

Consulting Services for the Access to Justice Project in Benin

Background

On February 22, 2006 the Millennium Challenge Corporation (www.mcc.gov) signed a five-year, \$307 million Compact with Benin. The Compact aims to increase investment and private sector activity.

The compact is comprised of four projects:

- Increasing access to land through more secure and useful land tenure;
- Expanding access to financial services through grants given to micro, small, and medium enterprises;
- Providing access to justice by bringing courts closer to rural populations; and
- Improving access to markets by eliminating physical and procedural constraints currently hindering the flow of goods through the Port of Cotonou.

The \$34 million Access to Justice Project is in the process of:

- Training judges and personnel to strengthen oversees the Inspector General Office;
- Establishing a public Information Legal Center;
- Providing legal aid to the poor through NGOs;
- Constructing new courthouses;
- Expanding the Arbitration Center of the national Chamber of Commerce; and
- Improving the Business Registration Center

Further details available on MCC's Compact with Benin available at <http://www.mcabenin.bj/>

Objective

The Millennium Challenge Corporation seeks an individual consultant to provide managerial and implementation support to MCA-Benin's Access to Justice Project team in Cotonou, Benin during a critical period for project implementation.

The project aims to address the inadequate physical and institutional infrastructure of the judicial system, a major obstacle to Benin's economic growth. Archaic laws, few and insufficiently trained judges, insufficient administrative capacity, and poor access to legal information combine with few and old courthouses to deny access to justice to many Beninese. Naturally, the obstacle of slow, costly, and uncertain justice stifles business creation and expansion as well.

The Project includes the following activities:

- Improved services of courts including capacity building and training for judges, court personnel, legal aid, and Inspection General Service; creation of a Legal Information Center; development of a public awareness campaign; and the construction of nine new courthouses.
- Support for the expansion of the Center of Arbitration, Mediation and Conciliation at the Chamber of Commerce; and

- Improvement of the Business Registration Center (*Guichet Unique*);

These activities require substantial coordination with stakeholders and partner entities such as the Ministry of Justice, the Chamber of Commerce and Industry, etc. The project is multifaceted and includes multiple-step processes of studies, analysis, procurement and contracting, oversight, and public consultation, all of which must be undertaken within a tight schedule with little margin for error. The project also involves multiple disciplines of reform, construction and construction management, and institutional framework analysis, all of which must be managed in parallel.

Tasks

- Support and assist MCA-Benin in the management of the Access to Justice Project in order to ensure the project goals and objectives are met within the time allowed under the MCC grant agreement (Compact).
- Ensure the satisfaction of necessary conditions precedent to project activities.
- Support MCA-Benin in coordination with project stakeholders, partners, and contractors.
- Ensure MCA-Benin's work plan, budget, and procurement plan are coherent and can be feasibly undertaken within the time frame remaining in the Compact and that key conditions precedent are accounted for in the planning and execution of activities.
- Review and assess project management documents produced by MCA-Benin for reasonableness and accuracy
- Assist MCA-Benin in refining project management documents to better serve the project's timely implementation
- Assist MCA-Benin in preparing Terms of Reference for contracting, and in managing contracts in place
- Ensure that documents are produced and shared with relevant parties within an acceptable time frame, and that all necessary steps are undertaken according to a reasonable time line with enough anticipation and foresight to ensure that the goals and objectives of the program are met.
- Provide reports to MCC that fulfill its implementation oversight requirements

Timing and Deliverables

The consultancy is expected to take place over 6 to 9 months with a total level of effort of approximately 3 to 4 months, with the possibility of additional months. The consultant is expected to spend an initial period of approximately twenty-five days in Cotonou. One or more subsequent visits to Cotonou of shorter duration are anticipated. Once management systems are better established the consultant is expected to maintain regular contact and communication with MCA-Benin by phone and email while working part-time. Few deliverables are required from the consultant such as reports and analyses. However, a brief monthly report is required which will detail activities undertaken, goals for the coming month, risk analyses or discussion of factors that may impede the successful execution of upcoming activities as well as proposed risk mitigation activities. The real deliverables are the deliverables required of MCA-Benin. These include reasonable, coherent, and effective work plans, budgets, procurement plans, as well as the faster and more efficient management of ongoing project activities. As such, the consultant's performance will be analyzed on the basis of the effectiveness of the Access to Justice project as a whole: faster and more efficient implementation of the project, better mitigation of risks, better anticipation of and planning for upcoming activities, and similar.

Initial report: Within 30 days after contract signature, the consultant will evaluate the credibility of the work plan for each Project component and will propose at least one benchmark to serve as a guide for acceptable progress. (First draft of a work plan for validation by the contractor will be provided upon contract signature.) The consultant will provide a brief report 45 days after contract signature on the feasibility of completion of project components (e.g., construction of courthouses) by the end of the Compact for each component.

Exceptional reporting: The consultant will also be expected to promptly recommend termination of any of the components of the Justice program if it appears for any reason at any time that successful completion of the program is not feasible within the term of the Compact.

Resources Required

The consultant is expected to provide for him/herself suitable lodging and transportation in Cotonou, Benin and provide his/her own office equipment and software for communication and coordination with MCA-Benin and MCC. The consultant is expected to work in the MCA-Benin office, where office space and furniture will be made available. An email account can be provided for the consultant by MCA-Benin.

Qualifications of the Consultant

The consultant is expected to be a lawyer with extensive experience in francophone Africa implementing and overseeing complex, multifaceted development projects (preferably law reform projects) under budgetary and calendar constraints. The consultant should have experience with contracting for consultant services, as advice in this area will be of value to MCA-Benin. Any additional experience involving construction and construction oversight is desirable.

The consultant must be an effective user of project management software, word processing software, and spreadsheet/budget software with a proven record of using these software tools to track, monitor, plan, and execute complex projects.

The consultant must have fluent French and nearly fluent English capabilities. While work will take place in a Francophone environment, the ability to communicate effectively and clearly with Anglophone staff in Washington DC is imperative. Experience producing complex reports and analyses in French and/or English is essential

Selection Criteria

1. Management experience with proven experience advancing complex, multi-faceted projects in a francophone African environment:
2. A law degree and/or experience in the management and delivery of legal technical assistance in a francophone African environment:
3. Experience with OHADA law in the context of foreign development assistance programs:
4. Language/Writing ability: fluent French and nearly fluent English are mandatory:

Please email your resume, with adequate information to determine your qualifications relative to the evaluation factors listed above, to recruitment@mcc.gov and include "Access to Justice" in the subject line.

This announcement closes Friday, February 13, 2009.

The MCC is an equal opportunity employer.