

## Terms of Reference

### A. Summary

Assignment Title	<b>National Consultant for the review of the Civil Service Regulations and Procedures</b>
Type of Contract	<b>IC – Individual Contract</b>
Start/End Dates	<b>15 January 2017 – 31 May 2017 (estimate)</b>
Estimated Working Days	<b>30 days</b>
Supervisor	<b>Chief Technical Advisor – Public Administration</b>
Location	<b>Nay Pyi Taw with field visits to selected States and Regions</b>
Country	<b>Myanmar</b>
Languages Required	<b>English, Myanmar</b>

### A. Project Description / Background

Since the new Government of Myanmar (GoM) came into office in April 2016, it has highlighted civil service reform (CSR) as a means to transform the administration, making it more responsive to people's needs and more accountable and effective in the management of public resources and delivery of services. It is against this backdrop that the new the Union Civil Service Board (UCSB) has actively engaged in identifying ways to transform and modernize the civil service, and to instigate a new civil service culture based on the principles of professionalism, accountability, meritocracy, inclusiveness, efficiency and service orientation.

The governance of the Myanmar civil service is performed based on a set of codified rules and regulations. The GoM has, through the UCSB, established the following main instruments to regulate the civil service: Civil Service Law, Public Service Personnel Act, Civil Service Personnel rules, Personnel Code of Conduct, in addition to the UCSB Law and Bylaws which play an equally important role in the civil service dynamics. These rules and regulations covers many aspects of civil service personnel management including selection, appointment, promotion, performance evaluation, pay fixation, suspension and reinstatement, leave, taking departmental action, and others.

These various pieces of legislation and regulations underpin the importance of ethics and values the civil service is expected to exhibit and call on all civil service personnel to uphold the values of honesty, integrity, 'avoid abuse of delegated powers', and protect public funds from wastage or misuse, as well as having 'respect to the populace'<sup>1</sup>.

---

<sup>1</sup> Civil Service Code of Conduct, Republic of the Union of Myanmar, 2004.

Whilst it is important to set standards for behaviour, it is equally important to understand how those standards are understood and followed, what mechanisms there are for redress if they are violated, and whether those values still stand in the context of Myanmar's continued democratization. In 2015, the UCSB with support from the United Nations Development Program (UNDP) launched a perception survey of civil service personnel on the application of the values of integrity, equality and meritocracy within the service. The survey can inform suggestions of how to improve the laws and procedures in order to allow the system to embrace these values in a more effective manner.

One of the main conclusions of the perception survey was the need to review and modernize the different regulatory and procedural instruments, starting with the Civil Service Law and by-laws in order for them to become more conducive of a culture based on the principles of merit, equal opportunities and ethics. The UCSB, based on its mandate, has decided to undertake a review of the different Civil Service Governance instruments and to determine regulatory and policy directives to better reflect the values and principles the GoM wishes to infuse in the Civil Service, thus making it an environment upholding the values of integrity, meritocracy and equality.

UNDP intends to mobilize three experts (an International Expert, a Senior National Advisor, and a national Myanmar expert) to undertake further analysis of existing regulations and procedures, and to develop jointly with the UCSB a series of regulatory and policy recommendations which would inform decision makers on ways to improve the existing governance structures and systems based on evidence and would also enhance the trust of the people in the civil service.

## **B. Objective and Anticipated Outputs**

The objective of this assignment is to support the review the existing Civil Service regulations and procedures in Myanmar, geared towards providing GoM decision makers, and more specifically the Union Civil Service Board, with regulatory and policy recommendations to uphold the values and principles of integrity, meritocracy and equality.

<b>Civil Service Regulatory and Procedural Frameworks</b>	
1.	Public Service Personnel Act (2013)
2.	Civil Service Personnel Rules (2014)
3.	Personnel Code of Conduct (2004)
4.	Union Civil Service Board Law (2010)
5.	Union Civil Service Board Rules (2011)

The assignment will contribute to the identification of a set of regulatory and procedural recommendations that may include, but are not limited to: ensuring fairer workplace and practices for civil servants; accountable civil service which safeguard the interest of civil servants and the people, adaptation of rules which are in line with international best practices, realigning the civil service to its GoM's vision, clarifying rules and regulations for the civil servants and contributing to mindset change.

The assignment will result in a 'Policy paper' that would provide on the one hand an assessment of existing regulations and procedures and on the other a set of regulatory and procedural recommendations. This study will be primarily informed by the conclusions and recommendations of the Perception Survey on

ethics, meritocracy and equal opportunities performed by UCSB and UNDP.

### **C. Scope of Work**

The national consultant will work closely with the international consultant and the senior national advisor to support them in the successful fulfillment of the below tasks. The prime focus of her/his assignment is ensuring analysis is appropriate to the context, and involving national stakeholders in developing regulatory and policy recommendations.

#### **1. Analysis and gathering of evidence/data**

- Assist the international consultant and the senior national advisor in accessing data and information and performing preliminary research in support of the assignment
- Contribute to the identification of areas of improvement, sharing understanding and insights on the Myanmar context;
- Work together with the international consultant and the senior national advisor to conduct stakeholder consultations (interviews and focus groups) in-country by facilitating meetings, interviews & visits;
- Perform interpretation (if required) for the international consultant, UNDP and national counterparts during the assignment

#### **2. Support the development and Validation of the policy paper**

- Provide technical inputs and advice to the international consultant in order to ensure contextualization of recommendations to Myanmar
- Support the international consultant and UNDP in engaging with national counterparts at the national and sub-national levels during the design and validation stages of the recommendations and the policy paper.
- Proofread documents and papers produced by the international consultant
- Co-facilitate and provide Interpretation services during missions, meetings and focus group discussions
- Assist the international consultant with reviewing the paper to reflect comments from national counterparts and UNDP
- Making adjustments in Myanmar and/or English Version of the paper as required to ensure consistency between the two linguistic versions.

### **D. Expected Outputs and Deliverables**

The estimated deliverables are below, however, the final deliverables will be negotiated on the basis of a work plan with the Supervisor.

This contract is deliverable based, and estimated timeframes for completion are estimates only.

Deliverables/ Outputs	Estimated Duration to Complete (days)	Target Due Dates	Locations	Review and Approvals Required ( <i>Indicate designation of person who will review output and confirm acceptance</i> )
IC Timesheet, for technical advice and interpretation, for analysis and gathering of evidence/data; and developing and validating the policy paper	30	28 February 2017 (First set of deliverables)  31 March 2017 (Second set of deliverables)  31 May 2017 (Third set of deliverables)	Myanmar: Nay Pyi Taw and other locations as required	Team Leader for Democratic Governance, in consultation with the international consultant
<b>Total</b>	<b>30</b>			

#### E. Institutional Arrangement

- UNDP will cover in-country flights and transportation, as agreed upon in the methodology. S/he will arrange for her/his own transport in Yangon (if applicable).
- Living allowance per night spent in Myanmar to be set in accordance with UNDP Daily Subsistence Allowance rate for that location.
- UNDP will not consider travel days as working days. The above stated 30 working days are exclusive of travel time.
- Working language of this assignment is English & Myanmar.
- All necessary equipment (projector, flipchart, stationery, etc.) related to meetings and group discussions will be provided by UNDP at the request of the Consultant in order to ensure efficient delivery of the assignment. The consultant is however expected to secure her/his own computer.
- The Consultant will report to UNDP's Chief Technical Advisor for Public Administration and will work closely with the International Consultant and other UNDP team members.
- The Consultant will have to contribute to weekly progress report by the International Consultant.
- Deliverable will be approved by UNDP in a timeframe not exceeding 5 working days during the assignment, and 10 working days for final deliverables (policy paper).

#### F. Duration of the Work

The duration of the assignment is estimated at thirty (30) working days from 15 January to 31 May 2017.

## **G. Duty Station**

The duty station is Nay Pyi Taw, Myanmar with mission(s) to States/ Regions.

## **H. Qualifications of the Successful Individual Contractor**

Qualifications:

- Master degree in public administration, development studies, law or equivalent, or
- Bachelor degree combined with 3 years of experience in development field.

Experience:

- Understanding of current Myanmar context and governance and trends in Myanmar;
- Previous experience in working with government counterparts
- Sound knowledge of Myanmar civil service and its regulations and procedures
- Past experience in developing policy papers is an asset
- Experience reviewing or developing regulations is an asset
- Previous experience in working with UN agencies or INGOs is desirable;

Competencies:

- Fluency in English & Myanmar;
- Sound communication skills both verbal and in writing;
- Good computer software skills including Microsoft Office (Word, Excel, PowerPoint) in English & Myanmar
- High cultural sensitivity needed;
- Strong facilitation skill;
- Flexible, responsive, and able to work in and with a varied team across multiple offices

## **I. Scope of Price Proposal and Schedule of Payments**

Daily Fee that is “all-inclusive” outlining technical fees and costs for accommodation/living allowance for the assignment. Costs for transportation to Yangon from home base, and to and in Nay Pyi Taw or other locations will be covered directly by UNDP.

## **J. Recommended Presentation of Offer**

- Letter of confirmation of interest and availability,
- Technical proposal clearly stating the profile and previous experience of the consultant, covering why the consultant is most suitable for the work; the approach to completing the assignment; the CV of the consultant.
- Financial proposal: lump sum in US dollars which is all inclusive, for example covering professional fees, living allowances and transport costs, along with other incidental costs. A financial proposal form is provided with the letter of confirmation and availability.

#### K. Criteria for Selection of Best Offer

UNDP will use a combined scoring method, in which the technical proposal will be weighted at **70%** and the financial proposal at **30%**. Scoring for the technical proposal will be:

- Education: 10%
- Relevance of Experience: 40%
- Approach to completing the assignment: 50%

#### L. Annexes to TOR

**ANNEX 3- P-11 for ICs** (Available at:

<http://www.mm.undp.org/content/myanmar/en/home/operations/procurement.html>

**ANNEX 4- Template for Confirmation of interest and Submission of Financial Proposal** (Available at:

<http://www.mm.undp.org/content/myanmar/en/home/operations/procurement.html>

#### M. Approval

**This TOR is prepared by:**

Signature

:



Name and Designation : Mra Chaw Su Aye, Programme Analyst, PAR

Date of Signing

: Dec 22, 2016

**This TOR is approved by:**

Signature

:



Name and Designation : Christophoros Politis, Chief Technical Advisor, PAR

Date of Signing

: Dec 22, 2016