

# Terms of reference



Empowered lives.  
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## GENERAL INFORMATION

**Title** : Consultant for Gap Analysis Study on UNCAC (National Position)  
**Project Name** : UNODC Sub-Programme 2  
**Reports to** : Programme Associate  
**Duty Station** : Jakarta, Indonesia  
**Expected Places of Travel** : N/A  
**Duration of Assignment** : October – December 2016 (45 working days)

## REQUIRED DOCUMENT FROM HIRING UNIT

<input checked="" type="checkbox"/>	TERMS OF REFERENCE
<input checked="" type="checkbox"/>	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT , please select :
	(1) Junior Consultant
	(2) Support Consultant
	(3) Support Specialist
	(4) Senior Specialist
	(5) Expert/ Advisor
	CATEGORY OF INTERNATIONAL CONSULTANT , please select :
	(6) Junior Specialist
	(7) Specialist
	(8) Senior Specialist
<input checked="" type="checkbox"/>	APPROVED Finance Authorization

## REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	CV
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

## Need for presence of IC consultant in office:

- ☐ partial (explain)  
☒ intermittent (explain) : **attendance in meetings as necessary**  
☐ full time/office based (needs justification from the Requesting Unit)

## Provision of Support Services:

**Office space:** ☐ Yes ☒ No  
**Equipment (laptop etc):** ☐ Yes ☒ No  
**Secretarial Services** ☐ Yes ☒ No

If yes has been checked, indicate here who will be responsible for providing the support services: < Enter name >

Signature of the Budget Owner:.....

## I. BACKGROUND

In 2006, the GoI conducted a Gap Analysis to identify variations between the laws and regulations of the Republic of Indonesia and the UNCAC. This Gap Analysis was identified as being an effective tool of

implementation of the United Nations Convention Against Corruption (UNCAC) and was thus considered to be an important tool to strengthen Indonesia's capacity to prevent and counter corruption. In 2010, Indonesia voluntarily participated in the UNCAC Pilot Review Programme. Following this review, which focused on chapter III (Criminalization and Law Enforcement) and chapter IV (International Cooperation, 32 recommendations were given which were then used by the GoI as a basis for an action plan to combat corruption. Six years have passed since this initial review and the UNCAC Implementation Review Mechanism is moving into the second cycle, therefore Indonesia will soon face a second round peer-review for chapter II (Prevention) and chapter V (Asset Recovery).

Since 2009, UNODC has been providing technical assistance to Indonesia to strengthen its legislative, regulatory, policy and institutional measures to prevent and fight against corruption as part of UNODC's Country Programme, Indonesia. (2012-2015, extended to 2016). Under this programme, UNODC supports the Government of Indonesia (GoI) to effectively prevent, detect, investigate, and prosecute corrupt practices. As part of these efforts, UNODC supports the GoI by strengthening the coherence, consistency, and effectiveness of the implementation of the United Nations Convention Against Corruption (UNCAC).

Currently, Indonesia will face a second peer review which focused on Chapter II and Chapter V. To achieve compliance of UNCAC, UNODC in cooperate with Bappenas and the KPK has initiated a study on the gaps between the standards set by the UNCAC and the current Indonesian legislation and institutional frameworks. This gap analysis study, "**Identification of Gaps between Laws/ Regulations of the Republic of Indonesia and the UNCAC**", will inform the cooperation between UNODC and the GoI to support the full implementation of the UNCAC.

In relation to the above, UNODC will support GoI by hiring a consultant to conduct a gap analysis of chapters II, III, IV and V. The consultant will carry out a detailed analytical comparison between the laws/regulations of the Republic of Indonesia and the provisions and standards of the UNCAC. Based on this analysis, the national consultant team will produce a gap analysis matrix which will be produced in Bahasa Indonesia and English that systematically compares the Indonesian legislative, regulatory, policy and institutional frameworks with the UNCAC standards to comprehensively assess the extent of compliance gaps.

## II. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

### OBJECTIVE

The purpose of this assignment is to conduct a substantive Gap Analysis between the laws and regulations of the Republic of Indonesia and UNCAC, focusing on chapters II, III, IV and V.

### SCOPE OF WORK

Under the overall supervision of the Country Manager, the consultant will:

- Design a workplan and framework to undertake the Gap Analysis;
- Participate in two meetings/workshops and provide a substantive report of UNODC and the GoI reviews of the gaps between Indonesia's legal framework and UNCAC's chapters II, III, IV and V;
- Produce a draft Gap Analysis report and matrix which systematically compares the Indonesian legislative, regulatory, policy and institutional systems with the UNCAC standards to assess the extent of compliance gaps and identify/report on what actions are necessary to ensure full compliance with UNCAC;
- Produce a final Gap Analysis report that is endorsed by UNODC, Bappenas and KPK.

Deliverables/ Outputs	Estimate number of Working days	Target Due Dates	Percentage (%)
The first payment will be made upon the submission of Design of a workplan and framework to undertake the Gap Analysis and provide substantive input to UNODC and the GoI in preparation for the review of UNCAC chapters II, III, IV and V and upon submission of the 1 <sup>st</sup> draft of the Gap Analysis report and how it might inform the adoption of laws.	5	Month one	12 %
The second payment will be made upon submission of the consultation meetings and workshop report, and the 1st draft of the Gap Analysis study (including the Gap Analysis matrix which compares the Indonesian laws and regulations with UNCAC to identify gaps and reports on what actions are necessary to ensure full compliance with UNCAC).	20	Month two	44 %
The final payment will be made when the final Gap Analysis and executive summary has been submitted and endorsed by UNODC, Bappenas and KPK and is ready to be printed.	20	Month three	44 %

### III. WORKING ARRANGEMENT

#### **Institutional Arrangement**

The consultant will undertake the work under the the overall supervision of the Country Manager

#### **Duration of the Work**

45 working days in a 3-month period. The working period will be October to December 2016

#### **Duty Station**

Jakarta (home based with visits to government offices and UNODC Indonesia)

#### **Travel Plan**

No travel outside of country

### IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

#### **SHORTLISTING CRITERIA**

#### I. Academic Qualifications:

Masters degree with minimum 8 years of experience and/or Ph.D with minimum 6 years in law or related field.

#### II. Years of experience:

- At least 8 years of experience with international development projects focusing on justice and/or the rule of law.
- Experience on data collection and interviewing techniques.
- Experience conducting research on anti-corruption.

#### III. Competencies:

- Strong knowledge of national and global anti-corruption policies and regulations.
- Knowledge of conducting legal assessments and legal reviews.
- Excellent report writing and presentation skills (kindly provide a sample of reports).
- Proficient in English language, spoken and written.

### V. EVALUATION METHOD AND CRITERIA

#### Cumulative analysis

*When using this weighted scoring method, the award of the contract should 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%*

<b>Criteria</b>	<b>Weight</b>	<b>Max. Point</b>
<b><u>Technical</u></b>		<b>100</b>
<b>Criteria A: Qualification requirements as per TOR:</b>	<b>50%</b>	<b>50</b>
1. Masters degree with minimum 8 years of experience and/or Ph.D with minimum 6 years in law or related field.	10	10
2. At least 8 years of experience with International development and demonstrated capacity to conduct legal reviews.	10	10
3. Experience in data collection and informant interviewing.	10	10
4. Experience and knowledge of the UNCAC.	10	10
5. Experience conducting research on and substantive knowledge of anti-corruption regimes.	10	10
<b>Criteria B: Brief Description of Approach to Assignment.</b>	<b>50%</b>	<b>50</b>
1. Strong knowledge of national and global anti-corruption frameworks (e.g., UNCAC), policies and regulations	25	25

2. Excellent report writing and presentation skills	25	25
<i>Only candidates obtaining a minimum of 70 points would be considered for the Financial Evaluation</i>		