



TERMS OF REFERENCE

Reference No.	PN/FJI/036/22
Consultancy Title	Review of Kiribati Cooperative Legislative Framework
Application deadline	19 th April 2022
Location	Tarawa, Kiribati
Type of Contract	Individual Contractor
Post Level	Both National & International Consultant
Languages required:	English
Duration of Initial Contract:	4 Months (80 Working Days)

1. BACKGROUND

Kiribati consist of 32 atoll islands scattered in the middle of the Pacific Ocean with a population of 119,438 (2020 Census)¹. The government adopted a 20-Year Vision Development plan (KV20) 2016-2036 as a long-term development blueprint covering the period of 2016 to 2036. KV20 seeks to achieve development aspirations by maximizing development benefits from fisheries, tourism and coconut as key productive sectors. KV20 is anchored on four pillars: Wealth, Peace and Security; Infrastructure and Governance. In addition to the core pillars, the vision also highlights gender, youth, vulnerable groups, equity and partnership as cross cutting principles. The KV20 seeks to mainstream equity in all sector programmes to create inclusive sustainable development, leaving no one behind. The Wealth pillar of KV20 aims to develop natural and human capital to improve economic growth and reduce poverty.

The government has recognised Cooperative sub sector as a key enabler to the development of inclusive trade and private sector as envisaged in the wealth Pillar of KV20. Cooperative development can stimulate economic activities, create employment and income for the community including the women and the youth in the outer Islands. Cooperative provides a good platform through which community can exploit opportunities in the productive sectors like Fisheries, Tourism and Coconut.

The central role and the interest role to use cooperatives as a development tool has seen the number of resgistered cooperatives grow from 44 in 1975 to 453 in 2021. Cooperatives Sector in Kiribati are engaged in economic activities like cargo , retailing, Catering and Security ;gasrment ;laundry services; ;copra agent, fishing , agriculture and marine products. While there is significant potential in using cooperatives as a vehicle for achieving the KV20 Vision, performance of the sub sector has been constrained by poor governance, attributed to outdated cooperative-related legislative framework and inadequate management capacity.

The Trade Policy Framework (TPF) 2020-2027 adopted by government recommends the need to Review and effectively enforce cooperative-related legislations to reinforce effective

¹ National Statistic Office, MFEP 2020 Data

governance of the sector. It is in this context that this assignment seeks to strengthen the performance and governance of the cooperative sector in Kiribati.

This consultancy comes under the **“Kiribati trade capacity development and institutional strengthening project Phase 2” funded by Enhanced Integrated Framework (EIF) Facility**. This second phase of the EIF project commenced in July 2020. The objective is to strengthen the capacity of institutions and stakeholders to implement trade policies that support poverty reduction, inclusive economic growth, equitable sustainable development and wealthy economy in line with the Government’s 20-Year Vision development plan (KV20) 2016-2036). As part of the project, UNDP, as the Main Implementing Entity, is seeking the services of a qualified Legal Expertise with expertise and experience in Cooperative development, legal reform; governance and management to provide technical support towards review of Co-operative Societies Ordinance 1977, identify the gaps and draft a new Cooperative Bill.

2. DUTIES AND RESPONSIBILITIES

2.1. Scope of Work

The primary objective of the assignment is to review Co-operative Societies Ordinance 1977, identify the gaps and draft a new Cooperative Bill. The review is expected to improve governance in the co-operative sector. The consultant is required to undertake the following specific key tasks to achieve the assignment objective:

a) Drafting Legal Report

- ❖ Review status of cooperative governance and management in Kiribati;
- ❖ Assess legislative and regulatory framework of cooperative in Kiribati, identify the gaps and propose policy recommendations; and
- ❖ Draft legal Analysis report with identified legislative gaps and recommendations to strengthen cooperative governance and legislative framework.

b) Drafting Cooperative Bill

- ❖ Prepare Policy paper to inform drafting of new cooperative bill based on the findings and recommendations in the legal Analysis report;
- ❖ Conduct consultative meetings with the policy makers; private sector, cooperative representatives and relevant stakeholders at different stages to discuss the various aspects of Policy paper to arrive at a consensus view on the policy;
- ❖ Draft cooperative Bill based on the approved Policy paper; and
- ❖ Conduct consultative meetings at different stages to discuss the various aspects of Draft Cooperative Bill to arrive at a consensus view on the proposed Bill.

GEOGRAPHICAL AREA TO BE COVERED

The project will be implemented in Kiribati and consultation will be undertaken in Tarawa.

EXPECTED BENEFICIARIES

- ❖ Ministry of Tourism, Commerce, Industries and Cooperatives (MTCIC)
- ❖ Policy makers and key stakeholders in the cooperative sector in Kiribati Cooperatives in Kiribati

EXPECTED OUTPUTS AND DELIVERABLES

- ❖ Legal Analysis Report on the status of regulatory and legislative framework of cooperative in Kiribati, with identified gaps and recommendations
- ❖ Policy paper to inform drafting of the cooperative bill based on the legal Analysis report
- ❖ Draft cooperative Bill based on the approved Policy paper
- ❖ Stakeholder consultative reports providing outcome and list of stakeholders consulted at different stages of outputs development

INSTITUTIONAL ARRANGEMENT

- ❖ The activities will be managed by the Ministry of Tourism, Commerce, Industry and Cooperatives (MTCIC) and facilitated by the Administration Division and the Business Regulatory Centre
- ❖ MTCIC will provide access to office space, organise meetings and provide administrative support where needed. The assignment will be delivered through a stakeholder-driven approach.
- ❖ The consultant is expected to work closely with the MTCIC and Office of Attorney General (OAG) and other stakeholders identified.

DURATION OF THE WORK

- ❖ All the activities are expected to be completed in a 4 months' period.

DUTY STATION AND RESOURCES PROVIDED

- ❖ Duty Station will be Tarawa, Kiribati

3. REQUIRED SKILLS AND EXPERIENCE

The consultant is expected to meet the following requirements.

a) Qualification and skills

- ❖ Minimum Master Degree or Post graduate in Law, with specialization in Cooperative Law, Commercial Law or related field;
- ❖ Excellent communication, analytical, and report writing skills
- ❖ Excellent team working abilities

b) General professional experience

- ❖ Minimum 8 years of relevant post-graduate professional experience in issues related to Cooperative management and governance

c) Specific professional experience

- ❖ Minimum 8 years of post-graduate experience in Cooperative development, Cooperative legislative review and governance
- ❖ Experience in facilitating dialogue among key stakeholders at a high political level to formulate, validate and adopt policies and policy statements
- ❖ Demonstrated experience and understanding of Cooperative law, with the ability to identify gaps related to Kiribati context
- ❖ Experience in providing legal advice to improve legislative and regulatory frameworks consistent with international best practices to strengthen cooperative governance and development
- ❖ International working experience, including work in the Pacific region which would be an asset

d) Language requirements

Fluency of English language is required.

4. SCHEDULE OF PAYMENTS

Deliverables	% of overall contract amount:
❖ Legal report on the status of regulatory and legislative framework of cooperative in Kiribati, with identified gaps and recommendations	15%
❖ Policy paper to inform drafting of the cooperative bill based on the legal report	35%
❖ Draft Cooperative Bill based on the approved Policy paper	40%
❖ Stakeholder consultative reports providing outcome and list of stakeholders consulted at different stages of outputs development	10%

5. EVALUATION METHOD AND CRITERIA

5.1. Cumulative analysis

- ❖ The proposal will be evaluated using the cumulative analysis method with a split of 70% and 30% financial scoring.

Criteria	Weighting Scoring
Qualification	
❖ Master's degree or Postgraduate in Law, with specialization in Cooperative Law, Commercial Law or related field;	10
Experience	
❖ Minimum 8 years of post-graduate experience in Cooperative development, Cooperative legislative review and governance	10
❖ Experience in facilitating dialogue among key stakeholders at a high political level to formulate, validate and adopt policies and policy statements	15
❖ Demonstrated experience and understanding of Cooperative law to identify gaps related to Kiribati context	15
❖ Experience in providing legal advice to improve legislative and regulatory frameworks consistent with international best practices to strengthen cooperative governance and development	20
Technical Criteria	70%
Financial Criteria	30%

The Proposal with the highest cumulative scoring will be awarded the contract. Applications will be evaluated technically and points are attributed based on how well the proposal meets the requirements of the Terms of Reference using the guidelines detailed in the table below:

Only candidates obtaining a minimum of 49 points in the Technical Evaluation would be considered for the Financial Evaluation. Interviews may be conducted as part of technical assessment for shortlisted proposals.

The final evaluation method will be based on a cumulative analysis of both the technical and financial proposals. When using this weighted scoring method, 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 per cent; Financial Criteria weight: 30 per cent.**

Documentation required

Interested individual consultants must submit the following documents/information to demonstrate their qualifications. Please group them into **one (1) single PDF document** as the application only allows to upload maximum one document:

- ❖ **Letter of Confirmation of Interest and Availability** using the template provided in Annex II.
- ❖ **Personal CV**, 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.
- ❖ **Technical proposal**, including a) a brief description of why the individual considers him/herself as the most suitable for the assignment; and b) a methodology, on how they will approach and complete the assignment.
- ❖ **Financial proposal**, as per template provided in Annex II. Note: Consultants must quote prices in United States Dollars (USD).

Consultant must send a financial proposal based on a Lump Sum Amount. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living or subsistence allowances (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs.

Incomplete and joint proposals may not be considered. Consultants with whom there is further interest will be contacted. The successful consultant shall opt to sign an Individual Contract or a Reimbursable Loan Agreement (RLA) through its company/employer with UNDP.

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

For any clarification regarding this assignment please write to Mr. Dale Kacivi - procurement.fj@undp.org/dale.kacivi@undp.org

All applications must be clearly marked with the title of consultancy and submitted by 5:00pm, 19th April 2022, 5pm (Fiji Time) online via UN Jobs website <https://jobs.undp.org/> or etenderbox.pacific@undp.org