



## Terms of Reference

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### **Ref: IC/PNG/039 International Capacity Assessment Training Development for Prosecutions Consultant**

#### **General Information**

<b>Title:</b>	Individual contractor (assessing the capacity of the Papua New Guinea Office of Public Prosecutions (OPP) and developing training for the OPP and the PNG Independent Commission Against Corruption (ICAC) on prosecuting corruption offences, including money laundering and illicit financial flows connected to corruption)
<b>Project Name:</b>	Papua New Guinea Anti-Corruption Project
<b>Organization:</b>	United Nations Office on Drugs and Crime (UNODC), Division for Operations, Regional Section for South-East Asia and the Pacific (ROSEAP)
<b>Reports to:</b>	Graeme Gunn, UNODC Officer-in-Charge and Anti-Corruption Adviser – Papua New Guinea; and Fabrizio Fioroni, UNODC AML/CFT Advisor, Bangkok
<b>Type of Appointment:</b>	Individual consultant (international)
<b>Expected Places of Travel:</b>	Papua New Guinea, Port Moresby and possible travel to other provinces
<b>Duty Station:</b>	Home-based with travel to Papua New Guinea Travel dates in these terms of reference are indicative only. Travel may be subject to restrictions, for example related to the COVID-19 pandemic or related to the conduct of the election in Papua New Guinea in 2022.
<b>Duration of the Contract:</b>	2 May 2022 to 31 December 2022



**Number of days of work:** Up to **50** working days (within the above-mentioned period)

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## **I. Background**

The United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs and international crime, including terrorism. It is a leading provider of specialized assistance to governments for addressing the legal, criminal justice and rule of law aspects of counter narcotics, crime prevention and counter-terrorism. It operates in all regions of the world through an extensive network of field offices. The UNODC Regional Office for Southeast Asia and the Pacific (ROSEAP), based in Bangkok, has a mandate to cover 11 countries in Southeast Asia and a total of 33 countries across the Pacific region, including Papua New Guinea.

UNODC is specifically mandated by UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), United Nations General Assembly Special Session Political Declaration and Action Plan against Money Laundering (1988), International Convention for the Suppression of the Financing of Terrorism (1999), UN Convention against Transnational Organized Crime (2000), UN Convention against Corruption (2003) and UN General Assembly Resolutions 66/181 (2011) and 66/177 (2011) to deliver technical assistance to Member States to strengthen capacity to combat money laundering and terrorist financing (ML/TF) in accordance with these UN instruments and international standards.

UNODC is an implementation partner with UNDP in the Papua New Guinea Anti-Corruption Project, fully funded by the European Union (EU). As part of the project, UNODC is working with the government of Papua New Guinea to strengthen the capacity of its authorities responsible for corruption investigations and prosecutions. This work extends to criminal asset tracing, freezing, seizure, confiscation, management and money laundering in connection with corruption.

The Financial Action Task Force's (FATF) reports and recommendations highlight that effective tracing, freezing, seizure, confiscation and management of criminal assets from serious crimes are amongst the key priorities for effectively combating money laundering. Effective mechanisms against ML/TF require that money laundering offences and activities are investigated, and offenders are prosecuted and subject to effective, proportionate and dissuasive sanctions. Furthermore, in March 2022 the AML/CFT Short Term



Technical Assistance project, funded by the EU, launched a draft roadmap containing recommendations to strengthen the AML/CTF strategy of Papua New Guinea.



## **II. Scope of work**

Under the direct supervision of the UNODC Anti-Corruption Advisor - Papua New Guinea and under the overall guidance of the UNODC Anti-Money Laundering Adviser (Law Enforcement) and the UNODC Regional Representative for South-East Asia and the Pacific, the individual contractor will work in close collaboration with the relevant UNODC projects staff to undertake the following activities:

A. Undertake a capacity assessment of the Papua New Guinea Office of Public Prosecutions (OPP) focused on the ability of the OPP to prosecute cases involving corruption and money laundering in connection with corruption, including:

- Consultations with UNODC staff and national authorities (including in-person travel or videoconference calls as required) for conducting the capacity assessments
- Desk review and analysis of contemporary approaches to capacity assessments of prosecutorial/law enforcement agencies/anti-corruption authorities, particularly in connection with corruption prosecutions in Pacific Island Countries
- Preparing high-quality and thorough capacity assessments that identify relevant capacity development needs and that can be used to develop training

B. Develop training materials and curricula on conducting corruption/financial crime prosecutions specifically tailored to OPPs' needs, including:

- Analysis of the current legal/regulatory framework and practices in Papua New Guinea with regard to corruption prosecutions and money laundering in connection with corruption
- Desk review of relevant good practices from other countries that could be replicated in Papua New Guinea
- Regular coordination with UNODC staff in charge of the project;
- Preparation and submission of training material and curricula for progressive trainings on corruption/financial crime prosecutions (intermediate and advanced levels), including training of the trainer curricula and materials and capacity development plans

C. Contribute to and further develop training materials and curricula specifically tailored to the prosecution functions of the Papua New Guinea Independent Commission Against Corruption (ICAC) to strengthen the capacity of the prosecutors of the ICAC.

In due course, UNODC anticipates issuing further terms of reference seeking an independent contractor or contractors to deliver the training to the OPP in late 2022, 2023 and 2024.

## **III. Deliverables and timeline**



<b>Deliverables</b>	<b>Estimated number of Working days &amp; Completion deadline</b>	<b>Payment Percentage (must add to a total of 100%)</b>	<b>Review and Approvals</b>  <b>Required</b> <i>(Indicate designation of person who will review output and confirm acceptance)</i>
<p>A Undertake capacity assessment of OPP:</p> <ul style="list-style-type: none"> <li>• Hold consultations with UNODC staff and OPP (including in-person travel or videoconference calls as required) to inform the capacity assessment</li> <li>• Analyse contemporary approaches to capacity assessments of prosecution/law enforcement/anti-corruption authorities in the context of corruption investigations in Pacific Island Countries</li> <li>• Produce high-quality and thorough capacity assessment that identifies relevant capacity development needs and can be used to develop training</li> </ul>	<p><b>20 working days</b> 31 July 2022</p>	<p><b>40%</b></p>	<p>Graeme Gunn</p>
<p>B Develop and submit training materials and curricula on the prosecution of corruption and financial crime offences, specifically tailored to OPPs needs:</p> <ul style="list-style-type: none"> <li>• Analysis of the current legal/regulatory framework and practices in Papua New Guinea with regard to corruption prosecutions and money laundering in connection with corruption</li> <li>• Desk review of good practices in these areas from other countries that could be replicated in Papua New Guinea</li> <li>• Regular coordination with UNODC staff in charge of the project</li> <li>• Prepare and submit training materials and curriculum on prosecutions (intermediate and advanced levels), including</li> </ul>	<p><b>20 working days</b> 31 October 2022</p>	<p><b>40%</b></p>	<p>Graeme Gunn</p>



material and curriculum for training the trainer, and capacity development plans			
<p>C Contribute to and further develop training materials and curricula on prosecutions and related procedures specifically tailored to ICAC needs:</p> <ul style="list-style-type: none"> <li>• Coordination with UNODC staff in charge of the project.</li> <li>• Develop training materials, curricula and training plans for basic and advanced prosecutorial trainings for ICAC</li> <li>• Contribute to development of related prosecutorial procedures for ICAC</li> </ul>	<p><b>10 working days</b> 31 December 2022</p>	<p><b>20%</b></p>	<p>Graeme Gunn</p>

### Disbursement of payments

Upon satisfactory completion and submission of deliverable, a payment prorated to the number of days and expressed as a percentage of the contract value shall be made.

### Institutional Arrangement

The individual contractor reports to the the United Nations Office on Drugs and Crime (UNODC), Division for Operations, Regional Section for South-East Asia and the Pacific (ROSEAP). The UNDP PNG is recruiting the individual contractor on behalf of the UNODC.

The UNODC Anti-Corruption Adviser - Papua New Guinea will provide overall guidance and supervision to the consultant and monitor and evaluate deliverables' progress by conducting regular meetings or through emails.

During the contract period the consultant will perform the work in collaboration with the UNODC teams based in Thailand and in Papua New Guinea and will engage with other key counterparts as required.

### Travel Plan

Indicative travel dates to Papua New Guinea are 6 June 2022 to 10 June 2022 for Deliverables A and B. Travel may also be required for Deliverable C, if so it would likely occur in the second half of 2022.

### IV. Duty Station

Home-based with travel to Papua New Guinea



Travel dates in these terms of reference are indicative only. Travel may be subject to restrictions, for example related to the COVID-19 pandemic or related to the conduct of the election in Papua New Guinea in 2022.

## **V. Contract duration**

2 May 2022 to 31 December 2022 comprising up to 50 working days.

## **VI. Qualifications and Experience**

### ***Academic Qualification:***

- An advanced university degree (Master's degree or equivalent) in the field of law is required. A first level university degree in this field in combination with an additional two years of qualifying experience may be accepted in lieu of the advanced university degree.

### ***Experience:***

- A minimum of 10 years of experience in prosecution of criminal matters, including at least some experience in prosecuting corruption, money laundering or other financial crime.
- Experience in tracing, freezing, seizure, confiscation and management of criminal proceeds/assets or in money laundering investigations is desired.
- Work experience conducting capacity assessments of public entities and delivering training is an advantage.
- Work experience in Papua New Guinea or another Pacific Island Country is an advantage.

## **VII. Competencies:**

- English and French are the working languages of the United Nations Secretariat. For this post, oral and written fluency in English is required. Knowledge of Tok Pisin is an advantage.
- Excellent written and oral communication skills.

## **VIII. Documents to be included When Submitting the Proposals**

Applicants shall submit the following documents:

- Personal **CV or PII** form, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the applicant and three (3) professional references.



- **Financial Proposal** that indicates the all-inclusive daily professional fee. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP. The financial proposal should be on the “Annex 3-OFFEROR’S LETTER TO UNDP” template.

## **IX. Payment terms**

### **Lump sum contract:**

<b>Deliverables</b> <b>(as referred to in the ToR)</b>	<b>Percentage of Total Price</b> <b>(Weight for payment)</b>
Deliverable A	20 working days: 34%
Deliverable B	30 working days: 50%
Deliverable C	10 working days: 16%

The Consultant will be responsible for all personal administrative expenses associated with undertaking this assignment.

## **X. Evaluation of applicants**

The award of the contract will 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%

Only candidates obtaining a minimum of 350 technical points would be considered for the Financial Evaluation.





Criteria	Weight	Max. Point
<b><u>Technical</u></b>	<b>70%</b>	<b>500</b>
• Academic qualification	10.5%	75
• A minimum of 10 years of experience in prosecution of criminal matters, including at least some experience in prosecuting corruption, money laundering or other financial crime.	28%	200
• Experience in tracing, freezing, seizure, confiscation and management of criminal proceeds/assets or in money laundering investigations	21%	150
• Work experience conducting capacity assessments of public entities and delivering training		
• Work experience in Papua New Guinea or another Pacific Island Country		
• Fluency in English, with excellent drafting and communication skills.	10.5%	75
<b><u>Financial proposal</u></b>	<b>30%</b>	<b>100</b>

### Submission Instructions

Completed proposals should be submitted to [procurement.png@undp.org](mailto:procurement.png@undp.org) , **no later than 04<sup>th</sup> May 2022**.  
For any clarification regarding this assignment please write to [procurement.pg@undp.org](mailto:procurement.pg@undp.org)

#### Note:

**Applications without i) financial offer, ii) P11 form and iii) Documents mentioned under Technical Proposal will NOT be considered for evaluation.**

Financial proposal should be on provided format (i.e Annex 3- OFFEROR'S LETTER TO UNDP); The financial proposal should also incorporate the costs related travel to Bougainville including flights, daily rate and other costs

Firms are not eligible for this consultancy assignment (open only for national individual consultants).

Incomplete application will not be considered, it will be disqualified automatically.

Please complete the Statement of Health form and submit along with proposal

#### ANNEXES

ANNEX 1- TERMS OF REFERENCES (TOR)

ANNEX 2 - INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

ANNEX 3- FINANCIAL PROPOSAL TEMPLATE

ANNEX 4 – STATEMENT OF GOOD HEALTH

ANNEX 5 – P11 FORM



**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**

**TOR approval**

TOR approved by Graeme Gunn, UNODC Officer-in-Charge and Anti-Corruption Adviser in Papua New Guinea