



Terms of Reference

Ref: IC/PNG/008-2022 – International Consultant for Freedom of Information Legislation

General Information

Title:	International Consultant for Freedom of Information Legislation
Project Name:	PNG Anti-Corruption Project, Country Office UNDP PNG
Reports to:	Chief Technical Adviser (Anti-Corruption)
Type of Appointment:	Individual consultant (International)
Expected Places of Travel:	Port Moresby, Papua New Guinea
Duty Station:	Home-based with 20 days in country (PNG) during two missions
Duration of the Contract:	50 working days (From March 1, 2022 to December 31, 2023)

I. Background

Corruption is a global phenomenon that negatively impacts development. Papua New Guinea is no exception to this. Corruption has stunted economic growth in Papua New Guinea. Levels of malfeasance are stubbornly high, and the loss of public monies has limited the Government's ability to deliver essential services broadly and with quality in a uniform manner. This has resulted in inter-generational declines in key development indicators, among them, literacy, maternal and new-born health and life expectancy. While even in normal situations, corruption poses a major impediment to human, economic and social development, this effect is now exacerbated by the COVID-19 pandemic.

The Government of Papua New Guinea has attempted to address corruption over the last three decades, but its efforts have met with varying degrees of success. Papua New Guinea was the Pacific region's first country to ratify the United Nations Convention against Corruption (UNCAC), signing it in 2004, and ratifying it in 2007. This has been followed by a number of key developments, among them:

- Development of the National Anti-Corruption Strategy (2010-2030) and its associated rolling Plans of Action.
- Active participation in the mechanism for the review of implementation of United Nations Convention against Corruption or UNCAC (UNCAC Implementation Review Mechanism), as a State under review and a reviewing State.
- Joining the Extractive Industries Transparency Initiative (EITI) in 2014.
- Commitments by the Government to pass legislation to establish an Independent Commission Against Corruption (ICAC), implement freedom of information (FOI) and protect whistle-blowers, the last of which saw legislation enacted in February 2020 and the unanimous vote of the national Parliament in November 2020 to establish an Independent Commission Against Corruption.



The United Nations has played an important role in supporting, facilitating and advising on various aspects of this effort. In 2020, UNDP and UNODC with support from the European Union, designed a project to support the Government of Papua New Guinea and key stakeholders to progress their national anti-corruption priorities.

The overall goal of the Project on Preventing and Countering Corruption in Papua New Guinea funded by the EU and implemented by UNDP and UNODC (the 'PNG Anti-Corruption Project') is to support the Government, key national institutions, civil society and communities to strengthen their commitment and capacities to address corruption in line with the UNCAC, in order to more effectively progress the achievement of the Sustainable Development Goals for the benefit of all Papua New Guineans.

Specifically, the Project aims to strengthen Papua New Guinea's national integrity system through the strengthening of core anti-corruption institutions and processes, through support for key Government and non-government bodies.

The Outcome 1 aims to provide holistic support to the implementation of the National Anti-Corruption Strategy Plan of Action (NACPA), including by supporting the development of a monitoring and oversight plan, assisting with critical anti-corruption law reforms, including Freedom of Information legislation and working with core government partners to pilot risk assessments that can be used as the basis for sector or geographic specific risk mitigation plans which will feed back into implementation of the NACPA.

The development of the Freedom of Information Act draft has already been subject to work by DJAG and TIPNG. The PNG Anti-Corruption project provides further assistance to the development of the FOI law and its implementation, including by supporting ongoing refinement of the draft law and working with DJAG, PMNEC and the Parliament to draft, debate and enact FOI legislation to operationalize Article 54 of the PNG Constitution which provides an explicit right to information.

For this purpose, UNDP PNG is seeking an International Consultant for supporting developing Freedom of Information legislation and its implementation once when the law will be enacted.

II. Scope of work

The overall purpose of the consultancy is to support PNG Government in developing the Freedom of information legislation and its implementation, including but not limited to building capacity amongst public sector servants and awareness amongst citizens on new FOI rights and procedures.

The Consultant will work closely with UNDP's Project team, in collaboration with key government bodies and institutions.

The Consultant will support the Project team by facilitating consultations (i.e., workshops, FGDs, etc.) with in-country stakeholders, and partners to gather ideas and feedback to the effective FOI and together with Project team to analyse results from the process of the meetings.

The key tasks for which the Consultant will be responsible are as follows:



1. Support drafting the Freedom of Information Freedom of information Act and related consultations, discussion, FGDs and workshops
2. Develop the Guidelines for implementation of Freedom of Information Act, including the relevant forms and related documentation in close collaboration with the Project team and the key stakeholders, and facilitating the internal and external workshops, FGDs and consultations on effective implementation.
3. Design the material and conduct the TOT training and trainings and workshops, conduct the capacity building workshops for public and private sector and support awareness activities and education activities, including regional and international events, conferences, discussions and consultations.

The scope of work will include:

In the first half of consultancy, consultant will Support the 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.

In the second half of consultancy, the consultant will provide technical assistance to develop regulations, guidelines and procedures to implement new Freedom of Information Act and to design and implement related training for public servants, as well as support the design and implementation of community awareness programmes to raise awareness of FOI rights and procedures.

III. Deliverables and timeline

The deliverables are summarized in the table below.

The Freedom of Information Consultant will carry out the following tasks:

Deliverables	Estimated number of Working days and Completion deadline	Payment Percentage	Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i>
1. Develop the Freedom of Information Act draft, based on the consultations and in close collaboration with Project team, key stakeholders and Parliament	10 days 31 March 2023	20 %	CTA



<p>a) Support and facilitate the consultations, discussions, workshops and FGDs as appropriate, including with the Parliament</p> <p>b) Conduct up to 3 consultative workshop on FOI draft law and its finalization with stakeholders</p>			
<p>2. Provide the first draft of the Guidelines for implementation of the Freedom of Information Act, including forms as appropriate and submit the draft for review to the PNG Project team for review</p> <p>a) Develop the additional regulations and procedures upon request, as appropriate</p>	<p>10 days 30 April 2023 (once the law will be enacted)</p>	20 %	CTA
<p>3. Provide final draft of the Guidelines, including incorporating inputs from the Project team and key stakeholders and proposing the further amendments as appropriate</p> <p>a) Incorporate feedback from the Project team and key stakeholders into the draft</p> <p>b) Provide second draft of the Guidelines to the PNG Project team that will determine whether any further amendments are required</p> <p>c) Incorporate further feedback should Project team require it and then submit final draft publication</p>	<p>10 days 31 May 2023 (once the law will be enacted)</p>	20 %	CTA
<p>4. Develop training package, including TOT based on the Guidelines (incl. structure, presentations, handouts, etc.)</p> <p>a) Incorporate feedback received from Project team and key stakeholders and then submit the final package</p>	<p>5 days 31 May 2023</p>	10 %	CTA
<p>5. Design and deliver up to 8 trainings, including TOT on FOI regimes, legislation and implementation, based on the Guidelines</p>	<p>10 days 31 December 2023</p>	20 %	CTA
<p>6. Support awareness raising activities on new FOI legislation</p> <p>a) Provide technical inputs to the communications and education material on FOI legislation, rules</p>	<p>5 days</p>	10 %	CTA



and regulations and implementation, including support of international and regional knowledge exchange events, conferences and consultations.	31 December 2023		
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Disbursement of payments

Lumpsum payment linked to deliverables, and Payment for aforementioned deliverables are subject to certification of deliverable/s report approved by Supervisor, Chief Technical Adviser (Anti-Corruption) UNDP PNG

Institutional Arrangement

The consultant will work in close collaboration with the Programme Support Unit of the PNG CO and will report and submit deliverables to the Chief Technical Adviser (Anti-Corruption) of UNDP PNG for review and approval.

Travel Plan

Below is an indicative travel plan for the duration of the assignment. The Consultant will be required to travel to the below indicated destinations and include the relevant costs into the proposal. There may be also unforeseen travel that will come up during the execution of the contract which will be agreed on ad-hoc basis.

No	Destination	Frequency	Duration/days
1	Port Moresby, Papua New Guinea	Travel to conduct the workshops and consultations (May – June 2022)	10 days
2	Port Moresby, Papua New Guinea	Travel to conduct the workshops and trainings (February – March 2023)	10 days

IV. Duty Station

Home based and PNG as per ToR

V. Contract duration

The duration of the contract will be 50 working days as per the above deliverables.

VI. Qualifications and Experience

Academic Qualifications:

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

Experience:



- At least seven (7) years of relevant experience work on governance; freedom of information;
- 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 region would be an asset.

Language:

- Proficient in English language, spoken and written.

VII. Competencies:

Corporate Competencies:

Integrity, professionalism, and respect for diversity.

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.

VIII. Documents to be included When Submitting the Proposals

Consultant shall submit the following documents:

- 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.
- Financial proposal in the UNDP format – **Annex 3 and 3A.**
- Applicants must submit a duly completed and signed Annex II Offeror's letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment.

IX. Financial proposal

Lump sum contract

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire

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contract). Payments are based upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount.

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

Evaluation of applicants

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- Only those applications which are responsive and compliant will be evaluated.
- Offers will be evaluated according to the Combined Scoring method –where the technical criteria will be weighted at 70% and the financial offer will be weighted at 30%.
- Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.
- The financial proposal shall specify an all-inclusive lumpsum payment linked to deliverables.
- The top applicant with the Highest Combined Scores and accepted UNDP's General Terms and Conditions will be awarded the IC contract.

EVALUATION CRITERIA		
Technical evaluation (70 points).		70 POINTS
Academic Requirement	Relevant academic degree or higher	10 Points
Experience	Relevant working experience	35 Points
	Relevant specific similar working skills of developing FOI legislation or supporting implementation on Freedom of Information legislation, including with building capacity and awareness (with written example).	25 Points
Financial Evaluation		30 POINTS
Candidates obtaining a minimum of 49 points over 70 points would be considered for the Financial Evaluation - 30 points		
Lowest Price will be qualified with the maximum of 30 points. Higher prices will be qualified according the following calculation:		
<div>FE = <u>LFP</u> x 30</div> <div>FPI</div>		



FE= Financial Evaluation LFP = Lowest Financial Proposal FPI= Financial Proposal of bidder i	
FINAL EVALUATION: TECHNICAL + FINANCIAL	MAX 100 POINTS

Submission Instructions

Completed proposals should be submitted to procurement.png@undp.org , no later than 11th February 2022. For any clarification regarding this assignment please write to procurement.pg@undp.org

Please be guided by the instructions provided in this document above while preparing your submission.

Incomplete proposals and failure to comply with proposal submission instruction may not be considered or may result in disqualification of proposal.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

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);
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

ANNEX

ANNEX 1- TERMS OF REFERENCES (TOR)

ANNEX 2 - INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

ANNEX 3- FINANCIAL PROPOSAL TEMPLATE

ANNEX 4- STATEMENT OF HEALTH- INDIVIDUAL CONTRACTOR

ANNEX 5 – P11 ICs 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