

REQUEST FOR PROPOSALS

Republic of Latvia

**Project “Strengthening Capacity of Institutions in Charge of
Fighting Corruption”**

**Effectiveness of Legal Framework on Pre-election
Campaigning**

Grant Number TF 053946

SECTION 1. LETTER OF INVITATION

Dear Dr. Roper,

The Republic of Latvia has received a grant from the International Bank for Reconstruction and Development (hereinafter the Bank) towards the cost of the project “**Strengthening Capacity of Institutions in Charge of Fighting Corruption**” and intends to apply a portion of this loan to eligible payments under this Contract.

Corruption Prevention and Combating Bureau in Latvia is an implementing institution of the project and therefore is announcing a selection of individual short-term consultant to provide the following consulting services “**Effectiveness of Legal Framework on Pre-election Campaigning**”.

More details on the services are provided in the attached Terms of Reference.

A consultant will be selected under Selection of Individual Consultants (IC) and procedures described in the “Guidelines: Selection and Employment of Consultants by World Bank Borrowers”, published by the Bank in January 1997 (revised in September 1997, January 1999 and May 2002) paragraph 5, available on the web page: www.worldbank.org.

The Request for Proposals includes the following documents:

Section 1– Letter of Invitation

Section 2 – Terms of Reference

Section 3 - Standard Form of Contract

According to the Guidelines of World Bank we urge you to send your *curriculum vitae* and application letter with information on the experience and competence relevant to the assignment according to requirements specified in the Terms of Reference.

Application deadline is 15 days after receiving this notice.

The address to send information to the Client is:

Ms. Dace Timane
Senior Specialist
Public Relations and International Cooperation Division
Corruption Prevention and Combating Bureau in Latvia
Alberta Street 13,
Rīga, LV – 1010, Latvia
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+ 371 7356161
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E-mail: dace.timane@knab.gov.lv

SECTION 2. TERMS OF REFERENCE

“Effectiveness of Legal Framework on Pre-election Campaigning”

Background information

The contracting unit for this project is Corruption Prevention and Combating Bureau in Latvia (CPCB). The idea of this project is to assess effectiveness of legislation in place and to establish effective legal framework regarding participation in pre-election campaigns in Latvia. That would contribute to recognizing links between politicians and their financial supporters as well as assist in creating transparent party financing.

Currently, regulations on pre-election campaigns are stipulated by the law “On Pre-election Agitation before the Elections of the Saeima and European Parliament” (adopted in 1995) and the law “On Pre-election Agitation before the Elections of Municipalities” (adopted in 1994). A number of amendments have been adopted in the legislation since then. One of the objectives was to ensure that all political organisations shall have equal rights in placing agitation information in public places. Further, it was also established that no information on results of public surveys is to be broadcasted on the National Television and Radio on the Election Day which reflects data on popularity of a political party or an individual running for the Parliament. It was also decided to extend the authority of municipalities giving the rights for municipalities to point locations for placing agitation materials.

Regulations on financing of political parties are stipulated by the law “On Financing of Political Organisations” effective from 1995 and that includes also provisions on pre-election agitation. Crucial changes were introduced along with the latest amendments in the law “On Financing of Political Organisations” adopted by the Parliament in 2004. At present that pre-election expenditures shall not exceed 0.20 Ls (0, 14 EUR) per voter in previous elections. This amount is claimed to be not sufficient in informing the society about a political party/organization. It was also confirmed during the joint initiative of the CPCB and Public Policy Centre “Providus” in monitoring pre-election campaign for local elections, held in March, 2005. According to observations made by the „Providus” two political parties exceeded spending threshold by the end of February. The law stipulates that a fine of 250 Ls can be imposed which in comparison to estimated election results is not considered to be tough enough punishment.

Currently, legal persons are no longer permitted to make donations to parties, while donations from natural persons are to be accepted if those persons had relevant income. Natural persons can donate money not exceeding threshold of 10,000 Ls and this amount is to be transferred from income gained during the last three years. These amendments crucially decreased finances to be spent for pre-election agitation.

In 2001 drafting of the new law “On Pre-election Agitation before Elections of the Saeima and Local Municipalities” took place. This draft comprised comments and suggestions from the National Broadcasting Council of Latvia (NBC) and the Central Election Commission. The idea behind developing the new draft law was to establish procedures for pre-election agitation in mass media, in state and municipal institutions, commercial enterprises, and public areas. It had also to stipulate monitoring procedures for observance of the regulations.

It appeared to be a long –term process with various amendments latest of which were developed in 2003. This time it was suggested to introduce state financing for public broadcasting organisations and for the NBC in order to develop pre-election discussion

programmes. It was planned that 35 broadcasting hours on the National Television would be paid from the state budget to have pre-election information. This project was not adopted.

Many discussions and objections also raised alternative draft law “On Pre-election Agitation” which was developed in 2004 with objective to exterminate covert advertisement in mass media during the pre-election campaigns and to ensure financing of broadcasting organisations from the state budget when organising pre-election discussions. Subject of discussion was the concept of ‘covert advertisement’ and how to define the covert advertisement, also participation of mass media in pre-election agitation and point of having control mechanisms for mass media in this regard. Alternative draft law also stipulated that no covert advertisement should appear in mass media 270 days before elections. Broadcasting organisations have to stop any kind of election advertisement 5 days before elections. This alternative draft law was neither adopted.

The problem also lies in advertisement activities performed by third parties in favour of a political party or a politician running for the elections.

There have been also attempts to raise the issue on financing of political parties from the state budget. In 2003 there were even amendments drafted for the law “On Financing of Political Parties”, but those were not supported. Assessment of possibility to introduce financing of political parties from the state budget is also one of the tasks in the National Corruption Prevention and Combating Programme for 2004-2008 and it has to be accomplished by 2008.

Scope of work

Issues to address	Consultants	Activities
<p>1. There is shortage of comprehensive information about practices in other states regarding pre-election agitation, which makes difficult objective assessment of the situation in Latvia.</p>	<p>A consultant (a lawyer, policy expert, etc.) – an expert in election matters, preferably having knowledge about pre-election campaigns and party financing issues; previous experience in monitoring activities of political parties; university degree</p>	<p>Preparation of a summary on pre-election agitation practices from 4 different countries, reflecting different legal systems, preferably also including one new EU member state:</p> <ul style="list-style-type: none"> - concept of covert advertisement; - financing of political parties from state budget (if there is a case, also on projects to introduce state financing for political parties and arguments for withdrawing this initiative); - legal framework; - liability for violations; - control mechanisms and problems; - concept of voters union. <p>Presentation for politicians, representatives from media and other interested parties. Followed by a discussion on the topic. The report (initial report) on the above stated issues shall highlight the characteristics of practice on pre-election agitation and describe legal regulations with reference to exact legislation (including extracts of legislation). The report shall be drafted in English with approx. 60 000 characters.</p>
<p>2. There are no guidelines on drafting legal framework stipulating pre-election campaign matters</p>		<p>Production of draft conceptual guidelines as the basis for development of legal amendments in current legislation or developing new normative acts. The guidelines shall cover:</p> <ul style="list-style-type: none"> - concepts of political advertisement, covert advertisement and other key concepts; - rights, restrictions, duties and liability of parties organising and participating in pre-election campaigns; - the key principles of pre-election regulation prospectively best applicable in Latvia, purpose of that regulation; - an outline of the key mechanisms for implementation of pre-election regulation (monitoring, control). <p>Analysis of the advantages and drawbacks of the offered solutions. Before drafting conceptual guidelines the consultant shall familiarise himself with the information in place regarding pre-election agitation in Latvia and key legislation.</p>

		Conceptual guidelines shall be drafted in English with approx. 30 000 characters without spaces and those are to be considered as part two of the report.
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Transfer of expertise

One of the aims of implementation of this project is transfer of expertise to politicians and media representatives prospectively engaged in pre-election campaigns. In the context of expertise transfer the public discussion/seminar is the central activity of this project.

Reports, timetable of execution, period of execution

The planned activities of this project shall be completed by November 30, 2005 and working period in place is two weeks. The start date of the project depends on the date of selection of the consultant and agreement conclusion. Within the course of the work the consultant shall submit one initial report and one final report.

In the beginning of the first week from the start of the project the consultant shall submit a report containing a summary of pre-election campaigns practice from 4 different countries (*initial report*). In addition to the report the consultant shall submit copies of legislation on basis of which the report was drafted.

By the middle of the second week the consultant shall submit a report on conceptual guidelines for pre-election campaign regulation (*draft final report*). Should any difficulties occur over the course of work that shall be reflected in the report.

The amended conceptual guidelines (should amendments have been made) and the enclosure with the summary of comments shall constitute an element of *the final report* which shall also contain a summary of all project activities and indications about any deviations from the terms of reference and the reasons for these deviations. The volume of the final report shall be approximately 90 000 characters without spaces and without attachment characters.

Data, local services, personnel, equipment ensured by the commissioning organisation

The office shall ensure:

- legislation in place and publications and briefing material required for analysis submit these to the consultant;
- services of co-ordination and other administrative support required for project implementation;
- suitable premises for a public discussion/a seminar;
- necessary presentation equipment for a public discussion/a seminar.

Documents to be submitted

Consultant is urged to submit *curriculum vitae* and an application letter. It is expected that application letter will specify:

- sound understanding of the assignment activities;
- suggestions on reaching those objectives of the assignment;
- information on published articles;

- data on previous assignments, including national and/or international projects and responsibility held within those assignments.

Institutional Arrangement

Consultant works under the supervision of the CPCB. All invoices and closing report would be satisfactory of the Client - CPCB (as well as reports) and will be submitted to the CPCB for payment matters.

Organizational Arrangements

Consultant works under the supervision of the CPCB. Closing reports are to be submitted to Mr. Alvis Vilks, Deputy Director and Mrs. Diana Kurpniece, Head of Public Relations and International Cooperation Division, (address: Alberta Str. 13, LV-1010, Riga, telephone: + 371 7356168, fax: + 371 7331150, e-mail: diana.kurpniece@knab.gov.lv).

Contact person at the CPCB is Ms. Dace Timane, Senior Specialist of Public Relations and International Cooperation Division, telephone: + 371 7356165-239, e-mail: dace.timane@knab.gov.lv.

SECTION 3.

CONTRACT
(Standard Form)

between

.....

and

.....

“Effectiveness of Legal Framework on Pre-election Campaigns”

Grant Number TF 053946

THIS CONTRACT ("Contract") is entered into this....., 2005, by and between having its principal place of business at....., ("the Client") and ("the Consultant") having its principal office located at

WHEREAS, the Client wishes to have the Consultant performing the services hereinafter referred to, and

WHEREAS, the Consultant is willing to perform these services,

NOW THEREFORE THE PARTIES hereby agree as follows:

1. Services

(i) The Consultant shall perform the services specified in Annex A, "Terms of Reference,"that are made an integral part of this Contract ("the Services").

(ii) The Consultant shall provide the personnel listed in Annex B, "Consultant's Personnel", to perform the Services.

(ii) The Consultant shall submit to the Client the reports in the form and within the time periods specified in Annex C, "Consultant's Reporting Obligations".

2. Term

The Consultant shall perform the Services during the period from, 2005 and continuing through, 2005, or any other period as may be subsequently agreed by the parties in writing.

3. Payment

A. Ceiling

For Services rendered pursuant to Annex A, the Client shall pay the Consultant an amount not to exceed, This amount has been established based on the understanding that it includes all of the Consultant's costs and profits as well as any tax obligation that may be imposed on the Consultant.

B. Schedule of Payments

The schedule of payments is specified below:

Sta ges	Payment % of contract ceiling	
1.		Upon the Client's receipt of a copy of this Contract signed by Consultant;
2.		Upon the Client's receipt of the draft report, acceptable to the Client; and
3.		Upon the Client's receipt of the final report, acceptable to the Client.

Total

C. Payment Conditions

Payment shall be made in USD not later than 30 days following submission by the Consultant of invoices in duplicate to the Coordinator designated in paragraph 4.

4. Project Administration

A. Coordinator

The Client designatesas Client's Coordinator. The Coordinator will be responsible for the coordination of activities under the Contract, for acceptance and approval of the reports and other deliverables by the Clients and for receiving and approving invoices for the payment.

B. Reports

The reports listed in Annex C, "Consultant's Reporting Obligations and Deliverables", shall be submitted in the course of the assignment, and will constitute the basis for the payments to be made under paragraph 3.

5. Performance Standards

The Consultant undertakes to perform the Services with the highest standards of professional and ethical competence and integrity. The Consultant shall promptly replace any employees assigned under this Contract that the Client considers unsatisfactory.

6. Confidentiality

The Consultants shall not, during the term of this Contract and within two years after its expiration, disclose any proprietary or confidential information relating to the Services, this Contract or the Client's business or operations without the prior written consent of the Client.

7. Ownership of Material

Any studies, reports or other material, graphic, software or otherwise, prepared by the Consultant for the Client under the Contract shall belong to and remain the property of the Client. The Consultant may retain a copy of such documents and software.

8. Consultant not to be Engaged in Certain Activities

The Consultant agrees that, during the term of this Contract and after its termination, the Consultant and any entity affiliated with the Consultant, shall be

disqualified from providing goods, works or services (other than the Services and any continuation thereof) for any project resulting from or closely related to the Services.

9. Insurance

The Consultant will be responsible for taking out any appropriate insurance coverage.

10. Assignment

The Consultant shall not assign this Contract or sub-contract or any portion of it without the Client's prior written consent.

11. Law Governing Contract and Language

The Contract shall be governed by the laws of, and the language of the Contract shall be

12. Dispute Resolution

Any dispute arising out of the Contract, which cannot be amicably settled between the parties, shall be referred to adjudication/arbitration in accordance with the laws of the Client's country.

FOR THE CLIENT

FOR THE CONSULTANT

Signed by _____

Signed by _____

Title: _____

Title: _____

LIST OF ANNEXES

Annex A: Terms of Reference and Scope of Services

Annex B: Consultant's Personnel

Annex C: Consultant's Reporting Obligations

Terms of Reference and Scope of Services

Consultant's Personnel

Consultant's Reporting Obligations