TERMS OF REFERENCE

<table>
<thead>
<tr>
<th>Reference</th>
<th>PN/FJI/040/20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Auckland, New Zealand with possibility of some home-based working</td>
</tr>
<tr>
<td>Application deadline</td>
<td>3rd May 2020</td>
</tr>
<tr>
<td>Type of Contract</td>
<td>International Consultant</td>
</tr>
<tr>
<td>IC Title</td>
<td>Legal Assistance Expert - SAI</td>
</tr>
<tr>
<td>Languages required</td>
<td>English</td>
</tr>
<tr>
<td>Duration of Initial Contract:</td>
<td>75 days (Between May 2020 to December 2020)</td>
</tr>
</tbody>
</table>

BACKGROUND

Public Finance Management is throughout the Pacific a topic of importance for international and local partners equally. Numerous stakeholders, institutions and international actors have been engaged in reinforcing the frameworks, tools and actors linked to PFM. Parliament and supreme audit institution function in public financial management across the Pacific Islands region have been identify as an area requiring strengthening. A specific focus of UNDP in this regard is the parliament’s role in budget scrutiny; effective external audit of government budget execution by the supreme audit institutions, inclusion of citizens and civil society in budget processes, thorough and transparent parliamentary oversight of the external audit, and follow-up with government on recommendations.

Strengthening of public Finance Management and Governance in the Pacific Project (hereafter PFM) aims to strengthen oversight over public financial management in the Pacific region, though improving the budgetary scrutiny, public financial oversight and accountability capacities of parliaments, supreme audit institutions and civil society within the region, aligning with international public financial oversight and accountability standards, and fostering citizen engagement and oversight. Strengthening of Public Finance Management project is funded by the European Union (EU) and implemented by the United Nations Development Programme (UNDP) in partnership with the Pacific Association of Supreme Audit Institutions (PASAI).

Implementation of the output 2 of the project has been entrusted to PASAI by issuance of a Responsible Party agreement between UNDP and PASAI. However, UNDP provides support and technical assistance to PASAI and its functions to implement the agreement in a more effective way. According to the Action Document signed between UNDP and EU, the project needs to provide technical support to strengthen SAIs independence through legislative reforms. UNDP will provide this support in close coordination and cooperation with PASAI and through recruitment of a SAI Legal Assistance Expert. The SAI Legal Assistance Expert will provide technical support to all countries covered by PFM project.

DUTIES AND RESPONSIBILITIES

Scope of Work

Under the direct oversight of PASAI CEO and the management of the UNDP PFM Project Manager, the SAI Legal Assistance Expert will be responsible for the following activities:

- Provide legal or legislative support to any Pacific SAI in relation to its enabling legislation or SAI independence, any support the SAI requires during the SAI legislative reform process.
- Assist the Head of SAI in the technical preparation and drafting of legal, policy, procedural, or operational documents, reports, presentations, briefings, submissions, etc. required throughout the SAI legislative reform process.
• Provide technical support for SAI in the development of its independence strategies and collaborate with the relevant regional and international bodies who may have resources on SAI independence.
• Advise the SAI on reviewing and assessing its independence status.
• Assist SAI to enhance legal independence through legislative monitoring.
• Provide advice and guidance to SAI on advocating and communicating SAI independence to key stakeholders.
• Provide legal technical support and assistance to SAIs in countries covered by the PFM project as needed.

Expected Outputs and Deliverables

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>No. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Provide legal or legislative support to Pacific SAIs in relation to its enabling legislation or SAI independence</td>
<td>20</td>
</tr>
<tr>
<td>2  Provide support to Head of SAIs throughout the SAIs’ legislative reform process</td>
<td>20</td>
</tr>
<tr>
<td>3  Assist SAIs to enhance legal independence through legislative monitoring</td>
<td>20</td>
</tr>
<tr>
<td>4  Provide legal technical support to countries covered by PFM project as and when needed</td>
<td>15</td>
</tr>
</tbody>
</table>

Institutional Arrangement

The selected staff will be reporting to PASAI CE for all activities’ implementation, UNDP PFM Project Manager will manage the contract and clearance of deliverables.

Duration of the Work

The consultant will be required to work for a period of up to 75 days between May 2020 to December 2020.

Duty Station

The majority of the tasks should be undertaken in Auckland, New Zealand, at the PASAI Secretariat. However, there will be some flexibilities for home-based working after agreeing with UNDP and PASAI. Travel to Auckland and living costs for the duration of the consultancy should be included in the financial proposal. UNDP may cover some travel costs on exceptional basis.

COMPETENCIES

Corporate competencies:
• Demonstrates integrity and fairness by modelling UN values and ethical standards;
• Demonstrates professional competence and is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
• Display cultural, gender, nationality, religion and age sensitivity and adaptability.

Functional Competencies:
• Demonstrated ability to work harmoniously in a multi-cultural environment;
• Ability to work on own initiative as well as a member of a team and to work under pressure;
• Excellent relationship management;
• Excellent communication, facilitation, presentation and reporting skills;

REQUIRED SKILLS AND EXPERIENCE:

Education
• LLB or Master degree in Law, Public Administration or related field.

Experience
• At least 7 years of relevant professional experience related to public sector audit; minimum of 5 years’ experience as a qualified lawyer;
• Experience working on legal standards for Supreme Audit Institutions (SAIs), with a proven record of working with and applying INTOSAI standards;
• Proven in-depth technical knowledge of international standards and good practices on SAIs independence, including SAI Performance Measurement Framework (SAI PMF);
• Experience of advisory work in or for a SAI in transitional or emerging democracies is a strong advantage, especially in the Pacific region;
• Proven technical experience in legislative processes, including experience in the field of law drafting, legal analysis and research;
• Experience in working with government institutions, international organizations (successful experience in working with Pacific regional organizations or UN agencies is an asset).

Language requirements
• Fluency of English language is required;

Price Proposal and Schedule of Payments
Consultant must send a financial proposal based on **Daily Fee**. Consultant shall quote an all-inclusive Daily Fee for the contract period. The term “all-inclusive” implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the IC in completing the assignment are already factored into the daily fee submitted in the proposal. If applicable, travel or daily allowance cost (if any work is to be done outside the IC’s duty station) should be identified separately. Payments shall be done on a monthly basis based on actual days worked, upon verification of completion of deliverables and approval by the IC’s supervisor of a Time Sheet indicating the days worked in the period.

In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

Evaluation Method and Criteria
Individual consultants will be evaluated based on the following methodology **Cumulative analysis**
The award of the contract shall 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 set of weighted technical criteria (70%). and financial criteria (30%). Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment.

**Technical Criteria for Evaluation (Maximum 70 points)** [Please add/adjust the below criteria and points awarded to each as necessary]

- Criteria 1 Relevance of Education – Max 10 points
- Criteria 2 Relevance of work experience - Max 10 Points
- Criteria 3 Experience working on legal standards for Supreme Audit Institutions (SAIs), with a proven record of working with and applying INTOSAI standards – Max 10 points
- Criteria 4 Proven in-depth technical knowledge of international standards and good practices on SAIs independence, including SAI Performance Measurement Framework (SAI PMF) – Max 10 points
- Criteria 5 Proven technical experience in legislative processes, including experience in the field of law drafting, legal analysis and research) – Max 10 points
- Criteria 5 Assessment of approach/methodology to assignment – Max 20 Points

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

**Documentation required**
Interested individual consultants must submit the following documents/information (in one single document as the application supports only one upload) to demonstrate their qualifications:

- **Letter of Confirmation of Interest and Availability for the duration of the assignment** using the template provided in Annex II.
- **CV** indicating all experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- **Technical proposal**, including a brief description of why the individual considers him/herself as the most suitable for the assignment
- **Financial proposal**, as per template provided in Annex II (in USD)

Incomplete, joint proposals and proposals sent to the wrong mailing address will not be accepted and only candidates for whom there is further interest will be contacted.

Individuals interested in this consultancy should apply and will be reviewed based on their own individual capacity. The successful individual may sign an Individual Contract with UNDP or request his/her employer to sign a Reimbursable Loan Agreement (RLA) on their behalf by indicating this in the Offerors letter to Confirming Interest and Availability using Annex II.

**Annexes**

- Annex I - **Individual IC General Terms and Conditions**
- Annex II – **Offeror’s Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template**
Proposal Submission

- All applications must be clearly marked with the title of the consultancy (Legal Assistance Expert - SAI) with reference [PN/FJI/040/20] and submitted via UN Job shop by 3rd May 2020.
- Note: UNDP Jobs only supports single document upload hence ensure that the proposal consolidated and submitted as one single document

- For further information concerning this Terms of Reference, please contact UNDP Pacific Office by email: procurement.fj@undp.org.

Women applicants are encouraged to apply