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## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

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**TITLE OF CONSULTANT:** Individual Consultant (IC) Development of a Revised Code of Conduct for the Private Sector

**COUNTRY:** BOTSWANA

**DESCRIPTION OF ASSIGNMENT:** Revised Code of Conduct for the Private Sector

**PROJECT NAME:** Support to the fulfilment of human rights and access to justice and empowerment of youth and women

**PROJECT NUMBER:** 00102697

**PERIOD OF ASSIGNMENT/SERVICES:** 30 Days

Proposals with reference should be submitted in a sealed envelope clearly labelled, “**Individual Consultant (IC) Review of the Private Sector Code of Conduct**”

Should be submitted at the following address no later than **Friday 13<sup>th</sup> July 2018 at 4:30pm (Botswana Time)**

to:

*The Resident Representative  
United Nations Development Programme  
P.O. Box 54  
Gaborone*

or by email to: [procurement.bw@undp.org](mailto:procurement.bw@undp.org)

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mailed to [enquiries.bw@undp.org](mailto:enquiries.bw@undp.org) 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 the inquiry to all prospective facilitators.

**NOTE:** *Consultancy firms/companies interested in applying for this assignment are free to do so provided they submit a CV of only one qualified consultant and present its bid in a manner that would allow for evaluation of the bid in accordance with the evaluation criteria specified in these solicitation documents. That is, the experience required is that of the individual whose CV would have been submitted by the company rather than that of the company. Further, if the submitted bid wins, the ensuing contract will be between the UNDP and the company/firm, not the individual.*

## **1. BACKGROUND**

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Corruption in the private sector interferes with market mechanisms and results in economic loss through inefficiency and misallocation of resources. For this reason, a workshop was convened by the Directorate on Corruption and Economic Crime (DCEC), and Business Botswana (BB) and the Commonwealth Business Council (CBC) as part of a programme by CBC to encourage greater cooperation between the Government of the Republic of Botswana and the Private Sector in fighting corruption. In preparation for the workshop a number of interviews were conducted to highlight how corruption affects business activity and the investment climate and to review the legal constitutional and administrative arrangements currently in place to counter the threat of corruption. The workshop participants (representatives from all sectors) felt that “while Botswana rightly enjoys a good reputation for the integrity of the business environment, corruption and mal-administration remain significant problems within the Government and private sector”. Concerns were also raised regarding issues of conflict of interest, which arise as a result of links between the public servants, private companies and politicians. Following the workshop, an Agenda for Change was endorsed and agreed upon. Recommendations in the Agenda included the development of comprehensive guidelines on corporate governance, which could be encompassed in a Code of Conduct for the Private Sector, recommendation on how Government might simplify and rationalize public administration in order to eliminate the scope of corruption.

Following the thorough stakeholder engagement, the Code of Conduct for the Private Sector was launched in 2011. The purpose of the code is to guide the private sector against unethical behavior when conducting their business activities. At the launch, about 15 companies signed the code, subsequently, a further 60 companies signed. Since the Code is voluntary, there has been a low take up rate by businesses. The DCEC considers that the implementation of the Code of Conduct for the Private Sector has been unsatisfactory and that signatories to the Code of Conduct have not been adhering to the Code. Take up of the voluntary Code and enforcement remain key issues that limit the effectiveness of the Code.

Business Botswana and DCEC with the assistance of UNDP have agreed to review and revise the Private Sector Code of Conduct to ensure that it is aligned with Vision 2036, NDP11, the Sustainable Development Goals, and international and national anti-corruption standards and best practice. The regulatory model (voluntary Code), incentives to engage with the Code and enforcement mechanisms need to be considered as part of the review.

## **2. SCOPE OF WORK & RESPONSIBILITIES**

### **Overall Objective**

The overall objective is to review and revise the existing Code of Conduct to ensure that it is aligned with Vision 2036, NDP11, the Sustainable Development Goals, and international and national anti-corruption standards and best practice. The regulatory model (voluntary Code), incentives to engage with the Code and enforcement mechanisms need to be considered as part of the review. Recommendations for reforms to the Code of Conduct and an implementation and communications plan must also be developed.

### **Scope of Work**

The consultant will develop a consultation plan in conjunction with a Steering Group consisting of Business Botswana, DCEC and UNDP. The consultant will conduct extensive consultations with all stakeholders to inform the review the existing Code of Conduct for the Private Sector.

When reviewing and revising the Code of Conduct, the following pillars from the current Code of Conduct should be maintained:

- Business ethics;
- Conflict of interest;
- Solicitation, offering and acceptance of gifts;
- Business with commission payments;
- Customer service;
- Political interference;
- Political party funding;
- Procurement and tendering procedures;
- Conduct of the private sector in acquiring services e.g. Work and Residence permit;
- Recruitment and disciplinary processes of Business personnel appointments;
- Intimate relationships in the workplace/ Sexual Harassment;
- Accreditation of private businesses, e.g. private schools, hospitals law firms; and
- Penalties for non-compliance.

**Main Tasks:**

- Develop a consultation plan and present to Steering Group for validation
- Draft an inception report informed by a desk review and consultations
- Present the inception report to the Steering Group
- Review the existing Code of Conduct
- Develop a monitoring and evaluation framework and implementation plan
- Present the Draft revised Code of Conduct to the Steering Group and revise to take into account feedback
- Conduct stakeholder workshop to validate the revised Code of Conduct.

**Methodology**

A thorough and extensive desk review should be done of various reports / publications from the implementation of the previous Code of Conduct. The methodology should be highly consultative with Government, private sector and civil society. The methodology should comprise both qualitative and quantitative approaches and include site visits and interviews of selected companies which have signed up to the Code of Conduct as well as those which have not. The monitoring and evaluation framework should be aligned with SDGs and NDP11 performance monitoring frameworks. The use of global, regional and national data should be used to buttress assertions and assumptions made and a wide stakeholder consultative approach taken to endorse the report.

Whatever complimentary methods are selected by the consultant should appropriately respond to the objectives of the consultancy to produce quality deliverables.

### 3. DELIVERABLES

The assignment is expected to be carried out within thirty (30) days in accordance with a work plan to be agreed between the consultant and the Steering Group.

DELIVERABLE	SUBMISSION DATE	TOTAL DAYS TO COMPLETE ACTION
<p>The assignment will result in the following outputs:</p> <p><b>Inception Report:</b></p> <ul style="list-style-type: none"> <li>• A comprehensive desk review of documents relevant to an understanding and execution of the assignment.</li> <li>• An elaboration of an action plan, work plan, list and contacts of key stakeholders to be engaged.</li> </ul>	5 days	5 days
<p><b>Draft revised Code of Conduct</b> Draft revised Code of Conduct following intensive stakeholder consultation and endorsed by the Steering Group.</p>	20 days	20 days
<p><b>Final Code of Conduct (as revised):</b> Detailed Code of Conduct endorsed by the Steering Group and accepted by stakeholders with a comprehensive implementation plan including;</p> <ul style="list-style-type: none"> <li>• A monitoring and evaluation plan;</li> <li>• learning and knowledge management framework with clear log frame and indicators aligned with the Sustainable Development Goals and NDP 11 performance monitoring framework;</li> <li>• a costing plan and a Communication plan.</li> </ul>	5 days	5 days
<b>TOTAL</b>		<b>30 days</b>

#### **4. Qualifications and Experience:**

##### **I. Academic Qualifications:**

The Consultant must hold a minimum advanced degree in Law, Public Administration, Economics or Finance or other related field.

In addition, the Consultant must possess competencies listed below:

##### **II. Years of experience:**

At least 10 years' experience working in regulation, business, anti-corruption, public administration, public policy or law.

##### **III. Competencies:**

- i. Excellent demonstrated technical knowledge of anti-corruption principles and best practice;
- ii. Excellent technical knowledge of the business context and regulatory context in Botswana;
- iii. Demonstrated experience in drafting policies, strategies, laws or other regulatory documents;
- iv. Excellent communication and presentation skills including the ability to present proposals and generate consensus;
- v. Excellent command of English.

#### **9. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSAL**

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

1. Proposal

(i) Explaining why they are the most suitable for the work

(ii) Provide a brief methodology on how they will approach and conduct the work (noting that the final work plan and methodology will be agreed between the Steering Group and the consultant).

2. Financial proposal.

3. Personal CV (that clearly indicates how the required skills and experience are addressed) including past experience in similar projects and the names and contact details of three referees.

#### **10. TRAVEL**

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should 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 their 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.

## 11. EVALUATION

Only those candidates who obtained at least 70% of points in each of the steps of the process will be considered for financial proposal evaluation.

- **Stage 1:** Preliminary evaluation of the proposals will be based on yes/no response as per the table below. If the response is “no” for any of the 3 criteria, the consultant will be disqualified from further evaluation.
- **Stage 2:** Technical Capability of the Consultant to deliver the required consultancy outputs evaluated on a scale of 0-100 points wherein the qualifying mark is 70%. The criteria to be used are shown below:

<b>Technical Criteria</b>	
Required Qualifications (academic & technical)	Yes/No
Required work and/or professional experience	Yes/No
Complete technical and financial proposal submitted	Yes/No
<b>Technical Competence</b>	
Excellent demonstrated technical knowledge of anti-corruption principles and best practice;	20
Excellent technical knowledge of the business context and regulatory context in Botswana;	30
Demonstrated experience in drafting policies, strategies, laws or other regulatory documents;	10
Excellent communication and presentation skills including the ability to present proposals and generate consensus;	10
<b>Methodology/Approach</b> (Should include desk review, site visits, proposed stakeholder consultations and incorporate qualitative and quantitative approaches.)	30

Individual consultants will be evaluated based on the Cumulative Analysis Methodology (weighted scoring method), where the award of the contract will 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%)

Only Individual Consultants obtaining a minimum of 70% of the obtainable points of 100 points in technical evaluation will be considered for the Financial Evaluation. The total number of points allocated for the price component is 100. The maximum number of points will be allotted to the lowest price proposal that is opened and compared among those technical qualified candidates who have attained a minimum of 70% score in the technical evaluation. All other price proposals will receive points in inverse proportion to the lowest price

UNDP applies a fair and transparent selection process that takes into account both the technical qualification of Individual Consultants as well as their price proposals. The contract will be awarded to the candidate obtaining the highest combined technical and financial scores.

UNDP retains the right to contact references directly.

## **12. REMUNERATION**

Payment shall be made against deliverables in three instalments following the suggested schedule defined below:

- a) First payment: Upon acceptance by Steering Group of inception report (20%)
- b) Second payment: Upon acceptance by the Steering Group of the draft revised Code of Conduct (including M&E strategy, costing and implementation plan) (40%)
- c) Third payment: Upon acceptance by the Steering Group of the final revised Code of Conduct (40%)