

**RULES**

**CONCERNING**

**THE ENGAGEMENT AND USE**

**OF INDIVIDUAL CONSULTANTS**

VERSION CONTROL		
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## A. INTRODUCTION

1. These *Rules Concerning the Procedures for the Engagement and Use of Individual Consultants* (these “*Rules*”) are issued in accordance with the provisions of: (i) Article 10 of the Agreement on the Establishment of the Global Green Growth Institute (GGGI) relating to the functions of the Director-General; (ii) Regulation 5.6 of the Staff Regulations approved by the Council with an effective date of January 1, 2015, relating to the authority of the Director-General (D-G) to engage consultants, individual contractors, interns and other personnel under such terms and conditions as the D-G may determine; and (iii) Regulation 2.1 of the Procurement Regulations approved by the Council with effect from January 1, 2015, which empowers the D-G to establish and enforce such procurement rules as he considers necessary in order to implement the Procurement Regulations.
2. These Rules constitute the procurement rules applicable to the acquisition and use of individual consultants to provide services to GGGI whether from core or earmarked funds and whether for programmatic or non-programmatic activities.
3. These Rules do not apply to the procurement of goods or to the procurement of works or to the procurement of services from any entity other than an individual, which are governed by other procurement rules. These Rules also do not apply to the recruitment and use of Individual Contractors (“*ICA Holders*”) engaged under Individual Contractor Agreements entered into between the Individual Contractor and the United Nations Office for Project Services (UNOPS) at the request of GGGI.
4. An implementation manual for these Rules (the “*Implementation Manual*”) will be prepared, disseminated and revised from time to time by the Human Resources Services Unit.

## B. DEFINITIONS

5. In these Rules, the following terms shall have the meanings indicated below:
  - a. “*Assignment*” means the specific work that GGGI has contracted to the Consultant.
  - b. “*Consultant*” or “*Individual Consultant*” means an individual external expert whom GGGI engages by contract for a defined period to provide specific services.
  - c. “*Consultant Roster*” means the pre-screened pool of prospective Individual Consultant candidates that is compiled and maintained by GGGI in accordance with established procedures.
  - d. “*Consultant Application*” means a prospective Individual Consultant’s completed application form and comprehensive curriculum vitae (CV) and includes, where applicable,

any technical proposal submitted by the Consultant.

- e. “*Contract*” means the agreement between GGGI and the Consultant specifying the terms and conditions under which the Consultant shall perform the services.
- f. “*Deputy Director General*” means the officer then serving as Deputy Director-General of Management & Administration of GGGI or his/her designated Officer in Charge or, if the office is vacant, the designated Acting Deputy Director-General.
- g. “*Head of Human Resources*” means the officer then serving as Head of Human Resources Services of GGGI or his/her designated Officer in Charge or, if the office is vacant, the designated Acting Head of Human Resources.
- h. “*Nationally Engaged Assignment*” has the meaning given to such term in the Implementation Manual.
- i. “*Internationally Engaged Assignment*” has the meaning given to such term in the Implementation Manual.
- j. “*Staff*” has the meaning given to such term in the Staff Regulations and Staff Rules of GGGI, as revised from time to time.
- k. “*spouse*” has the meaning given to such term in the Staff Regulations and Staff Rules of GGGI, as revised from time to time.

## C. PURPOSE

- 6. The purpose of these Rules is to define the policies and procedures for the selection, contracting, management and monitoring of individual consultants in line with the guiding principles of (i) promotion of GGGI objectives, (ii) need for high-quality services, (iii) fairness, integrity and transparency, (iv) economy and efficiency and (v) value for money.
- 7. These Rules aim at efficiency and economy in the acquisition of individual consultants and in the performance of such contracts.
- 8. The principles and objectives set out in paragraphs 6 and 7 above shall serve as the basis for the application and interpretation of these Rules.
- 9. These Rules gives express authority, in matters of selection, contracting, management and monitoring of Individual Consultants by GGGI, to the Human Resources Services Unit acting under the oversight of the Deputy Director-General for Management & Administration.

#### **D. ELIGIBILITY**

10. Staff or ICA Holders or other individuals who have had a contract with GGGI terminated for cause or leave the service of GGGI as a result of disciplinary sanctions or in circumstances that call into question their personal integrity may not be engaged as Consultants.
11. Subject in all cases to paragraph 10 above, Staff or ICA Holders who leave the service of GGGI upon expiry of their appointment or contract, by mutual agreement or by resignation shall be eligible for recruitment as an Individual Consultant, commencing from the date six (6) months after their departure from the service of GGGI; provided, that no such individual shall be engaged to perform the same function performed prior to leaving the service of GGGI.
12. An individual who bears any of the following relationships to a Staff, ICA Holder or Individual Consultant may not be engaged as a Consultant: spouse, father, mother, son, daughter, brother or sister.
13. A government official or civil servant may only be hired as a Consultant if he or she: (i) is on leave of absence without pay; (ii) is not being hired for an Assignment that would place the individual in the agency he/she worked for immediately before going on leave; and (iii) his or her engagement would not create a conflict of interest, as determined by GGGI in its sole discretion.
14. Persons participating in political activities, such as standing for election or holding a political office may not be engaged as Consultants. It being understood that an individual expressing political preferences by exercising the right to vote shall not be considered political activity for purposes of these Rules.
15. These Rules require that Consultants provide professional, objective and impartial advice and services and at all times hold GGGI's interest paramount, without any consideration for future work, and that, in providing advice and services they avoid conflicts with other assignments and their own interests. As a result, Consultants shall not be hired for any Assignment that GGGI in its sole discretion determines would be in conflict with their prior or current obligations to other clients or may place them in a position of being unable to carry out the Assignment in the best interest of GGGI.

#### **E. GENERAL CONDITIONS**

16. Individual Consultants may be engaged for assignments for which (i) teams of personnel are not required, (ii) no additional outside professional support is required and (iii) the experience and qualifications of the individual are the paramount requirement. When for any particular assignment, coordination, administration or collective responsibility may become difficult because of the number of individuals required to be engaged to undertake the assignment, a

firm should be employed under the *Procurement Rules for the GGGI*, as the same may be revised from time to time.

17. Consultants may be engaged by GGGI to perform a range of tasks from those involving highly specialized work to those involving more routine services, including tasks that are normally undertaken by Staff, non-Staff tasks and tasks aimed at delivering specific outputs.
18. The Contract shall clearly define the scope of the work to be performed by the Consultant, expected outputs, achievements, deliverables, responsibilities and delivery timelines.
19. Consultants shall provide the necessary documentation to establish their eligibility, qualifications and experience.
20. The duration of a Consultant's Assignment shall not exceed three hundred and sixty-four (364) days. The Deputy Director-General may grant a waiver for the engagement of a Consultant for one additional period not exceeding three hundred and sixty-four (364) days, if the Deputy Director-General determines that there are valid reasons for such an exception. The documents used in justification and approval of the waiver must be compiled and maintained by Human Resources in order to enable post reviews to ascertain the merits of the waivers. No further extensions or renewals shall be allowed.
21. Individual Consultants shall have the legal status of an independent contractor vis-à-vis GGGI, and shall not be regarded, for any purpose, as a staff member of GGGI under the Staff Regulations and Staff Rules of GGGI. Accordingly, each Contract shall explicitly indicate that nothing within or relating to the Contract shall be interpreted as establishing a relationship of employer and employee, or of principal and agent, between GGGI and the Individual Consultant.
22. Although the Consultants shall not have the status of a GGGI staff member, during the term of their Contracts, the Consultants shall be obligated, pursuant to the terms of the Contracts, to comply with the standards of conduct set forth in the GGGI Code of Conduct, the Financial Regulations and Rules, the Procurement Regulations and Rules, and other regulations, rules, directives, policies, guidelines, procedures and/or instructions of GGGI, as the same may be amended from time to time. Further, each Individual Consultant shall be required to complete and submit to GGGI declarations referenced in the Code of Conduct. For purposes of their respective Contracts, all references to Staff in the Code of Conduct, the Declarations form, the Financial Regulations and Rules, the Procurement Regulations and Rules and other regulations, rules, directives, policies, guidelines, procedures and/or instructions of GGGI shall be indicated to be construed to refer to both Staff and Individual Consultants.
23. The Contracts with Individual Consultants shall acknowledge that all writings, reports, products, processes, inventions, models, ideas, know-how, documents and other materials, whether or not patentable, or subject to copyright or trademark or trade secret protection, conceived, developed, produced or deliverable by the Consultant, whether alone or jointly with others, in connection with or pursuant to the relevant Contract is the sole and exclusive property

of GGGI.

24. Delivery-based contracts may be appropriate for assignments in which the content and the duration of the services and the required output of the Consultant is clearly defined, with the payment schedule linked to outputs (deliverables). Payments shall be based on agreed daily rates or as otherwise permitted in the Implementation Manual and, in some circumstances, reimbursable items using actual expenses where explicitly provided in the related Contract. The Contract should include as a ceiling the maximum amount of total payments to be made to the Consultant.
25. Time-based contracts may be appropriate when it is difficult to define the scope or length of services, either because the services are related to activities by others for which the completion period may vary or because the input of the Consultant required to attain the objectives of the assignment is difficult to assess, with payments based on agreed daily rates and, in some circumstances, reimbursable items using actual expenses where explicitly provided in the related Contract. The Contract should include as a ceiling the maximum amount of total payments to be made to the Consultant.

## **F. PROCEDURES FOR SELECTION**

26. Further to paragraphs 6 and 7 above, the overriding guiding principle to be respected in the selection of Individual Consultants is the engagement of the highest quality services through a selection process where equal opportunity is afforded to prospective Consultants possessing the requisite qualifications.
27. Individual Consultants shall be selected on the basis of their professional and technical qualifications, their Proposal and, where applicable, the cost of the services to be provided, and any potential conflicts of interest should be taken into account.
28. In the process of selecting an Individual Consultant, the Human Resources Services Unit and the user Department or Unit shall ensure a competitive selection process. The competitive selection process can take several forms, including (i) the evaluation of individuals identified from the Consultant Roster, (ii) through the advertisement of assignments, (iii) through requests for proposals or (iv) through any other appropriate means.
29. The Consultant Roster should be utilized as a means of providing easy access to a screened pool of individuals with relevant qualifications and track records. Candidates maintained on the Consultant Roster should be pre-screened for qualifications, references and prior work experience, in accordance with established procedures.
30. For assignments that are advertised or for which requests for proposals are issued, the deadline for submission of applications and/or proposals, as applicable, shall be set out in the Implementation Manual. The Human Resources Services Unit shall put in place the required mechanisms and take all necessary measures to ensure a wide dissemination of information on

individual consultant opportunities, through publication of notices for acquisition of consultancy services for the Consultant Roster or for assignments in order to elicit expressions of interest from prospective consultants.

31. The selection procedures and criteria for the evaluation of Proposals, for the selection of candidates from the Consultant Roster and/or for the evaluation of the short-list of qualified candidates, shall all be detailed in the Implementation Manual. All selection procedures shall begin with a technical evaluation, independent of any financial considerations.
32. The user Department or Unit shall form an evaluation committee in accordance with the provisions of the Implementation Manual that includes a representative from the Human Resources Services Unit, to examine candidates selected from the Consultant Roster or obtained through advertisement or other appropriate means.

#### **G. DIRECT ENGAGEMENT**

33. In certain circumstances it may become necessary to engage a Consultant directly without resorting to the selection process outlined in section F above. Direct engagement is discouraged and should be used only in exceptional situations. Apart from the absence of the benefits of competition in terms of technical quality and cost, the selection of Individual Consultants through direct negotiation lacks transparency and carries the risk of irregularities. In considering the merits of any proposal for direct engagement, the overall interests of GGGI and the principles of economy and efficiency shall be taken into account so as to provide, to the greatest extent possible, equal opportunity for prospective consultants possessing the required qualifications. Direct engagement is acceptable only where it presents a clear advantage over a competitive selection process in cases where:
  - a. an emergency situation requires prompt action and it has been demonstrated that direct engagement will significantly reduce the time to contract;
  - b. an assignment requires a single source of expertise and the prospective Consultant is the sole source of the requisite qualifications or has unique experience for the assignment; or
  - c. assignments which are a continuation of activities undertaken by the Consultant concerned, where the initial Contract was awarded following a competitive selection process and the Consultant's performance has been assessed as satisfactory.
34. For the exceptional cases listed under paragraph 33 above, the user Department or Unit shall submit a proposal for exceptional recruitment of a specified consultant for approval in line with the Delegation of Authority then in effect. These exceptional requests shall be properly justified. The Deputy Director-General for Management & Administration shall be informed of all such exceptional cases, and shall conduct a *post* review of the consultant recruitment.

35. Notwithstanding this Section G or anything to the contrary in these Rules, the Director-General

may authorize the direct engagement of an Individual Consultant to undertake an assignment of a compelling confidential nature.

#### **H. REMUNERATION OF INDIVIDUAL CONSULTANTS**

36. The Human Resources Services Unit shall establish a fee scale for Individual Consultants based on the base salary scales of the applicable GGGI grades corresponding to the nature of the Assignment and taking into account market conditions in the location of the Assignment and other relevant factors. The placement on the fee scale of a Consultant for a particular assignments shall take into account similar factors considered for determining the salary point on the salary scale for GGGI Staff.
37. All fees for Individual Consultants shall be denominated and paid in United States Dollars, except where explicitly prohibited by applicable law and provided for in the relevant Contract.
38. Individual Consultants undertaking official travel for GGGI shall be subject to the provisions of GGGI's Travel Policy and any and all related guidelines, and shall be treated similarly to GGGI Staff with regard to travel authorization, travel arrangements, standards of transportation and accommodation, daily subsistence, terminal allowances and miscellaneous expenses.

#### **I. LEVELS OF SIGNATURE AND APPROVAL**

39. The approval and signature of Contracts and the modification of Contracts shall be in accordance with the Delegation of Authority then in effect.

#### **J. ROLES AND RESPONSIBILITIES**

40. The Human Resources Services Unit shall be responsible for implementing these Rules, as well as preparing and disseminating the Implementation Manual.
41. Organizational units shall at six-monthly intervals provide a detailed report on all the Consultant recruitments carried out during the six-month period. This detailed report shall be submitted to the Human Resources Services Unit, in accordance with the format prescribed in the Implementation Manual.
42. The Human Resources Services Unit shall be authorized to prepare fee scales for Individual Consultants on the basis of the comparable GGGI Staff salary scales and on the basis of surveys and/or studies.
43. The Human Resources Services Unit shall be responsible for ensuring that the terms and conditions of the Contracts meet the needs of GGGI and reflect market trends.

44. The Deputy Director-General for Management & Administration shall be responsible for (i) undertaking an annual *post* review of Consultant recruitment processes and (ii) preparing a report on this review, with recommendations, for the attention of the Director-General. The *post* review shall, in particular, include information on exceptional recruitments, Contract modifications, geographic diversity of Consultants, average fees, performance, problems encountered and recommended solutions, as well as any ongoing initiatives relating to the recruitment of Individual Consultants.
45. User Departments and Units shall be responsible for ensuring compliance with the provisions relating to eligibility and the general conditions for individual consultancy services, as described in these Rules, as well as compliance with the procedures for recruitment of Individual Consultants, as shall be detailed in the Implementation Manual.
46. The User Department or Unit, shall carry out an evaluation of the performance of all Consultants in accordance with the performance evaluation process established by the Human Resources Services Unit. The evaluation shall be entered into GGGI's enterprise resource planning (ERP) system and consulted during future recruitment processes.
47. The Legal Services Unit shall be responsible for preparing and maintaining the standard contract templates for individual consultancy services to be used by the user Departments and Units and the Human Resources Services Unit. Any amendments to the provisions of a standard contract template that involve changes to legal or risk management terms shall be referred to the Legal Services Unit for prior approval.
48. The Financial Services Unit shall be responsible for processing the payment of Consultants, after approval by the user Department or Unit, and validation by the Human Resources Services Unit.
49. The Office of Internal Audit Integrity shall take necessary measures for the conduct of *ad hoc* audits of the recruitment of Individual Consultants.

## **K. HANDLING OF COMPLAINTS**

50. Complaints of alleged non-compliance by GGGI with the provisions of these Rules shall be submitted in writing to the Head of Human Resources Services and contain a detailed statement of the grounds for the complaint and an explanation of how the complainant was prejudiced. Upon receipt, the Head of Human Resources Services shall, in consultation with the concerned user Department or Unit and Legal Services, examine the complaint and gather the key facts of the case and shall issue its opinion together with recommendations and measures to be taken, and shall inform the Division Head of the Department or Unit concerned. If the complaint is determined by the Human Resources Services Unit to be valid, it shall inform the Deputy Director-General for Management & Administration of the same, who shall examine the facts, the Human Resources Services opinion and other relevant information and make a final decision which shall be final and binding and communicated to the complainant.

## **L. FINAL PROVISIONS**

51. These Rules repeals and replaces any previous rules, guidelines and guidance on its subject matter and, in particular, the *Individual Consultants Policies and Procedures*. To the extent of any inconsistency between the rules and procedures set out in these Rules and any existing rules, guidelines or guidance, including the *Procurement Rules for the GGGI*, these Rules' rules and procedures supersede and replace the contrary provisions of such rules, guidelines and guidance solely to the extent of the inconsistency.
52. These Rules may be amended, modified or repealed, in whole or in part, by the Director-General at any time.

## **M. ENTRY INTO FORCE**

53. These Rules shall enter into force on its date of approval by the Director-General.