



Request For Proposals General Information

Assignment	Short Term Consultant
Project	Caribbean Emergency Legislation Project (CELP)
Activity	Comparative analysis of international legal and institutional frameworks
Deadline for Submission	May 30, 2009 (5:30 pm EST)
Language of the Notice	English
Selection Method	Competitive Selection

Contact Information for Advertising

Contact Person	Michelle-Ann Williams
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Assignment Overview

Assignment Country:	International
Funding Source:	International Bank for Reconstruction and Development (World Bank)
Submission Requirements:	The Department of Sustainable Development of the General Secretariat of the Organization of American States (DSD-GS/OAS) invites eligible consultants to indicate their interest in providing their services. Interested consultants must provide information indicating that they are qualified to perform the services.
Send submissions via Email to:	mwilliams@oas.org and cdewindt@oas.org

Minimum Qualifications

1. Interested consultants should:

- prepare a Technical and Financial Proposal as per Attachment No. 1 and No. 2, respectively,
- comply with all specifications described in the Terms of Reference as per attachment No. 3, and
- have the following minimum qualifications:
 - (a) Fluency in oral and written English; proficiency in Spanish and/or French is desirable.
 - (b) Advanced law degree in international environmental law. A first level university law degree, preferably from a common law jurisdiction, supported by demonstrated experience in the field of environmental law, may be accepted in lieu of an advanced degree
 - (c) Knowledge of common, civil and international laws related to the declaration of a state of emergency in natural disaster circumstances, disaster emergency and risk management, budget appropriation and execution.
 - (d) Thorough knowledge and understanding of institutional and policy issues pertaining to the declaration of a state of emergency in natural disaster circumstances, disaster emergency and risk management, budget appropriation and

execution

- (e) Excellent research, analytical and writing skills
- (f) Prior experience preparing reports and studies, preferably on comparative law and policy related issues, for international organizations, such as the World Bank, U.N., or O.A.S.

[Comments in brackets [] provide guidance to the consultants for the preparation of their Technical and Financial Proposals; they should not appear on the Proposals to be submitted.]

Contact Information

Name:	
If Applicable, Institutional Contact Name:	
Address:	
Country:	
Telephone:	
Fax:	
Email:	
Website:	

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Project Summary:

[An abstract of the Proposal (200 words or less) must be submitted in English.]

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Project description (Maximum four pages):

A. Consultant's experience (one page)

[In the case of natural individuals a brief description of their background and experience; for in firms a description of the background and experience of the entity and each associate for this assignment]

B. Description of Approach, Methodology and Work Plan for Performing the Assignment

[Technical approach, Methodology and Work Plan are essential. It is suggested that the Technical Proposal (4 pages, inclusive Form 1, charts, and diagrams) be divided into the following three chapters:

a. Technical Approach and Methodology

Explain your understanding of the objectives of the assignment, approach to the services, methodology for carrying out the tasks and obtaining the expected deliverables. You should highlight the problems being addressed and their importance, and explain the technical approach you would adopt to address them.

b. Work Plan

Propose the main activities of the assignment, their content and duration, phasing and interrelations, milestones (including interim approvals by the DSD), and delivery dates of the reports. The proposed work plan should be consistent with the technical approach and methodology, showing understanding of the TOR and an ability to translate them into a feasible working plan. A list of the final documents, including reports, drawings, and tables to be delivered as final output, should be included here. The work plan should be consistent with the Work Schedule of Form 1.

c. Organization and Staffing (applicable only for firms)

Propose the structure and composition of your team. You should list the main disciplines of the assignment, the key expert responsible, and proposed technical and support staff.]

Form 1: Work Schedule					
(Consultancy is expected to last no more than three (3) months)					
N°	Task/Deliverables ¹	Months ²			
		1	2	3	n
1					
2					
3					
4					
5					
6					
n					

- 1 Indicate all main Task of the assignment, including delivery of reports (e.g.: draft, and final reports), and other appropriate benchmarks. For phased assignments indicate activities, delivery of reports, and benchmarks separately for each phase.
- 2 Duration of activities shall be indicated in the form of a bar chart.

N°	Description ¹	Unit	Unit Cost ²
	Remuneration	Staff-month Rate	
	Per diem allowances	Day	
	International flights ³	Trip	
	Miscellaneous travel expenses	Trip	
	Communication costs between [<i>Insert place</i>] and [<i>Insert place</i>]		
	Drafting, reproduction of reports		
	Equipment, instruments, materials, supplies, etc.		
	Local transportation costs		
	Office rent, clerical assistance		

1 Delete items that are not applicable or add other items as needed.

2 Indicate unit cost in US Dollars.

3 Indicate route of each flight, and if the trip is one- or two-ways.

Attachment No. 3: Terms of Reference Comparative Analysis of Existing International Legal-Institutional Frameworks

I. Background and Project Description

The current legal and institutional frameworks in the Caribbean limit the ability of governments to respond to natural disasters. These nations lack relevant state of emergency legislation and an institutional framework capable of mobilizing executive powers in the aftermath of a disaster. The Department of Sustainable Development of the Organization of American States (OAS-DSD) with funding from the World Bank will execute the Caribbean Emergency Legislation Project (CELP). The CELP aims to raise awareness among government decision makers and make recommendations, to improve legislative channels and administrative procedures during, and immediately after, the occurrence of a natural disaster.

The proposed project will (1) conduct a study to improve the legal and institutional frameworks related to state of emergency and budget appropriation powers; and (2) conduct national and regional outreach and validation of findings.

The main output of this project will be a set of recommendations for the implementation of clear and transparent procedures triggered under a state of emergency. They will define government powers and responsibilities during these times, with particular emphasis on the emergency declaration and the governance aspects of emergency budget appropriation and budget execution.

II. Scope of Work

The Consultant will provide services to support Component 1 of the CELP - **“Study to improve legal and institutional frameworks related to state of emergency powers and budget appropriation”**

More specifically, the Consultant will be responsible for conducting a comparative analysis of existing legal and institutional frameworks for emergency response, in civil and common law countries around the world, with special attention to countries of the Americas (North, Central and South). The objective of this analysis is to ascertain whether parts of these frameworks could serve as models or provide foundations for an improved legal and institutional framework in the Caribbean, considering current legislative and administrative gaps.

The comparative analysis will focus on the legal and institutional frameworks related to state of emergency, and budget appropriation and execution by governments in emergency situations. In particular, the consultant will identify key provisions, at the constitutional and supplementary level and in international legal instruments, assessing their scope, operability and success. Additionally, the consultant will identify key legislative and administrative provisions that could benefit the Caribbean region and improve accountability in disaster management.

Further, the consultant will take into account the assessments of the legal and institutional frameworks of Caribbean countries related to state of emergency (the Study) produced under the Project. In particular the consultant will assess how the successful implementation of key legislative and administrative provisions in other regions could benefit, and be successfully replicated in the Caribbean, considering current legislative and administrative gaps.

The analysis should clearly outline the following:

- (1) Key legislative and administrative provisions at the constitutional and supplementary levels in countries around the world, and in international legal instruments, related to state of emergency and budget appropriation and execution; and an assessment of their scope, operability, and success;
- (2) A comparison and contrast of the legal and institutional frameworks in countries around the world referred to

in paragraph (1), with the legal and institutional frameworks in the Caribbean, to ascertain the best approach for improving the legal and institutional framework in the Caribbean, considering current legislative and administrative gaps

- (3) The identification and assessment of the effectiveness of legal and administrative provisions in countries around the world, and in international legal instruments, related to channels of responsibility during a state of emergency; and an assessment of their replicability in the Caribbean.
- (4) A set of best practices and recommendations for Caribbean legal and institutional frameworks based on the comparative study.

III. Duration, Payment and Deliverables

The contract will have a duration of three (3) months. The maximum compensation for this contract is **Six Thousand United States Dollars (US\$6,000.00)**. Payments will be authorized based on the satisfactory presentation by the consultant to the Project Coordinator and the Senior Legal Specialist, of the following deliverables:

The first payment will be due upon presentation by the consultant of the following:

- Written draft of the key legislative and administrative provisions at the constitutional and supplementary levels in countries around the world, and in international legal instruments, related to state of emergency and budget appropriation and execution; and an assessment of their scope, operability, and success
- A matrix of key legislative and administrative provisions accurately citing the frameworks, in addition to giving a brief description of their scope, operability and replicability;

The second payment will be due upon presentation by the consultant of the following:

- A draft of the:
 - comparison and contrast of the legal and institutional frameworks in countries around the world with the legal and institutional frameworks in the Caribbean, to ascertain the best approach for improving the legal and institutional framework in the Caribbean, considering current legislative and administrative gaps
 - assessment of the effectiveness of legal and administrative provisions in countries around the world, and in international legal instruments, related to channels of responsibility during a state of emergency; and an assessment of their replicability in the Caribbean
 - best practices and recommendations for Caribbean legal and institutional frameworks

The third payment of will be due upon presentation by the consultant of the following:

- First draft of the completely composed comparative analysis.

The fourth and final payment of will be due upon presentation by the consultant of the following:

- Final draft of comparative analysis including the above deliverables and incorporating any comments or revisions provided by the OAS-DSD.

The General Secretariat of the Organization of American States will make the payments either by wire transfers to the consultant's bank account or through the OAS Office in the country of the consultant. The taxes and expenses incurred by the consultant will be responsibility of the consultant.

IV. Selection Criteria

The consultant will be chosen through a competitive process and selected on the basis of their demonstrated qualification for the assignment. The selection process will be conducted by a committee comprising of designated OAS-DSD and World Bank personnel.

The criteria that will be used for selection are the following:

- (i) Consultant's experience: (40%)
- (ii) Methodology: (30%)
- (iii) Key personnel¹: (20%)
- (iv) Participation of Nationals: (10%)

V. Supervision

The Consultant will be responsible to the Senior Legal Specialist, Chief of the Environmental Law, Policy and Good Governance Division in the Department of Sustainable Development of the General Secretariat of the Organization of American States ("GS/OAS/DSD") through the Project Coordinator.

VI. Intellectual Property Rights

The consultant shall not have any title, patent, or other proprietary rights in any document or software developed with funds provided by GS/OAS under this consultancy. All such rights shall lie with GS/OAS. The Consultant shall deliver such documents and/or software to the DSD-OAS in accordance with the terms of the consultancy.

¹ In the case of a consulting firm.