

TERMS OF REFERENCE

CONTRACTS ADMINISTRATOR

A. BACKGROUND

The National Government of the Federated States of Micronesia (FSM) through FSM National Oceanic Resource Management Authority (NORMA), has partnered with the States and several other national government departments to implement a new project as part of its development activities within the FSM. This is part of the current and pipeline portfolio of projects which include projects in the sectors of Energy, Fisheries, Information & Communication Technology (ICT), Public Financial Management strengthening and Maritime and Roads.

The FSM Pacific Regional Oceanscape Program – Economic Resilience (PROPER) Project is an FSM government-led Fisheries project where the primary objective is to strengthen the shared management of selected Pacific Island oceanic and coastal fisheries, and the critical habitats upon which they depend, for economic recovery and resilience. The project consists of three key components, namely Oceanic Fisheries, Coastal Fisheries, and Marine Habitats and Waste. Each component focuses on specific activities and interventions aimed at addressing the unique challenges faced in their respective areas.

To support the implementation of FSM PROPER, a Project Implementation Unit (PIU) consisting of a Project Manager, Project Officer and Project Assistant will work in the already established PIU in FSM NORMA. State Coordinators and Project officers addressing communications, M&E and environmental and social risks will be part of the team. The FSM PROPER PIU is responsible for coordinating administrative process supporting the implementation of the Project with the FSM Department of Resources & Development (FSMDRD), FSM NORMA, FSM Department of Health & Social Affairs (DHSA), FSM Department of Environment, Climate Change & Emergency Management (DECCEM), DoFA and the States. The PIU will also be responsible for supporting NORMA administrative requirements in preparing and implementing the Project in accordance with guidelines and regulations as well as the annual work plans and budgets which will detail project activities and eligible expenditures. Additional technical experts in fisheries, infrastructure and waste are to support the PIU.

In order to strengthen project management support to the portfolio of WB-financed projects, a Central Implementation Unit (CIU) has been established under the Investment Finance Unit in the Department of Finance. The objective of the CIU is to provide support to PIUs in the preparation, implementation, and reporting of WB-financed projects. The CIU will assist the FSM PROPER PIU in core cross-cutting functions including financial management, environmental and social safeguards, monitoring & evaluation, communications, and procurement.

FSM NORMA now seeks the services of a Contracts Administrator to work within the PIU with support from the CIU to oversee administration of the contracts under the PROPER Project

B. OBJECTIVE

The objective of the assignment is to ensure sound end-to-end contract administration in planning, implementation, and monitoring of project contracts for the successful implementation of the PROPER Project in FSM.

C. SPECIFIC TASKS/ACTIVITIES

The Contract Administrator will be responsible for day-to-day contractual activities and will work closely with the Project Team under the supervision of the Project Manager in developing, drafting, negotiating, and administering contracts. Specific tasks include the following:

- Prepare contract implementation plans, monitor implementation thereof, review deliverables, and manage contract changes.
- Research, analyze, and organize contract specifications, scopes of work, and working with project management staff for an overall successful solicitation process.
- Assist procurement staff and specialists to prepare procurement documents, including inquiry preparations, request for bids/proposals recommendations for award of contract and contract negotiations as per the World Bank procurement Regulations/guidelines.
- Work closely with procurement staff with development of evaluation templates, for appropriate scoring of proposals/bids received and join evaluation panels and supplier interviews, during the procurement processes as a lead onto the development of contracts.
- Lead in developing, drafting, negotiating, and administering contracts per FSM and World Bank requirements.
- Formulate and prepare complete and well-defined contract agreements, in close coordination with the project-designated lawyer(s) and in accordance with approved government and World Bank templates as appropriate.
- Ensure contracts are implemented timely and in accordance with the terms of the contract's agreement ensuring minimum risk of contract variations and time extensions.
As needed, prepare contract variations and extensions in a timely manner to ensure contracts do not lapse before completion of agreed deliverables.
- Maintain, update, and communicate schedules and subsequent changes to all affected parties. Intervene and agree on action plans to recover delays where possible.
- Monitor compliance to contract requirements and terms of the contract to ensure all conditions are satisfied before approval of any payment.
- Ensure timely request for and delivery of all information that is on the schedule critical path.
- Compile such reports as are required to demonstrate progress against schedules and budget.
- Receive requests, obtain estimates, update records, initiates paperwork and follow up on request for approval of work not previously covered in the contract; processes and obtain approval of contract changes. Identify variations to contract that will impact on the schedule and ensure schedule is revised to accommodate them.
- Interpret contract provisions to help resolve claims and questions raised and submitted by contracting parties.
- Initiate and/or conduct meetings with contracting parties and lawyers or Contracts specialists and staff concerning contractual problems, as necessary. Establish and update/maintain records of all correspondence related to contract activity.
- Provide technical advice on aspects of the contractual obligations and when necessary, work closely with the Financial Management Specialists and staff to ensure proper documentation and certification of payment requests and timely processing of payments due to contractors.
- Working with Financial Management Specialists and the Procurement Officer, maintain and monitor a contracts register that includes contract variations, milestones and contract end dates.
- Represent/ support the Project during required audits and procurement reviews where reviews of contracts are involved.
- Properly document all contract related communications and documents, including preparation and maintenance of a contract management register.
- Maintain and update information on required systems/tools adopted by the Project such as World Bank Systematic STEP (an online procurement system) to manage contracts.
- Provide inputs for the PIU Monitoring and Evaluation Officer and CIU Monitoring and Evaluation Specialist as required.
- Explore, recommend, and implement tools or software to assist with contract management.
- Assist with capacity development or trainings (workshops or on-the-job) on contracts administration for project and implementing agencies' staff.

- Other relevant duties as may be required by the Project.

E. QUALIFICATIONS:

Required Educational background and experience

- Bachelor's degree in law, business administration or related field.
- At least five years of experience with demonstrative effectiveness in providing technical support on contract administration.
- Demonstrated professional experience in the interpretation of contractual documents
- Extensive knowledge of related FSM national laws and regulations.
- Fluent in written and spoken English.

Desirable skills and experience

- - FSM National Government or States experience
- - passed FSM Bar
- - Experience drafting or reviewing donor-funded projects contracts.

F. POSITION DURATION

The position will be for an initial one (1) year period. This is a full-time position and may be extended based on “satisfactory performance” i.e., satisfactory performance as determined through a performance evaluation against agreed key performance indicators and availability of funds.

G. LOCATION

The position will be located within the FSM NORMA or in a national government Department as designated by NORMA but services the PROPER Working Group comprised mainly of the Project Implementing Agencies.