



Ministry of Finance and Treasury
Republic of Maldives

Maldives: Public Financial Management Systems Strengthening Project

Terms of Reference for

**Local Legal Consultant for Legal Drafting based on the Review of the Public Sector
Finance Legal Framework of the Maldives**

[RFP No: PSSP/1.1/C/02-4]

I. Background

The Government of Maldives (GoM) received financing from the International Development Association (IDA) of the World Bank towards the cost of the proposed Maldives PFM Systems Strengthening Project (PSSP). The proposed PSSP will be implemented by the Ministry of Finance and Treasury (MoFT). The objective of the proposed PSSP is to enhance budget credibility, transparency, financial reporting and controls of central government finances. The PSSP includes provision of technical advisory services, goods, and training to:

- Strengthen the legislative and institutional framework for PFM;
- Support the MoFT to establish a sound medium-term macro fiscal framework;
- Strengthen capacity of MoFT staff to manage debt;
- Strengthen the public accounting system; and
- Improve the controls of central government finances.

The PSSP became effective in 17th August 2014. With agreement from IDA/World Bank, MoFT is initiating procurement as rapidly as possible for a number of key services which if necessary will be financed retroactively from Project funds. These key services involve providing an appropriate substantive framing of the project and implementation support. As such, an international legal consultant was hired for the review of legal framework and to identify the gaps, overlaps, inconsistencies and other legal issues in relation to the public finance management. This local consultancy for legal drafting based on the review of the legal framework by the international legal consultant falls under these key services.

II. Objective of the Drafting

The objective is to provide comprehensive bills of amendments to the existing laws and if required, new bills to cater the gaps, overlaps, inconsistencies, and other issues which had been addressed in the review of the international legal consultant. The drafting process is expected to be closely supervised by Legal Affairs of MoFT throughout the period of this consultancy.

III. Scope of Work

The consultant shall carry out the following tasks.

- **Drafting Amendments and Bills** - The consultant shall draft all necessary amendments and, if required new bills (laws) based on the recommendations and drafting guidelines provided by the international legal consulting consultant. The drafting shall be in the following order:



- Provide first drafts to the Project Management Unit (PMU) within the time frame allocated to the specific amendment of laws or new bills;
 - Incorporate the comments received from the relevant stakeholders and submit the final draft within the time frame allocated to the specified amendment or laws.
- **Consultation with stakeholders** - The consultant shall consult with the legal Affairs of MoFT and heads of other relevant divisions within the MoFT, as well as other stakeholders outside of MoFT such as the Attorney General's office in the process of drafting.

IV. Timeframe

The expected time frame is 90 days.

V. Deliverables

The following deliverables are expected from the consultant to fulfil the terms of the contract:

- Review and draft requested amendments to the following laws; and
 - Public Finance Law
 - Fiscal Responsibility Law
 - Decentralization Law
 - Privatization and Corporatization Law
 - Tax Administration Law
 - Pay Policy Bill
- Draft new laws, if required, from the recommendations and drafting guidelines provided by the International legal consultant.

VI. Logistical Arrangements

MoFT will provide space in its offices for the consultant to work as well as administrative support in accessing documents and setting up meetings.

VII. Qualifications and Experience

The consultant shall be a lawyer with the following qualifications and experience.

Minimum Bachelor of Laws (LLB);

And

Minimum 10 years of relevant experience required for carrying out the TOR's tasks. Experience must include (i) a legal background, (ii) experience in drafting laws and (iii) working on issues related to public financial management. Good writing skills in both English and Dhivehi language are necessary.

VIII. Remuneration

Remuneration will be time – based and paid an all-inclusive daily fee which is to be determined, based on qualification and experience.