Terms of Reference
National Consultant on the Legal Framework for Local Governments

Consultancy Title: National Consultant on the legal framework for local governments

Duty Station: Virtual (with travel to Honiara if required)

Duration: 45 Days (August 16 to October 30 2023)-Deliverable based

Expected start date: 16th August 2023

1. Background:
The SIG National Development Strategy 2016-2030 (NDS) acknowledges that good governance and credible and stable policies are essential for economic growth and public service delivery, especially education and health services. NDS calls for decentralization of decision-making and continued support to Provincial Governments for effective service delivery at the local (provincial) level.

The first step towards decentralization was taken in 1997 with the passing of the Provincial Government Act of 1997. The PGA 1997 provides the legal framework for the establishment of provinces, the establishment of the provincial assembly, provincial executive, devolution of functions, as well as establishment and management of provincial funds.

The ethnic conflict (1999-2004) also brought to the fore the issue of power-sharing. The Truth and Reconciliation Committee (TRC) report identified the lack of power-sharing between the national government and the provincial governments and the centralized nature of power and governance as the main cause of the tensions in the country. To promote peace, stability, and economic growth, the government is committed to further developing capacity at the provincial level and in assisting the provincial governments to effectively deliver services to citizens.

The MPGIS has been considering revising the PGA 1997 since 2010 and has taken several steps towards review and revision of PGA 1997. In 2017/18, MPGIS developed a memo to the Cabinet with drafting instructions for the Attorney General’s (AG) Chambers. Both the memo and the content of the instructions were widely consulted, but due to a change of Government, the memo was delayed. The first memo and drafting instruction was endorsed by the Cabinet in 2018 and a first draft of the Bill was then produced by the AG’s Chambers. Following the 2019 elections, the new government revisited the process, and currently, MPGIS wants to organize consultation/s with key stakeholders to review the already prepared draft bill to provide new drafting instructions for harmonized provincial government reforms (that takes into consideration issues of service delivery, especially in key sectors) to the AG chamber.

Towards this end, MPGIS – with support from UNDP – wants to hire consultant to facilitate the consultations and review the draft bill based on stakeholders’ inputs and prepare recommendations to incorporate further adjustments to the draft to enable reforms to the provincial government act.

2. Scope of work, responsibilities, and description of the proposed work

The International Consultant will work closely with the Permanent Secretary of MPGIS and his delegated officials, the UNDP Project Manager of the PGSD project, and the UNDP Deputy Resident Representative. The consultant will also consult with a range of actors – including provincial governments of all nine provinces, key national ministries, the Prime Minister’s Office etc., on the structure and functions of the provincial governments. The
consultant will also review the PGA 1997, the Financial Management Ordinance, and other relevant laws/constitution.

The consultant will provide strategic guidance and technical advice for the improvement of the legal framework for provincial governments. Specifically, the consultant will

- Review PGA 1997, Cabinet memo 2017/18, Financial Management Ordinance, and other relevant laws
- Participate and facilitate stakeholders’ consultations and capture the spirit of aspired reforms to further update the draft bill.
- Develop a set of recommendations to incorporate further adjustments to the draft amendment bill capturing the perspective of key stakeholders bringing aspired reforms to the PGA.

3. Expected Outputs and deliverables

The consultant is expected to deliver the following:

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<th>Deliverable</th>
<th>Description</th>
<th>Timing</th>
<th>Responsibilities</th>
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<td>1</td>
<td>Inception report</td>
<td>Analysis of the gaps in the current PGA 1997, review initiatives, perspective and progress, and areas of improvement/adjustments to the draft bill with a candid plan in consultation with the MPGIS.</td>
<td>30 August 2023</td>
<td>IC submits to UNDP and MPGIS</td>
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<td>2</td>
<td>Presentation and De-brief on consultation findings</td>
<td>Recommendations and areas of improvement/adjustments to the draft bill</td>
<td>25 September 2023</td>
<td>IC submits to UNDP and MPGIS</td>
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<td>3</td>
<td>Final paper with recommendations for further adjustments to the draft</td>
<td>Aligned with MPGIS and provincial governments’ vision and aspirations of the key stakeholders towards progressive reforms</td>
<td>30 October 2023</td>
<td>IC submits to UNDP and MPGIS</td>
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4. Institutional arrangements/reporting lines

The contract will be managed by UNDP Solomon Islands. Therefore, the consultant will report to the Programme Manager of PGSD project and the UNDP Solomon Islands Country Manager. For all substantive discussions and opinions, the consultant will work closely with the Permanent Secretary of the Ministry of Provisional Governments and Institutional Strengthening and his delegated officials.

Duration: 45 days over a period of 5 months. The contract will be deliverable based.

5. Experience and qualifications

Academic Qualifications:

- Bachelor’s Degree or equivalent in Governance, Public Administration, Economics, Social Sciences, Management, Law, or related fields.
Experience:
- At least 5 years of relevant professional experience performing similar technical assistance on decentralization, the function and structure of local governments, and relevant issues.
- Experience working with governments and international organizations.
- Experience in coordination or preparation of analytical reports and/or proposals for legislative acts.
- Previous working experience supporting legal frameworks for local governments in the Pacific is an asset.

Language requirements:
- Fluency in written and spoken English

Others:
- Excellent analytical and interpersonal skills including oral and written communication.
- Demonstrated programme management skills including results-based orientation, preparation of work plans, monitoring and evaluation, and leading cross-cultural teams.
- Previous experience in performing a similar role in UNDP would be an advantage.

6. Payment Modality
- 20% of payment upon satisfactory delivery of the inception report (output 1)
- 30% of payment upon satisfactory delivery of the Presentation and De-brief (output 2)
- 50% payment upon satisfactory delivery of the final report and approval by the Country Manager of UNDP (output 3)

7. 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 a set of weighted technical criteria (70%), and financial criteria (30%). The financial score shall be computed as a ratio of the proposal being evaluated and the lowest-priced proposal received by UNDP for the assignment.

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<th>Technical Evaluation (70%)</th>
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<td>• Qualification</td>
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<td>• At least 5 years of relevant professional experience performing similar technical assistance on decentralization, the function and structure of local governments, and relevant issues</td>
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| 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. The Consultant shall submit the total cost based on the deliverables in this TOR instead of a daily fee.

**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

All required templates are available on the UNDP Procurement website:

**Proposal Submission**

All applications must be clearly marked with the title of the consultancy (**National Consultant on the Legal Framework for Local Governments**) and submitted via email only to: registry.sb@undp.org

For any clarification regarding this assignment please write to: veronica.haravi.manedika@undp.org