



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 28 June 2018

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**Country:** Botswana

**Description of Assignment:** Technical Adviser – Regulatory Impact Assessments

**Project Title:** Support to Economic Diversification and Inclusive Growth (the Project)

**Project Number:** 00104645

Proposal should be submitted at the following address: PO Box 54 Gaborone, Botswana or by email to [procurement.bw@undp.org](mailto:procurement.bw@undp.org) no later than **20 July 2018**.

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. UNDP Botswana will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

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## 1. BACKGROUND

The Government of Botswana's national vision (Vision 2036) envisages that "Botswana will be a destination of choice for investment, including creating conditions that are attractive for investment and ease of doing business by creating a conducive regulatory environment. Botswana's Eleventh National Development Plan (NDP 11) also commits to ensuring a conducive regulatory business environment for the enhancement and promotion of global competitiveness.

In May 2017, the Government of Botswana approved the Better Regulation Strategy (Strategy). The Strategy is an outcome of the recommendations by the National Doing Business Committee (NDBC), which is responsible for providing strategic guidance and direction on the proposed reforms to improve the doing business environment in Botswana. The Committee is chaired by the Permanent Secretary in the Ministry of Investment, Trade and Industry (MITI). The Strategy is intended to reduce the cost of doing business in Botswana (as assessed by the Doing Business and the Global Competitiveness Reports). In recent years, these reports have highlighted inefficiencies and ineffectiveness in the regulatory environment in Botswana, leading to unnecessary complexity, uncertainty and high compliance costs for doing business in Botswana.

An effective and efficient regulatory framework is the foundation for a conducive business and investment environment. A key feature of the Strategy therefore is the introduction of Regulatory Impact Assessment (RIA). RIA aims to improve the regulatory environment, reduce administrative and financial burdens on business and Government and improve transparency, consultation and Government accountability in addition to boosting economic growth. Following the approval of the Strategy, MITI was mandated to lead its implementation including the RIA process.

In view of the above mandate, MITI has requested technical and financial support from development partners to assist in the implementation of the Better Regulation Strategy, as the Ministry (and line ministries) does (do) not have the requisite proficiency in RIA processes. In January 2018, the Government of Botswana, represented by the Ministry of Investment, Trade and Industry and the United Nations Development Programme (UNDP) signed an agreement under the "Economic Diversification and Inclusive Growth (EDIG) Programme in Botswana," which contains a number of strategic components among which is the support to implement the Better Regulation Strategy for Botswana. Accordingly, UNDP is procuring the services of a Technical Adviser (Regulatory Impact Assessment) for 180 days over an 18 month period, to support the implementation of the Regulatory Impact Assessment component of the Better Regulation Strategy in close collaboration with the Doing Business Unit under the Ministry of Investment, Trade and Industry.

The Technical Adviser will report to the Permanent Secretary, Ministry of Investment Trade and Industry and the UNDP Resident Representative.

## 2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

### **Deliverables**

In close collaboration with the Doing Business Unit at the Ministry of Investment, Trade and Industry, the Technical Adviser (Regulatory Impact Assessment (RIA)) will:

#### ***Stage 1: Capacity Assessment***

1. Conduct a capacity assessment (institutional and staff capacity) regarding implementation of RIA in Botswana;
2. Develop a capacity development strategy and action plan (institutional and staff) including opportunities for south-south cooperation.

#### ***Stage 2: Technical support – institutional capacity***

3. Provide technical support for the institutional capacity requirements by producing:
  - a. An RIA Implementation strategy (including costing the strategy)
  - b. Advice on the structure of a technical working group for the RIA Implementation Strategy (including terms of reference as required)
  - c. A three (3)-year work plan for the Doing Business Unit (DBU) to implement the RIA Implementation Strategy
  - d. Comprehensive RIA Guidelines
  - e. Regulatory Change Methodology Guidelines
  - f. Update related Guidelines and templates (eg Legislative Drafting Guidelines and Cabinet templates as required) to determine gaps and challenges and lack thereof for Better Regulation Strategy.

#### ***Stage 3: Technical support – staff capacity***

4. Provide technical support for the staff capacity requirements by:
  - a. Conducting Train the Trainer workshops for Doing Business Unit to train line ministries on the RIA Implementation Strategy and Regulatory Change Methodology Guidelines;
  - b. Mentoring the Doing Business Unit to train line Ministries on RIA implementation, complete 1 complex RIA process and 1 simple RIA process.

## 3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

### I. Academic Qualifications:

- Minimum Master's degree or equivalent in Public Policy, Law, Regulation, Economics or a related field is required.

## II. Required experience:

- Minimum 10 years' experience providing high level technical advisory services to Government(s) on regulatory impact assessments or regulatory policy including assessment of regulatory impact;
- Demonstrated experience in designing and implementing strategies, structures, systems and procedures for legislation, regulation or related processes;
- Demonstrated experience in conducting capacity assessments, preferably in developing /middle income countries' contexts to build sustained capacity;
- Demonstrated experience in writing guidance materials (e.g., manuals, Standard Operating Procedures (SOPs), guidelines) in plain English;
- Demonstrated knowledge of comparative practice in regulatory policy including regulatory impact assessment;
- Excellent written and oral communication skills.

## III. Competencies:

### **Core Competencies:**

- Uses substantive mastery of technical content to model excellence and motivate performance;
- Ability to lead effectively, using mentoring as well as conflict resolution skills;
- Sets strategic goals and builds the means to achieve results;
- Ability to work and coordinate a team effectively;
- Scales up innovation for greater impact;
- Promotes knowledge management and a learning environment through leadership and personal example;
- Demonstrates openness to change and ability to manage uncertainties and complexities;
- Remains calm, in control and good humored even under pressure;
- Demonstrates excellent oral and written communication skills.

### **Technical Competencies:**

- Expertise in regulatory impact assessment processes and methodologies;
- Ability to engage in comparative research and analysis and contextualise strategic and technical advice to the local context and conditions;
- Ability to effectively lead strategic planning, results-based management and reporting and build human and institutional capacity in these areas;
- Fluency in written and spoken English.

#### 4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

**1. Technical Proposal:**

- (i) Explaining why they are the most suitable for the work.
- (ii) Technical proposal for the work to be carried out over 180 days in an 18 month period. The proposal must meet the specifications in the TOR and correlate the bidder's experience and expertise with the proposed methodology.

**2. Financial proposal**

**3. Personal CV**, which must include past experience in similar projects and at least 3 references for ease of background check.

#### 5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e., whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e., upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, fees, per diems, and number of anticipated working days).

**Travel and subsistence costs**

*All envisaged travel costs and subsistence costs must be included in the financial proposal.* This includes all travel to join duty station/repatriation travel. In general, UNDP will not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class, he/she should do so using his/her own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed. Local travel costs (transfer to and from airport and travel within Botswana for purposes of completing the assignment) should not be included in the financial proposal.

#### 6. EVALUATION

Individual consultants will be evaluated based on the following methodology:

**Cumulative analysis**

*When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:*

- a) responsive/compliant/acceptable, and*
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*

*\* Technical Criteria weight; 70%*

*\* Financial Criteria weight; 30%*

<i>Only candidates obtaining a minimum of 70% points would be considered for the Financial Evaluation</i>	
<b>Qualifying Criteria</b>	
<b>Note: Bidders who do not meet any of the criterion will not be assessed further</b>	
<b>Criterion</b>	<b>Yes/No</b>
Qualifications (academic & technical, minimum Master's degree and above)	Yes/no
Adequate work and/or professional experience (minimum, 10 years)	Yes/No
Complete Consultancy package submitted (Motivational letter, technical and financial proposals)	Yes/No
<b>Technical Proposal</b>	
<b>Criterion</b>	<b>Points</b>
Years of experience providing high level technical advisory. Bidders who do not meet the minimum 10 years of experience will not be considered.	10 years: 5 points 11 – 15 years: 10 points 15 or more years: 15 points
Sound knowledge and expertise on the subject matter on regulatory impact assessments or regulatory policy.	10 points
Demonstration of bidder's understanding of TORs	10 points
Methodology/approach including a detailed workplan	25
Proposal Presentation & Packaging	10
<b>Financial Proposal</b>	30

## ANNEX 1- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS