

Terms of reference

# Consultant: assessment of procurement monitoring systems and procurement corruption prevention

## About the Basel Institute on Governance

The Basel Institute on Governance is an international and independent not-for-profit organisation working worldwide with the public and private sectors to counter corruption and other financial crimes and to improve the quality of governance. As a Swiss foundation with headquarters in Basel, the Basel Institute maintains field operations in Africa, Eastern Europe and Latin America. The Basel Institute is an Associated Institute of the University of Basel.

## Project: Tackling Serious and Organised Corruption (TSOC Malawi)

The objective of the Tackling Serious and Organised Corruption (TSOC) programme is to increase the likelihood and severity of sanctions for high-level corruption, and in doing so deter future crimes. The largest component is implemented by the International Centre for Asset Recovery (ICAR). This responds to strategic and technical assistance needs requested and agreed with the Anti-Corruption Bureau (ACB), the Financial Intelligence Authority (FIA), and the office of the Director of Public Prosecution (DPP). TSOC also emphasises prevention-oriented activities, including private-sector engagement, supporting the work of the ACB's prevention, education and research teams, and working with journalists to improve the quality of reporting on corruption and anti-corruption in Malawi through the Continuing Journalism Education (CJE) activities.

## Assignment

The consultant will undertake a technical analysis to assess the strength and adequacy of existing systems to detect and investigate corruption in public procurement processes and formulate recommendations.

The assessment focuses on the Malawi Anti-Corruption Bureau's systems and capabilities as regards to its mandate to vet single-source and high-value procurements as stipulated in the Public Procurement and Disposal of Public Assets Act Art. 37.11 but also regarding its systems and skills to detect and investigate instances of corruption in competitive public tenders.

The assessment will include relevant factors internal and external to the ACB. It will include scrutinising existing systems and standard operating procedures (SOPs), skills, and evidence from past cases of corruption in procurement indicative of risk areas. It will also seek to identify opportunities for systems development and strengthening as well as capacity building. Thus, key focal areas for the assignment are:

### **ACB capacity**

- A thorough review of the existing SOPs for vetting single-source and high-value procurements
- Assessment of the legal and regulatory framework for undertaking vetting of single-source and high-value procurements
- Review of the recommendations provided by other bodies (such as the Ombudsman) on how the ACB can improve its role in line with the Public Procurement and Disposal of Public Assets Act vetting mandate
- Data received relative to the single-source and high-value procurements
- Access to additional sources of data relevant for vetting purposes
- Existing SOPs and skills for detecting corruption red flags in competitive tenders and along the procurement cycle, from publishing of the tender to execution of contracts
- Existing SOPs and skills for investigating and prosecuting cases of corruption in competitive tenders and along the procurement cycle

### **Wider procurement environment**

- Stakeholder mapping, mandates, responsibilities and accountability lines
- Procurement-related complaints received and cases handled
- Adequacy of legal and regulatory framework and gaps
- Data collection and management systems
- Data sharing between relevant authorities (e.g. Public Procurement and Disposal of Assets Authority (PPDA), Registrar General) and ACB

### **Retrospective analysis**

- Review of key past cases of corruption in public procurements indicative of risk areas
- Review of past cases of corruption in public procurements to identify indicative patterns for committing fraudulent activities

### **Forward-facing analysis**

- Areas for developing skills and strengthening internal ACB systems for single-source and high-level procurement vetting

- Areas for developing skills and strengthening internal ACB systems for detecting corruption red flags in competitive tenders and along the procurement cycle
- Areas for developing skills and strengthening internal ACB systems for investigating and prosecuting crimes of corruption in competitive tenders and along the procurement cycle
- Activities in the wider procurement environment to strategically enhance the ACB's ability to effectively combat corruption in public procurements in Malawi

## **Qualifications**

- At least 10 years' experience working in the field of public procurements and anti-corruption
- A demonstrable track record in developing and implementing projects relating to procurement fraud detection, prevention and investigations
- Expertise in legal and institutional best practices in the field of public procurements and anti-corruption
- Strong technical expertise in the vetting of single-source and high-value procurements and related best practices
- Strong command of the English language
- Experience working with government entities in similar projects is an advantage
- Experience conducting applied development assistance in Sub-Saharan Africa is an advantage

## **Activities and timeline**

The assignment is foreseen to require a desk research component, including a review of available reports and public materials on the organisation and functionality of the Malawi public procurement system, and an in-country scoping mission involving interviews with relevant stakeholders.

The assignment will require a maximum of 20 work days with an in-country presence of a minimum of 10 work days (COVID restrictions permitting) starting as soon as possible upon signing the consultancy contract.

## **Reporting**

The consultant will report to the TSOC team leader, Mr David Sip, for operational matters and to the TSOC head of prevention, Dr Claudia Baez Camargo, for substantive matters.

## **Deliverables**

The deliverable will be a comprehensive report detailing a technical assessment of the systems to detect, investigate and prosecute instances of corruption in single-source and high-value as well as competitive procurements. The ACB will be the focus of the assessment, while taking into account the wider public procurement environment in Malawi.

The report must provide a diagnosis and identify activities to develop and strengthen systems to prevent corruption in public procurements in Malawi that are realistic in the context but conducive to building a state-of-the-art system.

## **Applications**

Interested applicants should submit an expression of interest of not more than 3 pages, outlining: (i) their relevant experience for the assignment; (ii) the steps and activities they would undertake in order to execute the assignment; (iii) an indicative workplan; (iv) and any clarifications they would wish to seek from the Basel Institute prior to executing the assignment. Expert CVs should be limited to 2 pages maximum per expert (if more than 1 expert) and are in addition to the 3-page limit.

Applications should be submitted to [proposal@baselgovernance.org](mailto:proposal@baselgovernance.org) no later than 18:00 CET on 13 August 2021.