



Terms of Reference
Research Consultancy: Formulation of Corruption Prevention Standards in public / private sector

Location:	Male' City, Republic of Maldives
Application Deadline:	September 07 th , 2014
Languages Required:	Excellent written and spoken English and Dhivehi
Estimated Duration of Assignment:	The contract will be from September 2014 until December 2014

Background

Corruption undermines democratic governance systems and challenges development. It is systemic in nature and affects both the public and private sector. Some critical reasons for the perpetuation of corruption include lack of accountability, conflict of interest, inadequate and incompetent supervisions, lack of political will, politicization of public officials, and inadequate legal, financial and administrative frameworks.

The Anti-Corruption Commission (ACC) of the Maldives is an independent statutory body mandated to prevent and prohibit corruption at the national level, empowered by Article 199 of the Maldives Constitution (2008), the Anti-Corruption Commission's Act (13/2008) and the Prevention and Prohibition of Corruption Act (2/2000). Furthermore, the new Anti-Corruption bill currently pending at the Parliament, if passed, will augment the anti-corruption legal framework, mandating public sector and private contestants (bidders/contractors) to establish further anti-corruption measures.

To discharge the legislative mandate of the commission, ACC intends to recruit a qualified specialist to assist in developing a holistic corruption preventive system that would be applicable across public and private sector. Specifically, this would include developing good governance protocols and procedures that minimize corruption risks within inter-sectorial administration. Taking into consideration the local context and relevant legal mandates and practices, the corruption preventive system should enhance transparency, accountability and integrity across governance actors. For the purpose of this assignment, governance actors are meant for those players that have a fundamental responsibility to adhere best practices of good governance within the system.

Purpose of Consultancy

The purpose of this consultancy is to assess corruption risks in public offices and private sector organizations through an evidence-based study of the legal framework as well as institutional practices and thereby identify and formulate practical solutions to prevent and combat corruption efficiently and effectively at institutional level. The study will provide a clear picture of corruption prevention mechanisms implemented in institutions and thereby

draw recommendations to revise and amend such systems. The research will cover analysis of public and private sector organizations with the following purpose;

- Identifying obstacles to prevent and prohibit corruption under acts and regulations governed by institutions;
- Identifying institutional processes, procedures and practices to prevent corruption (e.g. internal controls, procurement mechanisms, recruitments, compliance and enforcement);
- Identifying obstacles between public sector & private businesses on contractual/bidding obligations to prevent corruption;
- Identifying institutional commitment to ethics, integrity, accountability & transparency practices;
- Identifying linkages between different public sector institutions and overlapping mandates that obstruct corruption prevention;
- Based on the above identifications, provide data and recommendations to inform policy discussions and devise a corruption prevention system for both state institutions and those private businesses.

Proposed Methodology / Data Collection

A tentative methodology is presented below and the selected research team will have to propose a detailed methodology based on the deliverables and substantive research judgment.

- Conduct a qualitative desk review assessment based on analysis of relevant laws, regulations, procedures, reports and other documents relating to public sector and private organizations, identifying gaps/overlaps;
- Conduct stakeholder consultations with key individuals and organizations (i.e. regulators, institutional management, employees and investors/shareholders) to identify organizational practices and find challenges and limitations to combat corruption;
- Facilitate a research findings and data validation workshop with stakeholders.

Target respondents

There are three sets of prospective target respondents for the research.

- Duty bearers: State institutions including offices under the Executive branch, Parliament, Judiciary and Independent Commissions;
- Public / Private companies: Public Enterprises Monitoring and Evaluation Board, Privatization and Co-privatization Board, Listed-companies, state utility companies and selected firms of private business sector;
- Expert Users/Practitioners: private lawyers / auditors or firms, corruption investigators & related NGOS.

Duties, Responsibilities and Expectations:

- i. The research team should be able to provide technical expertise and practical day-to-day support to the ACC covering all matters under this ToR;
- ii. Under the local legal mandates and requirements of governance actors, the research team will build on best practices of successful and similar operating entities at the international and regional levels to perform the given tasks.
- iii. Coordinate and follow up meetings and discussions with different ministries, major departments, state companies and business sector to guarantee synergy of all processes and internal controls;
- iv. Coordinate and follow up regular meetings and discussions with the Anti-Corruption Commission
- v. Prepare regular progress reports on the status of consultancy work, as and when required;
- vi. Any other tasks/assignment relevant to subject of the consultancy.

Deliverables and Expected Outputs from the Consultancy

Task 1: (focus - public sector)

- i. Conduct a research to identify corruption high risk/prone areas in the existing systems/policies/procedures of public sector/offices;
- ii. Develop an enforcement and compliance standard for prevention of corruption in public sector;
- iii. Develop standards to monitor and evaluate the above enforcement and compliance system ;
- iv. Develop a functional Ethical Code standard for the public offices to prevent corruption; such a standard should clearly comprise integrity values for the employees;
- v. Develop and submit a preliminary report assessment based on the findings of the research with recommendations to prevent/ counter corruption measures in such systems/policies/procedures of public sector;
- vi. Deliver a presentation on the research findings to the commission based on the Collect feedback;
- vii. Review and submit a draft report based on collected feedback and subjected tasks;
- viii. Consolidate stakeholder feedbacks and submit the final research report.

Task 2: (focus – private business sector)

- i. Conduct a research to identify corruption high risk/prone areas in the existing systems/policies/procedures of private businesses;
- ii. Develop an enforcement and compliance standard for prevention of corruption in private sector;
- iii. Develop standards to monitor and evaluate the above enforcement and compliance system;
- iv. Develop standards/tools to prevent and control corruption in all the process of business/service contracts undertaken between private businesses and public sector;

- v. Develop a preliminary assessment based on the findings of the research with recommendations to prevent/ counter corruption measures in such systems/policies/procedures of private businesses;
- vi. Deliver a presentation on the research findings to the commission based on the Collect feedback;
- vii. Review and submit a draft report based on collected feedback and subjected tasks;
- viii. Consolidate stakeholder feedbacks and submit the final research report.

Qualifications or specialized knowledge and/or experience required

Functional Competencies:

- Excellent inter-personal and communication skills;
- Exceptional analytical skills, research and evaluation skills including ability to synthesize information;
- Excellent oral, and effective presentation and report-writing skills;
- Ability to work under minimum supervision, while meeting deadlines;
- Demonstrated ability of timely completion of assignments;
- Strong facilitation skills;
- Ability to work in multi-disciplinary and multi-cultural settings;
- Excellent computers skills required

Education:

- The research team members should have at least Masters' degrees in the field of their expertise with a proven track record of having conducted research in the areas relevant to this ToR.
- The research team should comprise of at least one expert with proven experience in law, one expert in governance/public administration or related areas relevant to this ToR, and another expert with finance/auditing/accounting background.
- Demonstrated fluency in English and Dhivehi language.

Experience:

- Minimum 5 years of demonstrated technical experience in designing and implementing researches/studies, preferable in governance related issues for state, development agencies or NGOs (preferably in Maldives or South Asia);
- The consultancy team should have extensive knowledge about corruption and anti-corruption, financial, cooperate laws and related regulations, governance and private business structures of the Maldives;
- The consultancy teams should have highly developed knowledge and practical experience of organizational and functional role of public / private sector in implementing good governance and corruption prevention programs;
- Clear knowledge of transparency, accountability and integrity building at institutional and national level;
- Relevant knowledge in UN Convention Against Corruption (UNCAC) and (UNCAC) Legislative Guide;
- Substantial experience of SAARC / ASEAN region's Anti-Corruption rules and regulations preferred.

Institutional arrangement:

The research team shall ensure that they have primarily operational space, necessary administrative resources and technical equipment arranged and located to offer prescribed services of this ToR in Male', Maldives. The research team will report directly to the Vice-President of ACC and would work closely with Education & Research Section, which coordinates the assignment, facilitates the stakeholders and validation meetings and provide any other relevant assistance. Briefing and debriefing meetings will be organized every fortnightly with the ACC where necessary.

Duration and Submission of Proposals:

The proposed research is planned to take place between September-December 2014. The consultancy team should submit proposals covering the following:

- The consultant's understanding of the assignment
- The consultant's proposed approach to the assignment indicating a clear methodology, time line and number of days required for deliverables;
- A summary of relevant experience (attaching CV[s] of the proposed consultant[s]), providing evidence that the consultant(s) is (are) qualified to undertake this assignment
- Attested and Accredited copies of academic certificates and transcripts.
- At least two examples of similar assignments having been undertaken by the consultant(s) in relevant regions, over the past 5 years
- Timescales and Proposed Charges (including estimates of consulting days and expenses, indicating breakdown costs of all desirable components)
- Two relevant references

Proposals should be addressed to:

Education & Research Section
Anti-Corruption Commission
2nd Floor, Huravee Building
Ameeru Ahmed Magu.

Subject line of proposal '**Research Consultancy: Formulation of corruption Prevention Standards in Public / Private sector**'.

An Information Session about the work will be held at the Commission on August 24th, 2014 at 14:30 hrs. Only short listed candidates will be contacted. ACC retains the right to reject any or all of the applications and/ or to enter into additional negotiations with one or more of the tendering parties to help define the exact scope of work and deliverables to be undertaken.

