framework for all stakeholders

## **Policy purpose**

The purpose of this Policy is to set out the principles and procedures governing consultancies undertaken by members of AFICS-Kenya and external experts subcontracted to undertake specific assignments.

## **Policy rationale and scope**

In adopting this Policy, AFICS-Kenya seeks to extend its consultancy activities and to ensure that all its members engaging in consultancy services understand their rights and obligations and give due consideration to the following:

- > Protecting the name and reputation of AFICS-Kenya
- > Legal obligations
- > Taxation issues
- > Costing and pricing of consultancy activities

The Policy applies to AFICS-Kenya members undertaking consultancy work.

### **External experts and subcontracting**

Where necessary, the services of external experts will be sought. External experts for purposes of this policy are defined as individuals and institutions that are not members of AFICS-Kenya. External experts will be subcontracted to supplement the competencies and skill sets of AFICS-Kenya members required for any particular assignment. It may also be necessary to subcontract mid-level and junior consultants, depending on the scale of an assignment. Subcontracts with external institutions will be governed by memoranda of understanding.

### **Roles and responsibilities**

All consultants, regardless of whether they are AFICS-Kenya members or external recruits, shall subscribe to the core values of the association. They shall exercise the utmost discretion in all matters relating to the discharge of their functions. Unless otherwise authorized by the President of AFICS-Kenya or any other person designated by the Executive Committee, they may not communicate at any time to the media or to any institution, person, Government or other external authority any information that has not been made public and that has become known to them by reason of their association with the AFICS-Kenya in general and a specific assignment in particular. They may not use such information without the written authorization of AFICS-Kenya.

### **Work permits and related authorizations**

AFICS-Kenya shall ensure that the Kenyan immigration laws are respected at all times. It is imperative that members who seek to work as consultants, but are neither citizens nor have permanent residency status, must have valid work permits to work in Kenya. In the event that a contract requires travel outside the country, AFICS-Kenya will assist in obtaining the necessary legal documents to enable consultants to discharge their responsibilities.

## **Remuneration**

Determining a competitive and profitable fee schedule is key to any consulting business.

A new schedule shall be determined at the beginning of every financial year based on the following principles:

- (a) Transparency: Determination of basic daily rates using a clear formula for calculating the consultancy fee for various consultant categories;
- (b) Evidence-based: The determination of the rates should be based on market survey of the pay scales of UN, international, national and county public and private entities;
- (c) Fairness: The actual rates would be determined by consultant level, function and category of client and taking into consideration the level of effort required by consultants for similar work done;
- (d) Flexibility: to allow for variations in overall project value even within the same organizations in acknowledgement of the fact that different clients can absorb different rates. The following are rules of thumb for charging clients in different categories:
  - > Private sector clients: four times the basic daily rate
  - > Donor and corporate social responsibility work: thrice the basic daily rate
  - > National and county government: twice the basic daily rate
  - > National and local non-profit organizations: the basic daily rate;
- (e) Recognition of excellence: Bonus of 20–30 per cent to be paid for top-performing consultants as an incentive for excellence.

In the event that AFICS-Kenya is unable to conduct a market survey, especially in the first year of its operation, it will use the most recent UN rates for the various professional categories to determine the level of remuneration for its consultants.

## **Payment of fees**

The conditions governing the disbursement of consultancy fees may vary depending on the specific payment terms negotiated between AFICS-Kenya and its clients. Nevertheless, where client terms are flexible, the duration of contracts shall be a consideration in determining the mode of disbursement of the consultancy fees. In cases where a contract is 30 days or less, the consultant shall receive payment in two instalments, with the first being paid on delivery

of an acceptable draft as per the terms and conditions of the contract, and the second upon satisfactory completion of the services as certified by the project manager.

For contracts of longer duration, payment of fees may be made in three instalments linked directly with the submission of satisfactory deliverables as per timelines specified in the contract.

Advance may, however, be made to consultants who require initial payments to enable them to start work.

### **Payment of expenses**

Any reasonable consultancy-related costs in the event of travel away from the consultant's home base shall be paid in advance by AFICS-Kenya. The travel and subsistence allowances will be based at prevailing UN rates unless specified otherwise in the client terms of payment.

The allowable costs may include:

- > Travel outside the home base
- > Accommodation outside the home station
- > Out-of-pocket allowance
- > Stationery and other consumables
- > Communication costs

### **Taxes on income and deductions**

Consultancy fees will be liable to taxes as per the laws of Kenya. AFICS-Kenya will deduct withholding tax of 5 per cent or as determined by the Kenya Revenue Authority. Beyond this, consultants will be responsible for determining their tax liabilities and for the payment of any taxes and duties, in accordance with Kenyan laws.

There shall be a further deduction of a 15–20 per cent management fee from each consultant depending on the value of the contract. Externally recruited consultants will be required to pay a higher management fee (20–25 per cent) than AFICS-Kenya members.

### **Conflict of interest declaration**

Any potential consultant must disclose in writing a conflicting interest in a project. For the purposes of this Policy, a conflict of interest may be taken to mean situations where it can be

reasonably concluded that a consultant's position in a business or personal interests could improperly influence their judgment in undertaking the assignment.

## **Quality assurance**

Quality will be critical to all consultancies undertaken by AFICS-Kenya. In order to assure that highest quality standards are maintained, checks and balances will be put in place throughout the consultancy process, as set out below:

- (a) Consultant selection and approval will be based on:
  - > Matching the technical profile of aspiring consultants to the qualification, experience, competencies and skills sets required for the job;
  - > Availability of the aspirant for the assignment;
- (b) A quality control committee will be established with the responsibility of ensuring the delivery of quality outcomes;
- (c) For purposes of standardization, all consultancy reports generated by AFICS-Kenya should pass through pre-selected editors.