



## TERMS OF REFERENCE

Title of Consultancy:	International Consultant for the establishment of the Prevention Unit of the Myanmar Anti-Corruption Commission and Delivery of Corruption Prevention Trainings
Type of Contract:	IC - Individual Contract
Duration of the assignment:	23 working days
Location:	Nay Pyi Taw, Myanmar
Supervisor:	Chief Technical Advisor for Public Administration

### A. Background

Myanmar is undergoing a democratic transition that is shaping its modern history and providing an unprecedented opportunity to build solid foundations for a new social contract that would embody the aspirations of the people. The 2015 general elections in Myanmar have not only opened the way for democratization but also highlighted the call of the people to enhance transparency and fight corruption. The National League for Democracy (NLD) has made 'clean government' and a 'corruption-free society' key government priorities.

Within three days of assuming power, H.E. Daw Aung San Suu Kyi issued the 'President's Office Guidelines on Accepting Gifts' which ban civil servants from accepting gifts from anyone that would seek to benefit from the civil servant's position. Beyond the political symbol, the guidelines signal the growing recognition by the Government of Myanmar (GoM) that corruption is an impediment to state-building, sustainable development, social cohesion and ultimately peace. Anti-corruption and the strengthening of integrity have been since guiding principles of the Government of Myanmar policy framework.

In August 2016, a motion was unanimously approved by the Parliament urging the Government to take effective anti-corruption measures. Later in 2016, the Office of the State Counsellor established an online complaints system open to the general public, to raise corruption related issues to the State Counsellor, Daw Aung San Suu Kyi, herself. The Union Civil Service Board launched in July 2017 a Strategic Action Plan for Civil Service Reform (CSR) which sets out efforts to enhance integrity in the public service and promote in a more effective manner transparency and accountability in the service and towards the public. The Office of the Supreme Court of the Union (OSCU) and the Union Attorney General's Office (UAGO) drafted Codes of Ethics to govern the conduct of judges and law officers, reinforcing the prioritization the country is putting on judicial integrity.

Most recently, the Anti-Corruption Law (enacted in 2013) was amended in August 2017, introducing clarifications to the definition of Corruption and strengthening the powers of the Anti-Corruption Commission (ACC). In November 2017, a new 12-member Anti-Corruption Commission (ACC) was appointed under the leadership of U Aung Kyi, reconfirming once again the importance and priority the GoM is allocating to strengthening transparency and accountability in public institutions.

The ACC leadership with technical support from UNDP and UNODC has carried out a series of assessments<sup>1</sup> and workshops<sup>2</sup> in an attempt to devise a National Anti-Corruption Strategy, which is intended to accelerate the anti-corruption drive and to mobilize government and non-government stakeholders in promoting integrity and accountability. The ACC has also developed an 'ACC Strategic Action Plan', which calls for strengthening the ACC capacities but also highlights the importance of prevention as part of the Commission's mandate. Recently, the ACC with support from UNDP Myanmar and UNDP's Seoul Policy Center (USPC) formalized a partnership with Korea's Anti-Corruption and Civil Rights Commission (ACRC) through the signature of a MoU to transfer knowledge and best practices on corruption prevention. This partnership will include work on the development and application of a Corruption Risk Assessment (CRA) for Myanmar modelled on the Korean CRA model, with the support of USPC and UNDP Myanmar. The ACC leadership is increasingly recognizing the importance of preventive measures and strives today with support from national and international partners to establish a Prevention Unit within the ACC and support the establishment of prevention units/functions within the various departments at union level and in Regions and States.

## **B. Objectives of the assignment**

UNDP Myanmar seeks to mobilize the services of a Corruption Prevention Expert who would support the ACC set up a context specific Corruption Prevention Unit (CPU) and network that would allow the Commission to fulfil its preventive mandate and the Government of Myanmar as a whole to ensure a preventive approach to corruption is mainstreamed in all sectors and at all levels of governance.

Specific objectives would include:

1. Devise the CPU development methodology based on previous assessments performed of institutional capacities of the ACC;
2. Support the ACC set up a CPU;
3. Support the ACC in organizing high level roundtable discussions on the CPU;
4. Develop general training material on Prevention and Prevention Units and support the ACC in the delivery of a series of corruption prevention trainings to other ministries staff;
5. Advise on and devise a plan for the operationalization of the CPU in a final report.

## **C. Methodology**

The planning and development of the ACC CPU will be based on a full participatory and consultative approach, which will enable the international consultant to root the CPU in the institutional reality of Myanmar, and enable the ACC to address key challenges it faces. The international consultant will ensure an iterative development process/approach that is built on regular consultations and validation with the ACC leadership and assigned focal point(s).

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<sup>1</sup> UNDP supported the ACC in performing an 'Anti-Corruption Infrastructure Assessment and Stakeholders Mapping', and a 'Needs Assessment for the ACC'. These assessment culminated in the development of a White Paper on Developing a Strategic Anti-Corruption Roadmap for Myanmar.

<sup>2</sup> UNODC supported the ACC in performing an internal workshop on 'Development and Implementation of Action Plan and Strategy and Establishment of Prevention Unit for Anti-Corruption Commission in Myanmar', and produced an Outcome document that pinpointed the priorities the ACC wishes to focus on.

**D. Deliverables and Timeframe**

<b>Deliverables</b>	<b>Deadline</b>	<b>Working days</b>	<b>Location</b>
<p>Devise the CPU development methodology based on an previous assessments performed of institutional capacities of the ACC, including:</p> <ul style="list-style-type: none"> <li>• Desk review and analysis;</li> <li>• Analysis of organizational structures of the ACC;</li> <li>• Develop methodological note (not exceeding 2 pages) depicting the proposed approach based on relevant CPU models.</li> </ul>	15 July	4 days	Home-based
<p>Through consultation with ACC leadership design the CPU for the ACC, including:</p> <ul style="list-style-type: none"> <li>• Developing a dedicated ToR of the Unit based on the ACC mandate and law;</li> <li>• Organization charts and coordination mechanisms within the ACC;</li> <li>• Key Job descriptions;</li> <li>• Coordination mechanisms with the other government entities;</li> <li>• Training and capacity development requirements;</li> <li>• All other documentation and processes required for successful establishment and operation of the CPU</li> </ul>	24 July 2018	8 days	Nay Pyi Taw
<p>Supporting the organization of high level roundtable discussions on the CPU and its mandate:</p> <ul style="list-style-type: none"> <li>• Engage with ACC leadership and any other relevant stakeholders</li> <li>• Advise on potential participants of high level roundtable</li> </ul>	1 August 2018	2 days	Nay Pyi Taw
<p>Develop general training material on Prevention and Prevention Units and support the ACC in the delivery of a series of corruption prevention trainings to other ministries staff:</p> <ul style="list-style-type: none"> <li>• Designing training material for the planned activities of the CPU on corruption prevention</li> <li>• Delivering 3 trainings on corruption prevention and the organization of CPUs in Union level departments and in States and Regions. Training to target CPU staff from Ministries and S/R administrations.</li> </ul>	8 August 2018	6 days	Nay Pyi Taw

Developing a final report, including: <ul style="list-style-type: none"> <li>• Recommendations on CPU operationalization and implementation</li> <li>• Assessment of CPU trainings</li> <li>• Ways to ensure effective coordination and communication within the networks created.</li> </ul>	15 August 2018	3 days	Home-Based
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**E. Duration of the Mission**

The duration of the assignment is estimated at Twenty Three (23) working days within a period of six weeks. The international consultant is expected to perform one mission in country and remain in-country until the CPU design is completed.

**F. Duty Station**

The duty station of this assignment is Nay Pyi Taw, Myanmar. It is anticipated that the international consultant will be based at the ACC offices.

**G. Institutional Arrangements**

- ACC and UNDP will facilitate access to stakeholders (as needed) and would support in the administrative and logistical preparation of meetings;
- The consultant will be responsible for arranging and directly covering the costs of international transportation to and from Myanmar, selecting the most direct and economical route as per UNDP travel rules. S/he will also cover for her/his accommodation in Nay Pyi Taw; UNDP will support the reservation of hotels as necessary.
- UNDP will not consider travel days as working days. The above stated 23 working days are exclusive of travel time to and from home country.
  - ACC and UNDP will facilitate the issuance of entry visa.
  - UNDP will cover in-country flights and transportation, as agreed upon in the methodology and if needed. Accommodation during field visits are to be covered by the Consultant.
  - Working language of this assignment is English. Interpretation from and to Myanmar language will be provided by UNDP.
  - All necessary equipment (projector, flipchart, stationery, etc.) related to meetings and group discussions/validation will be provided by UNDP at the request of the Consultant in order to ensure efficient delivery of the assignment. The consultant is however expected to secure her/his own computer.
  - The consultant will report to UNDP’s Chief Technical Advisor for Public Administration and will work under the overall guidance of UNDP’s Anti-Corruption Advisor based in Bangkok. S/he will work closely with other UNDP team members.
  - Deliverables will be approved in a timeframe not exceeding 15 working days, and payments can be received within 10 days of deliverable approval.

**H. Qualifications and competencies**

Qualifications:

- Master degree in law, public administration, political science, development studies or equivalent.

Experience:

- Experience in developing/advising on prevention units of anti-corruption agencies (ACAs);
- Proven track record supporting institutional and organizational strengthening of ACAs;
- Understanding of the mandate and organizational and capacity requirements of ACAs in the discharge of their preventive and law enforcement duties;
- Experience in facilitating stakeholders consultations, including within the UN system;
- Sound understanding of the Myanmar context and experience with current government bodies in Myanmar is a key advantage.

Competencies:

- Fluency in English;
- Sound communication skills both verbal and in writing;
- High cultural sensitivity needed.

**I. Scope of Price Proposal and Schedule of Payments**

- Lump sum amount with all costs inclusive, except for the support provided by UNDP as mentioned in under institutional arrangements.
- The contract price will be fixed regardless of changes in the cost components.
- Include information about actual cost of travel to Myanmar.

**J. Recommended Presentation of Offer**

- Letter of confirmation of interest and availability.
- Technical proposal clearly stating (i) the profile and previous experience of the consultant and (ii) elaborating why the consultant is most suitable for the work. A copy of the consultant's CV is to be provided using the P11 format.
- Financial proposal: lump sum in US dollars which is all inclusive, for example covering professional fees, living allowances and transport costs, along with other incidental costs. A financial proposal form is provided with the letter of confirmation and availability.

**K. Criteria for Selection of Best Offer**

UNDP will use a combined scoring method, in which the technical proposal will be weighted at **70%** and the financial proposal at **30%**. Scoring for the technical proposal will be:

- Education: 20%
- Relevance of Experience: 80%

**L. Annexes to TOR**

**ANNEX 3- P-11 for ICs** (Available at:

<http://www.mm.undp.org/content/myanmar/en/home/operations/procurement.html>

**ANNEX 4- Template for Confirmation of interest and Submission of Financial Proposal**

(Available at:

<http://www.mm.undp.org/content/myanmar/en/home/operations/procurement.html>