



## Terms of Reference

### Ref: IC/PNG/014-2022 International Anti-Corruption Legislation Consultant

#### General Information

<b>Title:</b>	International Anti-Corruption Legislation Consultant
<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 15 days in country (PNG) during 1 mission to the duty station
<b>Duration of the Contract:</b>	40 working days (From 1 April 2022 to 31 December 2022)

#### 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.

For this purpose, UNDP PNG is seeking an International Consultant to supporting legislative reforms, reviewing the existing anti-corruption legislation, developing legislative amendments or new anti-corruption legislation as appropriate, and providing technical advice upon request to the key anti-corruption and integrity institutions in PNG.

## **II. Scope of work**

The overall purpose of the consultancy is to support the PNG Government in reviewing the current anti-corruption legislation and developing new anti-corruption legislation and reforms as appropriate, based mainly on the UNCAC implementation review reports. The Consultant will also provide technical advice to the key anti-corruption and integrity institutions upon request and support Project team and key Project stakeholders in reviewing, amending, developing, and discussing anti-corruption legislative reforms as well as other related anti-corruption topics as appropriate.

The Consultant will work closely with the Project team, in close collaboration with key government bodies and stakeholders.

The scope of work will include:



Reviewing the anti-corruption legislation based mainly on the UNCAC review reports, developing and finalizing anti-corruption legislative amendments and legislation as appropriate, supporting discussions and consultations related to the anti-corruption legislation reforms and related topics and providing ad hoc advice and technical assistance upon request to the key anti-corruption and integrity institutions.

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

1. Review of PNG laws commissioned, building on UNCAC implementation review reports, to identify additional AC law reform requirements.
2. Drafting the Anti-corruption legislation and its finalization and supporting consultations on anti-corruption legislation reform and other AC-related topics with key stakeholders, including Parliament.
3. On-demand technical assistance and other support provided to key integrity institutions and units (including but not limited to the Ombudsman, Auditor, NFACD, PFACU, Customs AC units, Tax AC units, FIU provincial governments and their audit committees) to strengthen their operations.
4. Supporting strengthening coordination of NACPA implementation amongst key anti-corruption and integrity institutions (including in relation to AC investigations and prosecution).

### **III. Deliverables and timeline**

The deliverables are summarized in the table below.

The Anti-Corruption Legislation Consultant will carry out the following tasks:



<b>Deliverables</b>	<b>Estimated number of working days and Completion deadline</b>	<b>Percentage Payment</b>	<b>Review and Approvals Required</b> <i>(Indicate designation of person who will review output and confirm acceptance)</i>
1. Legislative review of anti-corruption legislation based mainly on UNCAC review reports, other relevant and upon the Project request.	<b>10 days</b> <b>31 July 2022</b>	<b>25 %</b>	<b>CTA</b>
2. Supporting strengthening coordination of NACPA implementation amongst key anti-corruption and integrity institutions (including in relation to AC investigations and prosecution)  a) Conducting and supporting up to 2 workshops upon request.	<b>10 days</b> <b>31 October 2022</b>  <b>31 October 2022</b>	<b>25 %</b>	<b>CTA</b>
3. Drafting and developing the Anti-corruption legislation and its finalization upon the Project team request, including facilitating and supporting consultations on anti-corruption legislation reform and other AC-related topics with key stakeholders, including Parliament.  a) Conducting up to 3 workshops.	<b>10 days</b> <b>30 November 2022</b>  <b>31 October 2022</b>	<b>25 %</b>	<b>CTA</b>
3. On-demand technical assistance and other support provided to key integrity institutions and units (including but not limited to the Ombudsman, Auditor, NFACD, PFACU, Customs AC units, Tax AC units, FIU provincial governments and their audit committees) to strengthen their operations).  a) Providing up to 10 ad hoc advise upon request, including research as appropriate. b) Conducting and facilitating up to 2	<b>10 days</b> <b>31 December 2022</b>  <b>31 December 2022</b>  <b>31 October 2022</b>	<b>25 %</b>	<b>CTA</b>



trainings upon request.			
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There may be also be unforeseen needs to adjust the specifics or sequencing of deliverables during the execution of the contract, which will be agreed on an ad-hoc basis.

### 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 (incl. travel)
1	Port Moresby, Papua New Guinea	Travel to conduct the workshops/trainings (September – October 2022)	15 days

### IV. Duty Station

Home based and PNG as per TOR.

### V. Contract duration

The duration of the contract will be 40 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 anti-corruption, with focus on developing anti-corruption legislation and preventing and combating corruption.
- Specific legislative/ policy experience in reviewing, amending and developing anti-corruption legislation is required (academic work; technical assistance, advisory services, analytical work, knowledge products), notably in advising governments and supporting the strengthening of anti-corruption institutions and implementing anti-corruption legislation.
- 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.
- 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 an 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 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 reviewing and developing anti-corruption legislation, providing TA on anti-corruption reforms, including with supporting strengthening and building capacity of anti-corruption institutions (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; margin: 10px auto; width: fit-content;"> <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 16<sup>th</sup> February 2022, 5PM Local PNG Time. 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**