

TERMS OF REFERENCE

1. SCOPE OF WORK

Overall scope of work expected from the Legal Consultant (or firm):

The objective of the consultancy is to conduct an overall risk (legal, compliance, reputational, etc.) assessment for Action Against Hunger (ACF) related to the implementation of a humanitarian BHA funded multi-sectorial project taking place mainly in the Gaza Strip and to a lesser extent in the West bank. Specifically, the Consultant is expected to;

1. Map, review and brief ACF staff on the laws and regulations applicable to the organization as a BHA partner in the occupied Palestinian territory (oPt)
2. Develop an actionable mitigation measures
3. Present an overall management plan oriented to reduce any potential risks incorporating BHA's compliance and legal procedures.

The work shall be conducted in a participatory manner with the ACF Senior Management Team (SMT) and project team and other relevant stakeholders at HQ and field levels. Relevant tools to capture the different dimensions of institutional and operational risks that shall be developed. The assessment will include desk reviews, organizational self-assessments, key informant interviews, and possibly virtual meetings with other USAID/BHA funded organizations. The consultant(s) will review existing documents related to the Project (Sub-contracting contracts, framework agreements, incident reporting, compliance measures in place, vetting process, etc.) and US laws and regulations applicable for this Award.

The Consultant(s) will be under the overall guidance of the CD with support of the DCD and Program Coordinator dedicated to this grant as well ACF HQ teams. Travel is not required to perform the consultancy.

Key priorities and deliverables

The consultant or (firm) is expected to:

1. Develop and present, at an early stage, an action plan for conducting the risk assessment (legal, reputational, compliance, etc.) that includes an updated work plan and a detailed methodology
2. Map and review all applicable contracts, legislative framework and federal regulations (the Award itself, the Foreign Act, Federal Regulations, Mission Order for oPt etc.). The Consultant is expected to be able to explain these frameworks and regulations to ACF SMT and HQ and their scope. Special considerations to the following elements are expected:
 - Preventing transactions with, or the provision of resources or support to, sanctioned groups and individuals.
 - U.S. Economic Restrictions.
 - Prohibition against support for terrorism.

- Prohibition against funding to governmental authorities.
 - Restrictions on facility names
 - Pre-Award Partner Vetting Requirements
3. Develop a consolidated risk analysis which shall:
- identify potential barriers to the smooth implementation and compliance of the Project
 - identify the different types of risks associated to the Project (compliance, legal, reputational and operational)
 - map and clarify the potential risks associated to each party of the Project, e.g. national and local stakeholders, suppliers, contractors, aid workers, third parties
 - Analyze organizational capacities to address the potential risk and provide recommendations
4. Present the risk mitigation plan for validation. The proposed measures shall be realistic and feasible, in accordance with the organizational capacities. These mitigation measures should, if possible, identify the elements not covered by the humanitarian exemption mechanisms provided by the United States of America authorities and propose an internal protocol for requesting humanitarian exemptions.
5. Edit and finalize the Overall Risk Management Plan.

2. CONSULTANT'S PROFILE

A strong knowledge of USAID compliance regulations, US COTER measure and Mission order 21 is needed for this consultancy and will be the primary criteria for selection.

Education:

- Degree in Law, Humanitarian Law, Risk Management from an accredited academic institution with ten years of relevant professional experience.

Experience:

- Minimum 7 years professional experience working in the field of Law, USAID compliance and risks management
- Minimum of 5 years professional experience in the fields of law or humanitarian law at international level
- Strong knowledge of US COTER measures and Mission Order 21: <https://www.usaid.gov/document/usaid-wbg-mission-order-21-2007>

- Experience undertaking risk assessments and demonstrated knowledge of planning of overall risk management plan in humanitarian awards
- Knowledge of the context of oPT, with strong understanding of public institutions and governance systems in Gaza, the West Bank and Israel
- Ability to organize work, work independently and coordinate multiple tasks with relevant stakeholders, organization's staff and project teams

Skills:

- Strong analytical skills and stakeholders analysis capacity
- Strong planning skills coupled with strong writing skills and excellent communication skills
- Ability to work with and maintain strict confidentiality

3. TIMELINE:

The assignment is expected to spread over a period of 2 months from the time of signing of the contract, on a part time basis.

We are seeking a consultant (or a firm) who is available to start to work shortly after the deadline for submission of the offers.

4. APPLICATION

Interested candidates are expected to submit:

- Narrative proposal, including a tentative Work plan and methodology and tentative number of days necessary for the assignment.
- Financial proposal (daily rate in USD): detailed budget, including taxes, and all other anticipated costs
- Consultant's CV (Firm experience) + references
- Please submit your proposal to procurement@accioncontraelhambre.org