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ANNEX I TERMS OF REFERENCE FOR INDIVIDUAL CONTRACT

POST TITLE: National Consultant – Supporting Public Procurement Reform Efforts in Thailand

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

COUNTRY OF ASSIGNMENT: Bangkok, Thailand

1) PROJECT DESCRIPTION

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. In this regard, the project aims to provide the best international technical expertise in this field to ensure that the designs of secondary legislation, institutional setup, and capacity development strategy will lead to effective implementation of PPL and successful public procurement reforms. The project will take a systematic approach to support the reform efforts at the legislative, policy, and operational levels to fulfil the goals of “value for money” in public procurement with integrity.

2) SCOPE OF WORK

The national consultant is to work closely with the international consultants (legal and institutional experts) and under supervision of UNDP Thailand to support the Comptroller General's Department (CGD), Ministry of Finance in its public procurement reform efforts. Under the guidance of the UNDP Deputy Resident Representative and in close collaboration with UNDP colleagues, the consultant will perform the following tasks:

- Assist and provide support to the international consultants in close consultation with relevant CGD and UNDP officials as well as other relevant stakeholders;
- Assist and provide support in
 - conducting a comprehensive review of legal infrastructure and developing additional guidance documents to support effective implementation of the new PPL,
 - conducting a capacity assessment of central public procurement institutions and contracting entities,
 - formulating a strategy and roadmap for building of an efficient institutional structure for public procurement under the new PPL, and
 - developing a national public procurement training and professionalisation strategy;
- Reviewing/translating relevant documents and materials as required and/or needed
- Providing analytical inputs and summaries;
- Contributing to report writing;
- Co-facilitating meetings and discussions and based on the scope of work of the international consultants, help identify and/or organize meetings with key relevant government agencies, state-owned enterprises, academics, and private sector actors;
- Coordinating and communicating with relevant stakeholders;
- Ensuring effective execution of project tasks; and
- Undertaking other functions relevant to the terms of reference of the international consultants in achieving the key outputs of their assignments.

3) EXPECTED OUTPUTS AND DELIVERABLES

The duration of the contract is from August 2015 to February 2016 with maximum 70 working days. The consultant is expected to deliver in line with the terms of references of the international consultants in achieving their key outputs. In particular the consultant will provide the following deliverables:

Deliverables/ Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required

1. A summary of review of relevant documents and materials, including an initial workplan	15 days	14 August 2015	Mr. Kwanpadh Suddhi-Dhamakit, Programme Analyst, Democratic Governance and Social Advocacy Unit
2. An analysis of responses to capacity assessment questionnaires, analytical inputs contributing to key outputs of international consultants, and write-ups of meeting summaries and outcomes,	30 days	30 October 2015	Mr. Kwanpadh Suddhi-Dhamakit, Programme Analyst, Democratic Governance and Social Advocacy Unit
3. Draft texts and contributions to International consultants' final reports	25 days	12 February 2016	Mr. Kwanpadh Suddhi-Dhamakit, Programme Analyst, Democratic Governance and Social Advocacy Unit

4) INSTITUTIONAL ARRANGEMENTS

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.

5) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

Duration of Assignment: 8 months during July 2015 – 26 February 2016 with maximum of 70 working days
Duty Station and expected place of Travel: Bangkok with travel within Bangkok for meetings.

6) DEGREE OF EXPERTISE AND QUALIFICATIONS

I. Academic Qualifications:

- Thai National only with advanced degree in Law, Economics, Business Administration, or related fields in social science

II. Years of experience:

- At least 4 years of relevant work experience in development and project management, or similar experience in working with government, international organizations and other non-profit organizations
- Ability to deliver high quality work on a timely basis
- Ability to work under minimum supervision

- Commitment to teamwork and strong initiative and motivation
- Knowledge on rules, regulations, policies, and procedures of the Thai public procurement system
- Prior working experience with 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 networking and interpersonal skills
- Strong communication and reporting skills and ability to work in a team

7) REQUIRED DOCUMENTS

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**

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP;
- 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;
- Brief description of why the individual considers him/herself as the most suitable for the assignment;
- 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.

8) CRITERIA FOR SELECTION OF THE BEST OFFER

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

- Responsive/compliant/acceptable, and
- 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 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
• Interview result	20	100
• Expertise & Availability	40	200
<u>Financial</u>	30%	100

9) CONSULTANT PRESENCE REQUIRED ON DUTY STATION/UNDP PREMISES

☐ NONE
 ☐ PARTIAL
 ☒ INTERMITTENT
 ☐ FULL TIME

10) PAYMENT TERMS

☐ Hourly Currency: Amount:
☐ Daily Currency: Amount:
☐ Weekly Currency: Amount:
☒ Lump sum Currency: THB Amount:

The payment shall be paid by upon satisfactory submission of the deliverables

- 30% upon satisfactory submission of a summary of review of relevant documents and materials, including an initial workplan;
- 40% upon satisfactory submission of an analysis of responses to capacity assessment questionnaires, analytical inputs contributing to key outputs of international consultants, and write-ups of meeting summaries and outcomes;
- 30% upon satisfactory submission of draft texts and contributions to International consultants' final reports.

11) ANNEXES TO THE TOR

- N/A