



Terms of Reference

Vanuatu Chamber Commerce and Industry Act review

1. Background

The Vanuatu Chamber of Commerce and Industry (VCCI) is Vanuatu's National Private Sector organisation. It is a statutory body with a 16-member Council that represents Vanuatu's private sector. All businesses with a valid Vanuatu business license are automatically VCCI members. VCCI's aims to be an organisation that makes a unique and significant contribution to the future of the country by representing the private sector in dialogue with Government and others, and by providing effective business development services across the country.

The Chambers of Commerce and Industry of Vanuatu Act [Cap 236] came into effect in 1995, establishing the VCCI. It has been amended 4 times since then, the most recent amendment being in 2003. Since then there have been shifts in government policy and other institutions with overlapping mandates have been established. The assigned make-up by industry of the 16 member Council of the VCCI is also no longer fit for purpose. Inadequate annual budget allocations have also hindered the capacity of the VCCI to carry out its functions under the Act, and the lack of available data on business license registration throughout the provinces has again limited the VCCI's capacity to engage with stakeholders and establish Chambers outside of the municipalities.

The VCCI Council has recognized the need for the Act to be reviewed to address these issues and requires a consultant to lead the review and law reform process with the support of the Vanuatu Law Reform Commission.

2. Objective

The *overarching objective* is to create an Act that is fit for purpose.

The *specific objective* is to assess the current CCIV Act so to provide the necessary recommendations to the State Law office on the way forward to ultimately modernize and improve VCCI's governing legislation.

3. Services

The work of the consultant will be split into four main phases.

3.1. Phase 1

- *Development of an Issues Paper* – identification of all issues triggering the review of the Act, including the Act's historical development, policy gaps, legislative changes, and an accumulation of a critical mass of issues with the current Act.

3.2. Phase 2



- *Situational Analysis* - analysis of relevant information that could inform the reform of the Act, which may include data analysis, literature review, and regional/international best practice, and should give consideration to potential impacts on other policies and stakeholders, administration and systems development.

3.3. Phase 3

- *Drafting Instructions* – development of the drafting instructions in consultation with the VCCI Council, Vanuatu Law Reform Commission and other key stakeholders. Drafting instruction will be handed over to the State Law Officer for drafting (in accordance with State Law directives)

3.4. Phase 4

- *Consultations* – with all stakeholders identified through the situational analysis. Any stakeholder groups that cannot be consulted due to budget constraints should be clearly documented.

4. Work Plans and Reporting

Applicants will propose their work plan to the contract manager before the signing of the contract. The work plan needs to be based on points 3., 5. and 6.

5. Outputs

There are four (4) proposed tentative outputs¹ for this assignment are:

1. An Issues Paper, outlining identification of all issues triggering the review of the Act;
2. A Consolidated Situation Analysis Report, listing all data points, reading materials, interviews and interactions with both nationally based and regional stakeholders;
3. Drafting Instructions for eventual presentation to the Vanuatu Law Reform Commission.;
4. A Consultation Report, listing all visited locations within Vanuatu, with key recommendations to be incorporated into the Drafting Instructions before submission to State Law.

The key output of this assignment is a fully reviewed CCIV Act, in line with what the private sector needs and wants moving forward.

6. Logistics

6.1. Location of the assignment

The assignment can be completed on location in Port Vila, Vanuatu, with travel to outer islands required.

6.2. Starting period

The planned starting date of the contract is mid June 2021. The final review documentation must be submitted by early November at the latest.

¹ Depending on the methodology proposed by the applicant, Outputs can be adapted and/or sequenced to accommodate the applicant's work plan.



6.3. Work-days

The consultant will propose their number of working days based on 4. However, the contract period cannot exceed 50 days.

6.4. Reporting

The contractor will report to the Development Adviser of the VCCI.

6.5. Contract Manager

The VCCI General Manager will be the Contract Manager.

7. GENERAL ARRANGEMENTS

7.1. General conditions for Applicants

Applicants shall submit their written applications, which shall include the following information:

- Proof of Identification and Residence, if corporate body, provide business license and registration
- A Curriculum Vitae
- A written statement highlighting how the applicants fulfils the requirements for this assignment, which shall also include:
 - A proposed methodology and work plan to deliver the requested services and achieve the listed outputs
 - A financial proposal detailing the daily fee (including per diems)
 - Application can be submitted to Ms Joanna Spencer (adviser@vcci.vu) by 06/06/2021.

Please note travel costs for national consultations will be met by VCCI and all logistics support provided.

7.2. Performance Assessments

The Consultant's performance will be assessed by VCCI upon the presentation of key deliverables on the days specified by the consultant's work plan. The Consultant's work will be evaluated against the outputs listed in Section 5.

Final payment will be made upon endorsement of the final drafting instructions by the President of VCCI.

The four tranches of the payment are defined in the table below:

Tranche #	Activity	Payment
A	Upon contract signature	10%
B	Upon submission of the Issues Paper (Output 2)	20%



C	Upon submission of first draft of final drafting instructions (Output 4), which shall include Output 2 and 3	50%
D	Upon submission of consultation report (Output 5)	20%