



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 29 June 2015

Country: UNDP CO Thailand

Description of the assignment: International Consultant (Institutional Expert) – Supporting Public Procurement Reform Efforts in Thailand

Project name: Advancing Anti-corruption Efforts in Thailand – A Multi-disciplinary Approach (Project ID: 00078586; Output ID: 00088759)

Period of assignment/services (if applicable): 8 months during July 2015 to February 2016 with maximum of 35 working days.

Duty Station and expected place of Travel: Home Based with travel to Bangkok, Thailand for interviews and consultative meetings with key stakeholders in July-August 2015, October 2015, and January 2016.

How to apply: Please access <http://jobs.undp.org> (By location>Asia and the Pacific> Democratic Governance for vacancy notification and apply through the website.

http://jobs.undp.org/cj_view_jobs.cfm?is_consult=1

Proposals may be submitted before or on **14 July 2015**

1. BACKGROUND

The extensive volume of business transactions that take place, involving private and public sector bodies, potentially offers great opportunities for irregularities and private gains. International statistics indicate that public procurement may represent more than 10-20% of GDP (variations normally depend on the size of the public budget and the nature/size of the public sector) and, maybe, as much as 30% of the national budget is allocated for the acquisition of goods, services and works. It is absolutely vital to the credibility and efficiency of a public procurement system that it is free from corrupt and fraudulent practices.

Mitigating corruption risks in procurement is a key pre-condition for promoting open economy in Thailand and providing an environment that is conducive to investment. UNDP has been a pioneer in developing methodologies for integrity risk assessment in several sectors, including health, water and education. In

2014, UNDP conducted an integrity risk assessment in public procurement in Thailand building on internationally recognised methodologies. Accordingly four key important risk areas were identified: i) bid collusion and bribery (kickbacks), ii) conflict of interest, iii) discretion, and iv) political interference.

To enhance openness and integrity in public procurement, Thailand also needs i) a coherent, sound and modern public procurement law covering all public sector entities as well as other supporting legal infrastructure, and ii) a public procurement agency or similar body to oversee the implementation of rules, policies and practices for procurement to which the new law applies, and iii) support the professionalization and career development strategy of the procurement function, management and staff, including strengthening the credibility of the procurement profession.

Currently, Thailand is not in the possession of a coherent public procurement law, but a regulatory system based on government regulations. With such a regulatory approach there are risks of fragmentation instead of coherence, weak enforceability and coverage, lack of legal certainty for the bidders, insufficient protection for procurement staff, and opportunities for unjustified exemptions and discretion.

In this context, the Royal Thai Government is in the process of drafting a new Public Procurement Law (PPL). Unlike the current Prime Minister's Office Regulations on public procurement, the PPL will cover all public entities, including central government agencies, local governments, state-owned enterprises, independent organisations and other types of public institutions. The PPL will not in itself set out all the rules and regulations that may be necessary for its effective implementation, and that other supporting legal infrastructure, appropriate institutions, and capacity-building tools will also be needed to form a coherent procurement system.

More specifically, successful development of a public procurement system is highly dependent on the possession of sufficient capacity and co-ordinating functions at the centre of the government to effectively develop and implement public procurement policies and regulations. It is equally fundamental to the functionality of the public procurement system that a country has an effective central institutional structure in place to perform functions, such as developing primary legislation and regulation, preparing and issuing secondary legislation, monitoring of public procurement; developing integrity strengthening policies and instruments, developing and managing e-procurement system, and professionalization and capacity building.

Under the new (draft) PPL, a set-up of a National Public Procurement Committee (NPPC) is proposed with the Comptroller General's Department (CGD) as the Secretariat. In this regard, the project aims to provide the best international technical expertise in this field to design an efficient institutional structure for public procurement under the new PPL and determine capacity needs and capacity development priorities and response to ensure the necessary capacity in terms of staff and capabilities to effectively lead and support the future public procurement reform work. As an integral part to this institutional building work, the project will also develop a professionalization and career development strategy of the procurement function, management and staff, including strengthening the credibility of the procurement profession.

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

Scope of Work

The international consultant is to support the CGD, Ministry of Finance to design an efficient institutional structure for public procurement under the new PPL and develop a professionalization and career development strategy of the procurement function, management and staff. S/he will work closely with the relevant CGD and UNDP officials as well as national and international consultants to provide technical inputs and determine capacity needs and capacity development priorities and response to ensure the necessary capacity in terms of staff and capabilities to effectively lead and support the future public procurement reform work. The expected outputs will include a capacity assessment, a strategy and roadmap for building of an efficient institutional structure for public procurement under the new PPL, and a national public procurement training and professionalisation strategy which includes a competency framework, professional development and qualifications, and an outline for curriculum development.

Under the guidance of the UNDP Deputy Resident Representative and in close collaboration with UNDP colleagues, the consultant will perform the following tasks:

- Conduct preparatory work to review existing institutional mandates and functions and those stated under the new PPL;
- Review inputs/materials from relevant stakeholders, including the Comptroller General's Department (CGD), the State Enterprise Policy Office (SEPO), Department of Local Administration, Ministry of Interior, relevant line ministries and state enterprises, as well as representatives from the private sector, the National Anti-corruption Commission, and academics to gain insights into the Thai procurement systems;
- Design an efficient institutional structure for public procurement under the new PPL;
- Work closely with the International Consultant (Legal Expert) to ensure that the proposed institutional design/structure, capacity development responses, and professionalization strategy are in line with the proposed legal infrastructure to support the new PPL;
- Conduct a capacity assessment including determining capacity needs and capacity development priorities and response;
- Develop a strategy and roadmap for building of an efficient institutional structure for public procurement under the new PPL;
- Engage and consult key stakeholders to clarify objectives, roles, responsibilities, and expectations relating to professionalising public procurement
- Identify and develop competency framework, professional development and qualifications, and an outline for curriculum development
- Formulate a national public procurement training and professionalisation strategy
- Contribute to the development of effective functioning of the public procurement institutions (NPPC and CGD);
- Provide support, as appropriate, to the effective functioning of operational public procurement structures within contracting authorities;
- Conduct follow-up, in-depth interviews with key informants/stakeholders to validate the information and/or obtain additional information;
- Engage in and facilitate multi-stakeholder discussions/seminars as requested and appropriate; and
- Assist the CGD, SEPO and other stakeholders to be able to avail of comparative experiences and international standards in public procurement

Final Products

- The consultant will submit the following outputs:
 - a. A presentation to engage discussions institutional structure for public procurement under the new PPL and professionalization and career development strategy at a seminar in July and a preliminary report to be submitted after the seminar
 - b. A presentation to engage discussions institutional structure for public procurement under the new PPL and professionalization and career development strategy at a seminar in July and a preliminary report to be submitted after the seminar
 - c. Final report with findings and recommendations, a strategy and roadmap for building of an efficient institutional structure, and a national public procurement training and professionalisation strategy including a competency framework, professional development and qualifications, and an outline for curriculum development.

Provision of Monitoring and Progress Control

The consultant will report directly to the Deputy Resident Representative of UNDP Thailand and shall work under overall supervision of Programme Analyst and Programme Specialist, Democratic Governance and Social Advocacy, UNDP Thailand. The Programme Analyst, Democratic Governance and Social Advocacy Unit, UNDP Thailand will review the progress and quality of assignment upon outputs prior to issuance the payment. Review/approval time required to review/ approve outputs prior to authorizing payments is 7 – 10 days.

For detailed information, please refer to Annex I: Term of Reference (TOR)

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- International only with advanced degree in Economics, Laws, Business Administration, or related fields in social science

II. Years of experience:

- At least 10 years of experience in international and national public procurement systems;
- A strong track record in assessments of national public procurement systems;
- Knowledge on rules, regulations, policies, procedures, institutional structures, performance measurement, professional and career development, and good practices of national and international public procurement systems;
- Expertise and experience in design and implementation of training programmes on public procurement and preparation of handbooks and guidelines in public procurement;
- Prior experience and knowledge of the Thai public procurement system is an advantage.

III. Language:

- Fluent in spoken and written English.

IV. Competencies:

Functional Competencies:

- Strong sense of integrity is essential;
- Excellent communication and organization skills,
- Effective interpersonal skills,
- Full computer literacy and experience in working with PC-based equipment;
- Strong communication and reporting skills and ability to work in a team

Client Orientation

- Contributing to positive outcomes for the client
- Anticipates client needs;
- Works towards creating an enabling environment for a smooth relationship between the clients and service provider;
- Demonstrates understanding of client's perspective.

Promoting Organizational Learning and Knowledge Sharing Developing tools and mechanisms

- Makes the case for innovative ideas documenting successes and building them into the design of new approaches;
- Identifies new approaches and strategies that promote the use of tools and mechanisms.

Core Competencies:

- Promoting ethics and integrity, creating organizational precedents;
- Building support and political acumen;
- Building staff competence, creating an environment of creativity and innovation;
- Building and promoting effective teams;
- Creating and promoting enabling environment for open communication;
- Creating an emotionally intelligent organization;
- Leveraging conflict in the interests of UNDP & setting standards;
- Sharing knowledge across the organization and building a culture of knowledge sharing and learning. Promoting learning and knowledge management/sharing is the responsibility of each staff member;
- Fair and transparent decision making; calculated risk-taking.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individuals must submit the following documents /information to demonstrate their qualification, experience and suitability to undertake the assignment. **All supporting documents (a-d) must be part of the detailed CV and uploaded as one document**

- a) Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP;

- b) Personal CV or P.11¹, 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;
- c) Brief description of why the individual considers him/herself as the most suitable for the assignment;
- d) Financial Proposal that indicates the all-inclusive fixed total contract price supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

5. FINANCIAL PROPOSAL

Professional Fee:

The contract will be based on Lump sum payment including Professional Fee and lump sum travel related expenses.

The financial proposal will specify the Lump sum professional Fee (with breakdown of daily fee x number of working day) and lump sum travel related expenses in US Dollars. The payments will be made to the Individual Consultant based on the completion of the deliverables indicated in the TOR. To submit Financial Proposal, please use Template of Submission of Financial Proposal Template provided in Annex IV.

6. EVALUATION

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%

¹ UNDP P.11 Form can be downloaded from

http://www.undp.org/content/dam/undp/library/corporate/Careers/P11_Personal_history_form.doc

Only candidates obtaining a minimum of 350 technical points would be considered for the Financial Evaluation

Criteria	Weight	Max. Point
<u>Technical</u>	70%	500
• Experience related to services	40	200
• Written proposal/test and/or interview result	20	100
• Expertise & Availability	40	200
<u>Financial</u>	30%	100

ANNEX

Annex 1- Term of references (TOR)

Annex 2- Individual Consultant General Terms and Conditions

Annex 3 - Letter of Confirmation of Interest and Availability Template

Annex 4 - Financial Proposal Template