



## Terms of Reference

**Ref: IC/PNG/011/2022 International Consultant for Whistleblower Protection**

### General Information

<b>Title:</b>	International Consultant for Whistleblower Protection (Anti-Corruption)
<b>Project Name:</b>	PNG Anti-Corruption Project, Country Office UNDP PNG
<b>Reports to:</b>	<b>Chief Technical Adviser (Anti-Corruption)</b>
<b>Type of Appointment:</b>	Individual consultant (International)
<b>Expected Places of Travel:</b>	Port Moresby, Papua New Guinea
<b>Duty Station:</b>	Home-based with 20 days in country (PNG) during two missions
<b>Duration of the Contract:</b>	60 working days (From March 1, 2022 to December 31, 2023)

### I. Background

Corruption is a global phenomenon that negatively impacts development. Papua New Guinea is no exception to this. Corruption has stunted economic growth in Papua New Guinea. Levels of malfeasance are stubbornly high, and the loss of public monies has limited the Government's ability to deliver essential services broadly and with quality in a uniform manner. This has resulted in inter-generational declines in key development indicators, among them, literacy, maternal and new-born health and life expectancy. While even in normal situations, corruption poses a major impediment to human, economic and social development, this effect is now exacerbated by the COVID-19 pandemic.

The Government of Papua New Guinea has attempted to address corruption over the last three decades, but its efforts have met with varying degrees of success. Papua New Guinea was the Pacific region's first country to ratify the United Nations Convention against Corruption (UNCAC), signing it in 2004, and ratifying it in 2007. This has been followed by a number of key developments, among them:

- Development of the National Anti-Corruption Strategy (2010-2030) and its associated rolling Plans of Action.
- Active participation in the mechanism for the review of implementation of United Nations Convention against Corruption or UNCAC (UNCAC Implementation Review Mechanism), as a State under review and a reviewing State.
- Joining the Extractive Industries Transparency Initiative (EITI) in 2014.
- Commitments by the Government to pass legislation to establish an Independent Commission Against Corruption (ICAC), implement freedom of information (FOI) and protect whistle-blowers, the last of which saw legislation enacted in February 2020 and the unanimous vote of the national Parliament in November 2020 to establish an Independent Commission Against Corruption.



The United Nations has played an important role in supporting, facilitating and advising on various aspects of this effort. In 2020, UNDP and UNODC with support from the European Union, designed a project to support the Government of Papua New Guinea and key stakeholders to progress their national anti-corruption priorities.

The overall goal of the Project on Preventing and Countering Corruption in Papua New Guinea funded by the EU and implemented by UNDP and UNODC (the 'PNG Anti-Corruption Project') is to support the Government, key national institutions, civil society and communities to strengthen their commitment and capacities to address corruption in line with the UNCAC, in order to more effectively progress the achievement of the Sustainable Development Goals for the benefit of all Papua New Guineans.

Specifically, the Project aims to strengthen Papua New Guinea's national integrity system through the strengthening of core anti-corruption institutions and processes, through support for key Government and non-government bodies.

The Outcome 1 aims to provide holistic support to the implementation of the National Anti-Corruption Strategy Plan of Action (NACPA), including by supporting the development of a monitoring and oversight plan, assisting with critical anti-corruption law reforms and working with core government partners to pilot risk assessments that can be used as the basis for sector or geographic specific risk mitigation plans which will feed back into implementation of the NACPA.

The PNG Government adopted the Whistleblower Protection Act and Organic Law on ICAC that includes some additional whistleblower protection measures in 2020. The PNG Anti-Corruption Project will assist key government institutions in drafting and enacting the rules that are needed to underpin new legislative regime. Project will also support developing detailed guidelines and supporting materials and forms needed to help the public and private organizations implementing the Whistleblower protection legislation, including on mechanism for safe reporting, procedures for handling the reports, taking actions upon the disclosures, developing and implementing protective measures, as well as developing the disclosure forms, decision documents and other related documents, including potential ICT solutions. Project will also support capacity of public and private sector employees as well as public awareness on importance of the reporting of alleged wrongdoing and safe whistleblowing.

For this purpose, UNDP PNG is seeking an International Consultant for supporting implementing Whistleblower Protection legislation and other related measures required for establishing safe reporting channels and effective protection of reporting persons.

## **II. Scope of work**

The overall purpose of the consultancy is to support PNG Government in implementing 2020 Whistle-blower Protection Act and other related whistle-blower protection measures, to build capacity of public servants and private sector and to raise awareness on whistle-blowers, safe whistleblowing and protection or reporting persons in public.

The Consultant will work closely with the Project team, in close collaboration with key government bodies and stakeholders from private organisations as appropriate.



The scope of work will include:

Supporting PMNEC, DJAG, PSC and other institutions and developing regulations and guidelines to effectively implement whistle-blower protection system and to design and conduct training for public servants and private sector and awareness activities. Consultant to review the current whistle-blower protection framework (2020 Whistle-blower Act and Organic Act on ICAC in particular) and develop proposed amendments to the Whistle-blower Protection legislation and/or draft as appropriate.

The Consultant will support the Project team by facilitating consultations (i.e., workshops, FGDs, etc.) with in-country stakeholders, and partners to gather ideas and feedback to the effective whistle-blower protection and together with Project team to analyse results from the process of the meetings. In addition, she/he will also facilitate the internal consultation process to be held in the Project team.

The key tasks for which the Consultant will be responsible are as follows:

1. Review the current Whistleblower Protection legislation, regulations, reporting mechanism and protective measures in public and private sector, including the current potential implementation as appropriate.
2. Develop the step-by-step Guidelines for implementation of the Whistleblower Protection Act for public and private sector, in close collaboration with the Project CTA and the key partners, and facilitating the internal and external workshops, FGDs and consultations on effective implementation.
3. Design the material and conduct the TOT training, conduct the capacity building workshops and trainings for public and private sector and support awareness activities on importance of reporting of alleged wrongdoing and safe whistleblowing.
4. Draft amended or a new Whistleblower Protection law, as appropriate.

### III. Deliverables and timeline

The deliverables are summarized in the table below.

The Whistleblower Protection Consultant will carry out the following tasks:

<b>Deliverables</b>	<b>Estimated number of working days and Completion deadline</b>	<b>Payment percentage</b>	<b>Review and Approvals Required</b> <i>(Indicate designation of person who will review output and confirm acceptance)</i>
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1. Legislative review of whistleblower protection (including but not limited to the review of 2020 Whistleblower Protection Act and Organic Law on ICAC)	<b>7 days 31 March 2022</b>	<b>12 %</b>	<b>CTA</b>
2. Provide the first draft of the Guidelines for implementation of the 2020 Whistleblower Protection Act for public and private sector and submit the draft for review to the PNG Project team for review a) Develop regulations and procedures draft as appropriate	<b>10 days 30 April 2022</b>	<b>17 %</b>	<b>CTA</b>
3. Provide final draft of the Guidelines, including incorporating inputs from the Project team and key stakeholders and proposing the further amendments as appropriate. a) Incorporate feedback from the Project team and key stakeholders into the draft. b) Provide second draft of the Guidelines to the PNG Project team that will determine whether any further amendments are required. c) Incorporate further feedback should Project team require it and then submit final draft publication. d) Finalize regulations and procedures draft as appropriate.	<b>10 days 20 May 2022</b>	<b>17 %</b>	<b>CTA</b>
4. Develop training package, including TOT based on the Guidelines (incl. structure, presentations, handouts, interactive exercise, etc.) a) Incorporate feedback received from Project team and key stakeholders and then submit the final package.	<b>5 days 20 June 2022</b>	<b>8 %</b>	<b>CTA</b>
5. Deliver up to 8 trainings, including TOT on Whistleblower Protection and implementation of Whistleblower Protection legislation for public and private sector, based on the Guidelines	<b>10 days 30 June 2023</b>	<b>17 %</b>	<b>CTA</b>



6. Support awareness raising activities on Whistleblower Protection a) Provide technical inputs to the communications and education material on Whistleblower Protection legislation, rules and regulations and implementation, including support of international and regional knowledge exchange events, conferences and consultations.	<b>7 days</b> <b>31 December 2023</b>	<b>12 %</b>	<b>CTA</b>
7. Draft new or amended Whistleblower protection law, as appropriate.	<b>10 days</b> <b>31 December 2023</b>	<b>17 %</b>	<b>CTA</b>

**Disbursement of payments**

Lumpsum payment linked to deliverables, and Payment for aforementioned deliverables are subject to certification of deliverable/s report approved by Supervisor, Chief Technical Adviser (Anti-Corruption) UNDP PNG.

**Institutional Arrangement**

The consultant will work in close collaboration with the Project team and will report and submit deliverables to the Chief Technical Adviser (Anti-Corruption) UNDP PNG for review and approval.

**Travel Plan**

Below is an indicative travel plan for the duration of the assignment. The Consultant will be required to travel to the below indicated destinations and include the relevant costs into the proposal, including costs for PNG visa if required. There may be also unforeseen travel that will come up during the execution of the contract which will be agreed on an ad-hoc basis. The DSA for travel days to the duty station and potential visa arrangements will be determined with the selected candidate later, based on his/her home (departure) location.

No	Destination	Frequency	Duration/days
1	Port Moresby, Papua New Guinea	Travel to conduct the workshops the workshops and support awareness activities and events (September – October 2022)	10 days
2.	Port Moresby, Papua New Guinea	Travel to conduct the workshops and support awareness activities and events (May – June 2023)	10 days

**IV. Duty Station**

Home based and PNG as per ToR.



## **V. Contract duration**

The duration of the contract will be 60 working days as per the above deliverables.

## **VI. Qualifications and Experience**

### **Academic Qualifications:**

- Master's Degree in law, development studies, social sciences, international relations or other fields related to the scope of the assignment.;

### **Experience:**

- At least seven (7) years of relevant experience work on governance/ ethics/ corruption;
- Specific legislative/ policy experience on whistleblower protection is required (academic work; technical assistance, advisory services, analytical work, knowledge products), notably in advising governments and supporting the development of whistleblower protection systems;
- Experience in working on similar assignments/products will be an asset.

### **Language:**

- Proficient in English language, spoken and written.

## **VII. Competencies:**

### **Corporate Competencies:**

Integrity, professionalism, and respect for diversity.

### **Functional Competencies:**

- Ability to think conceptually and flexibly, capacity to adapt, innovate, and propose multiple options.
- Experience in working on whistleblower protection in practice would be an asset.
- Proven ability to deliver quality output including reports writing and making presentation under tight deadlines.
- Familiarity and working experience on the development issues and context in the Crisis country would be the asset.
- Commitment to respecting deadlines and the delivery of outputs within the agreed timeframe.

## **VIII. Documents to be included When Submitting the Proposals**

Consultant shall submit the following documents:

- Personal CV or P11, indicating all past experience from similar projects, as well as the contact details (email

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- and telephone number) of the Candidate and at least three (3) professional references.
- Financial proposal in the UNDP format – **Annex 3 and 3A.**
- Applicants must submit a duly completed and signed Annex II Offeror’s letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment.

**IX. Financial proposal**

**Lump sum contract**

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 instalments or upon completion of the entire contract). Payments are based 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.

The Consultant will be responsible for all personal administrative expenses associated with undertaking this assignment.

**Evaluation of applicants**

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- Only those applications which are responsive and compliant will be evaluated.
- Offers will be evaluated according to the Combined Scoring method –where the technical criteria will be weighted at 70% and the financial offer will be weighted at 30%.
- Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.
- The financial proposal shall specify an all-inclusive lumpsum payment linked to deliverables.
- The top applicant with the Highest Combined Scores and accepted UNDP’s General Terms and Conditions will be awarded the IC contract.

<b>EVALUATION CRITERIA</b>		
<b>Technical evaluation (70 points).</b>		<b>70 POINTS</b>
<b>Academic Requirement</b>	Relevant academic degree or higher	<b>10 Points</b>
<b>Experience</b>	Relevant working experience	<b>35 Points</b>



	Relevant specific similar working skills of supporting implementation on whistleblower protection legislation, including with building capacity and awareness (with written example).	<b>25 Points</b>
<b>Financial Evaluation</b>		<b>30 POINTS</b>
<p>Candidates obtaining a minimum of 49 points over 70 points would be considered for the Financial Evaluation - 30 points</p> <p>Lowest Price will be qualified with the maximum of 30 points. Higher prices will be qualified according the following calculation:</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 10px auto;"> <math display="block">FE = \frac{LFP}{FPI} \times 30</math> </div> <p>FE= Financial Evaluation LFP = Lowest Financial Proposal FPI= Financial Proposal of bidder i</p>		
<b>FINAL EVALUATION: TECHNICAL + FINANCIAL</b>		<b>MAX 100 POINTS</b>

**Submission Instructions**

Completed proposals should be submitted to [procurement.png@undp.org](mailto:procurement.png@undp.org) , no later than 15<sup>th</sup> February 2022, 5PM Local PNG Time with mandatory email subject: **IC/PNG/011/2022 International Consultant for Whistleblower Protection.** For any clarification regarding this assignment please write to [procurement.pg@undp.org](mailto:procurement.pg@undp.org)

Please be guided by the instructions provided in this document above while preparing your submission.

Incomplete proposals and failure to comply with proposal submission instruction may not be considered or may result in disqualification of proposal.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

**Note:**

**Applications without i) financial offer, ii) P11 form and iii) Documents mentioned under Technical Proposal will NOT be considered for evaluation.**



Financial proposal should be on provided format (i.e Annex 3- OFFEROR'S LETTER TO UNDP);  
Firms are not eligible for this consultancy assignment (open only for national individual consultants).  
Incomplete application will not be considered, it will be disqualified automatically.  
Please complete the Statement of Health form and submit along with proposal  
ANNEXES:

ANNEX 1- TERMS OF REFERENCES (TOR)  
ANNEX 2 - INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS  
ANNEX 3- FINANCIAL PROPOSAL TEMPLATE  
ANNEX 4- STATEMENT OF HEALTH- INDIVIDUAL CONTRACTOR  
ANNEX 5 – P11 ICs FORM

**Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into one (1) single PDF document as the application only allows to upload maximum one document**