



TERMS OF REFERENCE

Consultancy Title: Right to Information Consultant

Location: Honiara, Solomon Islands

Contract type: Individual Contract (IC)

Post Level: Senior Specialist

Project Name: Transparency and Accountability Project for Solomon Islands

Language: English

Contract duration: 01 March – 30 June 2023

BACKGROUND

The TAP Project was designed as a follow up to the support provided to Solomon Islands over the previous decade, through the joint UNDP-UNODC Pacific Regional Anti-Corruption Project (UN-PRAC), a regional anti-corruption project funded by the Australian Department for Foreign Affairs and Trade (DFAT).

UN-PRAC supported the development of the Solomon Islands National Anti-Corruption Strategy (NACS) in 2015. The NACS was eventually endorsed by the Parliament and the Cabinet in 2017 which *“recognizes that corruption undermines development and sustains poverty, inhibits economic growth, drives political instability, enables the unsustainable use of natural resources, impacts the delivery of services and undermines good governance and the rule of law”*.

Subsequently, in order to progress with the NACS’ implementation, UN-PRAC provided technical advice and support to develop the Anti-Corruption Act, which was passed by Parliament in 2018. That Act clarified the key criminal provisions dealing with corruption and established the legal framework for a new Solomon Islands Independent Commission Against Corruption.

UNDP subsequently developed the Project for Strengthening the Capacities to Combat Corruption (SCCC), which was used to support 12 months of project initiation activities in 2018. The TAP Project took over that work from 2019 and has a four-year implementation timeframe.

The TAP Project has an overarching outcome which aims to support the Solomon Islands Government to address corruption, through the establishment of strengthening of key government institutions and independent bodies, and complementary partnerships with civil society, the media and the private sector. The Project has three core outputs, which are designed around existing national laws, strategies and priorities, in particular, the NACS and the 2018 Anti-Corruption Act. UNDP Solomon Islands is leading the implementation of the TAP Project but continues to access high-level technical experts working on Regional Anti-Corruption Projects and the UNDP Global Anti-Corruption Initiative (GAIN) for the benefit of Solomon Islands. In Solomon Islands, in implementing the project, UNDP works with Solomon Islands Independent Commission Against Corruption, and other integrity institutions such as the Office of the Ombudsman, Leader Code Commission, Director of Public Prosecution, Financial Intelligence Unit, Office of the Auditor General, Internal Audit amongst others. In implementing corruption prevention activities, the project works with non-state actors, notably the media, private sector, academic institution, CSOs, youth and parliament.

Objectives of the consultancy:

To assist the project to deliver its activities in 2023, UNDP is seeking to recruit a consultant to support the Office of

the Ombudsman and the TAP Project on FOI legislation drafting, including consultations, workshops and discussions with key Government partners as well as consultations with the Parliament on the effective FOI legislation and regime. Currently, the Solomon Islands Government has indicated that the Freedom of Information will be administered by the Office of the Ombudsman.

The specific objectives are as follows:

- Review and draft amendments to the Freedom of Information Act draft, based on recommendations from the consultations and in close collaboration with Office of the Ombudsman, the Project team, key stakeholders and Parliament.
- Support and facilitate the consultations, discussions, workshops and FGDs as appropriate, including with the Parliament.
- Conduct up to 3 consultative workshop on FOI draft law and its finalization with stakeholders.

DUTIES AND RESPONSIBILITIES

Scope of Work

Under the guidance and direct supervision of Ombudsman with matrix supervision by the Programme Manager (Transparency, Accountability, Oversight), and working closely with the Deputy Project Manager and Office of the Ombudsman focal point for the draft bill, the consultant shall have the following specific responsibilities:

- Review the draft Bill.
- In consultation with the Office of the Ombudsman, design the consultation process for the draft Bill.
- Hold briefing sessions with the Office of the Ombudsman and other key stakeholders, including parliament, on elements of RTI/FOI regime based on international best practices and Pacific-to-Pacific learning¹.
- Participate in selected Honiara-based consultations, including focus group discussions on the draft Bill including delivering key presentations on RTI/FOI regime based on international best practices and Pacific-to-Pacific learning.
- Update/Amend the draft Bill based on the results of the consultations and reflecting international best practices and Pacific-to-Pacific learning.
- Hold validation workshops in Honiara on the updated Bill.
- Provide legislative/ policy/advisory support to the Office of the Ombudsman on the RTI/FOI regime.
- Provide training and capacity-building on RTI (virtually or in-person), including the preparation of documentation, drafting of in-session documentation.

Expected Outputs and Deliverables

Deliverables	Duration (working days)	Due dates
Work plan for consultancy and draft legislative plan submitted based on discussions with Office of the Ombudsman and TAP.	2 days	7 March 2023
Three briefing sessions (Honiara based), the Office of the Ombudsman and other key stakeholders including the Parliament on elements of RTI/FOI regime based on international best practices and Pacific-to-Pacific learning held, report submitted.	9 days	30 March 2023
Revised RTI/FOI bill submitted reflecting results of the consultations and reflecting international best practices and Pacific-to-Pacific learning	12 days	30 April 2023
2 Validation workshop on updated Revised RTI/FOI bill completed, report submitted.	7 days	30 June 2023

¹ For e.g. with RTI experts from Vanuatu, the Office of the Australian Information Commissioner and the Ombudsman New Zealand Office

Training and capacity-building on RTI (virtually or in-person), including the preparation of documentation, drafting of in-session documentation completed, report submitted.	5 days	30 June 2023
Legislative/ policy/advisory support to the Office of the Ombudsman on the RTI/FOI regime provided, report submitted.	5 days	30 June 2023
TOTAL	40 working days	

Institutional Arrangement

- All reports and documents relating to the assignment will be submitted to the Office of the Ombudsman and Effective Governance Team at the UNDP Solomon Islands.
- Regular meetings with the Office of the Ombudsman, the Programme Manager, Deputy Project Manager will take place.

Duration of the Work

- The envisaged duration for the consultancy is from **01 March – 30 June 2023**, for **40 working days**. However, the duration can be adjusted as per the actual work undertaken or any changes to the scope of the work based on discussions with the Programme Manager. The contract will be fixed output based and any change in the scope or duration will be agreed through a formal contract amendment.

Duty Station

- Home based with at least 3 missions to Honiara, Solomon Islands.

Travels related to this assignment.

- For all travel undertaken through this consultancy, UNDP, will make necessary travel arrangements by air for the consultant based on the most direct route and cost-effective route as per UNDP Travel Guideline.
- UNDP will also provide Daily Subsistence Allowance (DSA) to the consultant for any approved official travel in line with the agreed budget.

COMPETENCIES

Functional competencies:

- Ability to think conceptually and flexibly, capacity to adapt, innovate, and propose multiple options.
- Experience in working on an area of anti-corruption and governance would be an asset
- Proven ability to deliver quality output including reports writing and making presentation under tight deadlines.
- Familiarity and working experience on the development issues and context in the Crisis country would be the asset.
- Commitment to respecting deadlines and the delivery of outputs within the agreed timeframe.
- Strong ethical values with high level of integrity and confidentiality
- Dynamic and motivated team player
- Good IT skills and Knowledge

REQUIRED SKILLS AND EXPERIENCE

Educational Qualifications

- Master's Degree in law, development studies, social sciences, international relations or other fields related to the scope of the assignment;

Experience

- A minimum of 10 years' hands-on experience of working on RTI/FOI issues.
- Must have a good working knowledge of RTI/FOI regime based on international best practices, knowledge of RTI/FOI regime small island developing state, an asset.
- Specific legislative/ policy experience on Freedom of Information is required (academic work; technical assistance, advisory services, analytical work, knowledge products), notably in advising governments and supporting the development of FOI regimes;
- Experience in working on similar assignments/products will be an asset.
- Experience in working on FOI regimes and legislation in South Asia, Pacific, or small island developing state would be an asset.
- Must have well-developed planning and organisational abilities, problem solving and analytical skills, be able to write well and communicate effectively with people of diverse background, occupation, and seniority, both internal and external.

Language requirements

- Fluency in English (written and verbal) language is required

Price Proposal and Schedule of Payments

Consultant must send a financial proposal based on 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 allowance (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 and as per below percentages:

Deliverables	Duration (working days)	Percentage
Work plan for consultancy and draft legislative plan submitted based on discussions with Office of the Ombudsman and TAP	9 days	23%
Three briefing sessions (Honiara based), the Office of the Ombudsman and other key stakeholders including the Parliament on elements of RTI/FOI regime based on international best practices and Pacific-to-Pacific learning held, report submitted.	2 days	5%
Revised RTI/FOI bill submitted reflecting results of the consultations and reflecting international best practices and Pacific-to-Pacific learning.	12 days	30%
2 Validation workshop on updated Revised RTI/FOI bill completed, report submitted.	7 days	18%
Training and capacity-building on RTI (virtually or in-person), including the preparation of documentation, drafting of in-session documentation completed, report submitted.	5 days	13%
Legislative/ policy/advisory support to the Office of the Ombudsman on the RTI/FOI regime provided, report submitted.	5 days	13%
TOTAL	40 working days	100%

Evaluation Method and Criteria

Individual consultants will be evaluated based on the **Cumulative analysis** methodology. 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 Evaluation (70%)	
Qualification	
<ul style="list-style-type: none"> Master's Degree in law, development studies, social sciences, international relations or other fields related to the scope of the assignment; 	10
<ul style="list-style-type: none"> A minimum of 10years' hands-on experience of working on RTI/FOI issues. 	20
<ul style="list-style-type: none"> Must have a good working knowledge of RTI/FOI regime based on international best practices, knowledge of RTI/FOI regime small island developing state, an asset. 	5
<ul style="list-style-type: none"> Specific legislative/ policy experience on Freedom of Information is required (academic work; technical assistance, advisory services, analytical work, knowledge products), notably in advising governments and supporting the development of FOI regimes 	10
<ul style="list-style-type: none"> Experience in working on similar assignments/products will be an asset 	5
<ul style="list-style-type: none"> Experience in working on FOI regimes and legislation in South Asia, Pacific, or small island developing state would be an asset. 	10
<ul style="list-style-type: none"> Must have well-developed planning and organizational abilities, problem solving and analytical skills, be able to write well and communicate effectively with people of diverse background, occupation, and seniority, both internal and external. 	10
Financial evaluation (30%)	70%

Documentation required:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications.

Letter of Confirmation of Interest and Availability using the template provided in Annex II.

Personal CV or [P11](#), 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.

Financial proposal, as per template provided in Annex II.

Completed health statement form- mandatory for all ICs to submit the completed HS form with attached proof of the medical Insurance cover.

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.

Note: Successful individuals will be required to provide proof of medical insurance coverage before commencement of contract for the duration of the assignment.

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.

Proposal Submission

All applications must be clearly marked with the title of the consultancy (Right to Information Consultant) and submitted via email to: registry.sb@undp.org on or before 5PM, Solomon Island Time, on 27 February 2023

For any clarification regarding this assignment please write to glennis.masaea@undp.org