



Terms of Reference

Title:	Individual Contractor – Corruption Risk Assessment in the Education sector
Organisational Section/Unit:	UNODC Sub-Programme 2: Anti-Corruption
Name and title Supervisor:	Marie Pegie Cauchois, Anti-corruption Programme Manager
Duty Station or home-based:	Yangon with travel in Myanmar
Proposed period:	5 th January to 28 February 2021 (with possibility of an extension, subject to availability of funds)
Actual work time:	38 days
Fee Range:	Level C

1. Background of the assignment

UNODC, as guardian of the United Nations Convention Against Corruption (UNCAC) and secretariat to the Conference of the States Parties to the Convention, has the mandate to provide support and technical assistance to States parties to effectively implement the Convention. The backbone for UNODC anti-corruption work is the normative framework provided by UNCAC.

The UNODC Country Programme for Myanmar consists of five Sub-programmes addressing drugs and crime in Myanmar, including Sub-programme 2: Anti-Corruption.

Under this Sub-programme, UNODC supports Myanmar to more effectively prevent, raise awareness of, detect, investigate and prosecute corruption including through:

- Improved legal and policy environment to support the Government anti-corruption efforts in line with international standards,
- Enhanced institutional capacity to prevent, raise awareness of, detect, investigate and prosecute corruption
- Improved the capacity of private sector and civil society organizations to prevent and contribute to combating corruption

Corruption is widespread in Myanmar, and this has significant negative effects on its development. In response, the President Win Myint carried over from his predecessor the fight against corruption as a national priority. Despite Myanmar's gradual improvement in corruption rankings, it still ranks as one of the most corrupt Association of Southeast Asian Nations (ASEAN) countries. Although progress in combating corruption has been made in some areas, there is much still to be done.

Prevention of corruption has been at the forefront of action against corruption in the country with the creation of Corruption Prevention Units in the GoM. In December 2018, the Government of Myanmar approved the creation of Corruption Prevention Units (CPUs) in Union Ministries. 22 line Ministries and

Central Offices formed CPUs, that have three roles to play: 1) conduct awareness raising on corruption, 2) conduct corruption-related enquiries, and 3) conduct corruption risk assessment (CRA).

The COVID-19 pandemic provides both challenges and opportunities to education worldwide. Worldwide, corruption in education remains a sensitive issue where quantitative data is often partial and disparate. Fraud and corruption in education destroy the fundamental cement of countries: the trust based on the belief that rules apply equally to everyone. They also destroy legitimate aspirations to quality education, the equal opportunities of children in life and every child's right to fair education based on merit, efforts and achievement. Globally, different types corruption in the education sector have witnessed ranging bribes paid by parents to teachers/professors for grades; procurement issues; and examination results; preferential positing and promotion etc. A less visible form is the lack of transparency of information such as: income and expenses at public universities, information about wealth statements of the management of universities, information about implementation of codes of ethics, lack of practice to involve students in evaluation of professor's work etc.

In recent years, UNODC has developed considerable expertise and has generated impactful results while supporting organizations to identify and manage corruption risks that can weaken and undermine regulatory and enforcement frameworks, prevent them from achieving their mandate, and lead to significant lost revenue, wastage of public resources and lack of confidence that stakeholders hold in these organizations. In this framework, UNODC will conduct a study on the corruption risk in the education sector using the UNODC guide on conducting CRA : https://www.unodc.org/documents/corruption/Publications/2020/State_of_Integrity_EN.pdf

While most organizations recognize the importance of strong anti-corruption controls, not many have identified the points in their operations where corruption is most likely to occur, nor developed and implemented strategies to prevent this corruption from occurring in the future, or put in place measures that ensure that all members of the organization work with integrity to achieve the organization's mandate. By undergoing a corruption risk assessment and implementing corruption risk management strategies, organizations can be better placed to meet their own objectives.

2. Purpose of the assignment

The Individual Contractor will conduct a study on the potential institutional deficiencies allowing corrupt practices in the sector. The consultant is expected to conduct a desk review of the regulatory frameworks to evaluate the operating environment, identify the types of corruption risks to which the organization is, or may be, exposed; do a preliminary analysis to establish the nature and drivers of those risks and draft preliminary recommendations to improve oversight systems and practice to avoid these issues. The recommendations should reflect the system's actual structure, particularly the mechanisms to prevent unethical practices and the administrative procedures to enhance transparency and accountability. This desk review should be supplemented as required by a series of (online) consultations with the anti-corruption authorities, law enforcement authorities, auditors, education services and other relevant institutions.

It is important to note that the method does not aim to identify corruption that might have taken place in the past, but has a future-looking approach, identifying current and potential risks that are caused by weaknesses or loopholes in processes.

3. Specific tasks to be performed by the consultant

Under the supervision of the UNODC Anti-corruption Programme Coordinator, the consultant will be tasked to perform the following duties.

The consultant will produce a report summarizing the finding, containing:

- an analysis of the shortcomings in the existing legal, institutional frameworks and processes, including procurement methods, contracts management, audit and oversight, whistle-blowers protection and complaint management systems;
- identification of common corruption and fraud schemes; and
- a series of recommendations to improve oversight systems and practice to avoid these issues.

Once this research is conducted, a higher level discussion with the MoE will be organized to refine the findings and to develop risk mitigation strategies which are detailed and systematized with the view of closing the root cause of the risk area. Finally, UNODC will support the committee within the organization to ensure ownership and implementation of the developed risk mitigation strategies. Those elements are not part of the deliverables

4. Expected tangible and measurable output(s)/deliverable(s):

(Tangible and measurable outputs, objectives and targets of the work assignment, as well as specific activities to achieve the required outputs and targets. As per ST/AI/2013/4, Section 3.2 (a))

- Analysis of the shortcomings in the existing legal, institutional frameworks and processes and identification of common corruption and fraud schemes through:
 - Desk research
 - Focus group research meetings
 - In-depth interviews through individual stakeholder calls.
- Development of a series of recommendations to improve oversight systems and practice to avoid these issue

5. Dates and details of deliverables/payments:

No	Deliverable	Output	Working Days	To be accomplished by (date)
1	Analysis of the shortcomings in the existing legal, institutional frameworks and processes and identification of common corruption and fraud schemes	<ul style="list-style-type: none"> ○Desk research ○Focus group research meetings ○In-depth interviews through individual stakeholder calls. 	26	10 February 2021
2	Development of a series of recommendations to improve oversight systems and practice to avoid these issue	The report is submitted to UNODC	12	28 February 2021

Payments will be made upon satisfactory completion and/or submission of outputs/deliverables. *Please note that last payment must coincide with the end of the contract and must be identical to payment phases in the engagement of consultant/IC request.*

6. Indicators to evaluate the consultant's performance

- Outputs described in section 5) above have been achieved
- Quality and timeliness of the delivery of the outputs described in section 5) above

7. Evaluation Process and Criteria

Individual consultants will be evaluated based on the following methodology:

Preliminary Evaluation - Step I: Screening;

Technical Evaluation Weight - 70% = Step II: Shortlisting (100 points) and Step III: Desk Review; Financial Evaluation Weight - 30% = Step IV.

Scoring evaluation – Step V: Selection

Step I: Screening:

Applications will be screened and only applicants meeting the following minimum criteria (listed under education and experience) will progress to the pool for shortlisting.

Step II: Shortlisting by Desk Review:

UNODC will conduct a desk review to produce a shortlist of candidates and technically evaluate them.

As applicable, only the first top 3 ranked applicants achieving 70% of the points at this stage shall be considered for a desk review.

Step III: Desk Review Technical Evaluation:

The top 3 shortlisted candidates will be considered by the evaluation panel.

The technical qualification of the individual is evaluated based on the following technical qualification evaluation criteria (it depends on TOR):

- Relevance of education – Max 10 points
- Experience in in the area of of education and/or compliance - Max 10 Points
- Good understanding of the legislative framework of Union of Myanmar - understanding of the legislative framework that regulates education sector – Max 10 Points
- Experience working or providing support to an education service - Max 10 Points
- Experience conducting research – Max 10 points
- Up-to-date knowledge and practical experience of UN Programmes, policies, guidelines and procedures – Max 10 points
- Experience with an international organization in Southeast Asia and/or South Asia and developing country context - Max 10 points

Step IV: Financial Proposal Evaluation:

The following formula will be used to evaluate financial proposal: Lowest Financial proposal/price of the proposal being evaluated X 30%. Lowest Financial Proposal refers to the lowest price offered by Offerors scoring at least 49 points in the technical evaluation.

Step V: Selection

The contract shall be awarded to the best applicant whose offer have been evaluated and determined as: responsive/compliant/acceptable and having received the highest combined weight technical proposal 70% + financial 30%= 100%’’

8. Qualifications/expertise sought (required educational background, years of relevant work experience, other special skills or knowledge required)

Education:

An advanced university degree (Master's degree or equivalent) in law, economics, social science is required. A first level university degree in similar fields in combination with two additional years of qualifying experience may be accepted in lieu of the advanced university degree.

Experience:

- A minimum of 10 years of relevant progressively responsible professional experience in the field of education and/or compliance is required.
- Good understanding of the legislative framework of Union of Myanmar - understanding of the legislative framework that regulates education sector would be an advantage
- Experience working or providing support to an education service is desirable
- Experience conducting research is required;
- Good interpersonal skills and ability to establish and maintain effective partnerships and working relationships in a multicultural environment is required.
- Excellent interpersonal skills; culturally and socially sensitive; ability to work inclusively and collaboratively with a range of partners, and authorities at different levels; familiarity with tools and approaches of communications for development are required.
- Solid overall computer literacy, including proficiency in various MS Office applications (Excel, Word, etc.) and email/internet; familiarity with database management; and office technology equipment are required;
- Up-to-date knowledge and practical experience of UN Programmes, policies, guidelines and procedures is desirable.
- Prior work experience with an international organization in Southeast Asia and/or South Asia and developing country context is desirable

Language:

- English and French are the working languages of the United Nations Secretariat. For this position, fluency in English, with excellent drafting and communication skills, is required. Working knowledge of another language in the Southeast Asia region is desirable. Knowledge of another United Nations official language, is an advantage