

# Request For Proposal (RFP)

Consultant to Review, Act number  
15/2008 (Maldives Media Council Act)  
and Development of New Maldives  
Media Council Bill



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## Abbreviation list

1. RFP - Request for Proposal
2. MMC - Maldives Media Council
3. GST - General Service Tax
4. LLB - Bachelor of Law
5. SWOT - Strength Weakness Opportunities Threats
6. CV - Curriculum Vitae
7. MVR - Maldivian Rufiyaa

## Disclaimer

This Request for Proposal (RFP) document is for selection of legal consultant firm (hereinafter referred to as the “Consultant”) for Review, Act number 15/2008 (Maldives Media Council Act) and Development of New Maldives Media Council Bill, contains brief information about the scope of work and qualification process for the successful applicant. The purpose of the RFP Document is to provide the applicants (hereinafter referred to as “Applicant/s”) with information to assist the formulation of their proposals (hereinafter referred to as the “Proposal/s”).

While all efforts have been made to ensure the accuracy of information contained in this RFP Document, this document does not purport to contain all the information required from the Applicants. The Applicants should conduct their own independent assessment, investigation and analysis and should check the reliability, accuracy and completeness of the information at their end and obtain independent advice from relevant sources as required before submission of their Proposal. The Maldives Media Council (hereinafter referred to as “Client” or the “council”) or any of its employees shall incur no liability under any law, statute, rules or regulations as to the accuracy or completeness of the RFP Document.

The Council reserves the right to change any or all conditions/ information’s set in this RFP Document by way of revision, deletion, updating or annulment through issuance of appropriate addendum as the Council may deem fit without assigning any reason thereof.

The Council reserves the right to accept or reject any or all Proposals without giving any reasons therefore. The Council will not entertain or be liable for any claim for costs and expenses in relation to the preparation of the Proposals to be submitted in response to this RFP Document.

## 1. Background

### 1.1 Consultant to Review, Act number 15/2008 (Maldives Media Council Act) and Development of New Maldives Media Council Bill.

Title	Consultancy to Review, Act number 15/2008 (Maldives Media Council Act) and Development of New Maldives Media Council Bill
Country	Republic of Maldives
Type of Contract	Consultancy Firm (Local)
Duration	03 months from the contract signed date
Consultancy Fee	MVR 60,000
Duty Station	Male' City /Maldives
Field of Expertise	Legal (Media Law will be preferred)
Application Deadline	31 <sup>st</sup> August 2021
Previous announcement No.	(IUL)219-CS/1/2021/15 (5 <sup>th</sup> July 2021) (IUL)219-CS/1/2021/16 (15 <sup>th</sup> August 2021)

1.2 The Constitution of Maldives guarantees Freedom of expression and freedom of media as a fundamental right. The Article 27 of the constitution states that, *“Everyone has the right to freedom of thought and the freedom to communicate opinions and expression in a manner that is not contrary to any tenet of Islam”*. Also, Article 28 of The Constitution of Maldives ensures freedom of Media stating that, *“Everyone has the right to freedom of the press, and other means of communication, including the right to espouse, disseminate and publish news, information, views and ideas. No person shall be compelled to disclose the source of any information that is espoused, disseminated or published by that person”*.

1.3 Therefore, with the enactment of New Constitution in the year 2008, Maldives took an important step in its development of Freedom of Media, and Act number 15/2008 (Maldives Media Council Act) was effective since 4<sup>th</sup> November 2008.

1.4 However, since 2008, Maldives Media Council act has not been amended, thus not in line with current media situation of Maldives. Therefore, it is important to review the existing law and bring necessary amendments.

## 2. Introduction

- 2.1 Before the existence of Maldives Media Council act, the regulatory institution of Media was Ministry of Information. The independent institution “Maldives Media Council” was formed by Maldives Media Council act, and first term a member for the council was elected in the year 2010. Later, in 2010, Maldives broadcasting act also became effective, thus all the broadcasting related mandatory works are now under Maldives Broadcasting Commission.
- 2.2 In Maldives, Internet was introduced around 2003, and since then digital media developed rapidly, thus, Online Media taking over all other type of Medias. Today, the majority of the Medias are online news and social media platforms were on everyone’s hand today.
- 2.3 However, since 2008, Maldives Media Council act has not been amended, thus not in line with current media situation of Maldives. Therefore, it is important to review the existing law and bring necessary amendments.

## 3. Objectives

- 3.1 The main objective of this project is to Review, Act number 15/2008 (Maldives Media Council Act) and Development of New Maldives Media Council Bill. This bill should be designed to address the main issues related to today’s new media.
- 3.2 The project is designed to review the existing law and strengthen Maldives Media and Press freedom, Protect Journalists Rights, identifying of the institutional and legal framework and to propose the essential legal reforms for a better Media future of the country.
- 3.3 Specific objectives of this project include the following;
  - a) To identify and propose a more coordinated and result oriented media law.
  - b) To identify systemic weaknesses in the Maldives Media Council and propose measures for a strengthened and efficient system.
  - c) To identify and propose strategic solutions for a more efficient regulatory measurements of media.
  - d) To identify and propose policy changes to ensure a better ethics of the media and code of ethics.

- e) Identify new media issues like, republication issues, defamatory actions such as, Libel, hate speech and its underlying causes, conditions facilitating these acts and propose measures to prevent such.
- f) Identify extent and form of regulatory mechanism and provide strategic solutions by proposing fines and charges.
- g) Identifying the current vagueness in the system, SWOT analysis, and improve the compliant procedures.
- h) Identify the media related works that can be moved to Maldives Media council from other institutions, and changing the registration, accreditation, press card (media pass) permitting and any other media related mandates via Maldives Media Council Bill.
- i) Identify current weakness of the organization in terms of resources both human and technical and incorporate the solutions to the new bill.

#### 4. Scope of Work

Under the direct guidance and supervision of Ethics and Legal Committee of Maldives Media Council, the consultant will implement and deliver the RFP including but not limited to the following;

- 1) Review Literature and Conduct Situational Analysis of Media
- 2) Map the key stakeholders, collaborate and conduct all consultative exercises
- 3) Identify Key Media Regulatory Areas, key objectives, strategies, and actions
- 4) Develop a comprehensive implementation plan, identification of risks and challenges, formulation of a risk mitigation plan and develop a Monitoring and Evaluation framework
- 5) Develop clear and measurable indicators, baseline, and targets to measure progress
- 6) Develop the method and framework for impact assessment
- 7) Conduct validation for the developed bill with the participation of all the relevant stakeholders and review the bill as per the validation feedback and recommendations
- 8) Consolidate and compile the bill

## 5. Schedule of Events

The following tentative schedule will apply to this RFP, but it may change in accordance with MMC's needs or unforeseen circumstances. Changes will be communicated by email to all applicants.

<b>Event</b>	<b>Due Date</b>
Release of RFP	19 <sup>th</sup> August 2021
Registration	24 <sup>th</sup> August 2021, 11 AM
Questions from Applicants Questions and requests for clarification related to this RFP are to be directed in writing to: Aminath Sakhiyya sakhiyya@mmc.org.mv	26 <sup>th</sup> August 2021, 11 AM
Answers from MMC will be provided via email	29 <sup>th</sup> August 2021
Bid Submission	31 <sup>st</sup> August 2021, 11 AM

## 6. Conflict of Interest declaration

Any party submitting to the tender must make a formal (written) Declaration of Conflict of Interest in the event of any such existence. This involves having a close relative or a close associate working in the Maldives Media Council as a staff or a current member.

## 7. Validity of the tender

All tenders submitted must have a minimum validity of 60 (sixty) days.

## 8. Deliverables

The following are the key deliverables of this Project;

1. Literature Review and Situational Analysis Report of Media (10 days)
2. Identified Stakeholders Map (45 days)
  - Key Media Issues/Challenge Areas and Mitigation measures
  - Monitoring and Evaluation Framework (Baseline and Target Indicators)
  - Method of Impact Assessment
3. First draft of Maldives Media Council new bill (21 Days)



4. Validation Workshop (2 day)
5. Final draft of Maldives Media Council new bill (in Dhivehi) (12 days)

## 9. Institutional Arrangement & Monitoring.

The Consultant will be supported by providing all the documents and materials needed from Maldives Media Council, and all the meetings required for the consultancy will be assisted by the council, where administratively possible. The Consultant is expected to report directly (weekly) and work closely with the Ethics and Legal Committee of the Council throughout the project. The Consultant must report progress and updates of work weekly in writing.

## 10. Skills and Expertise

The consultant should be consultancy firm. The consultant team must be led by an individual with the following skills and experiences:

- Experience in working with multi-stakeholder settings and must be familiar with government functions and structure.
- Experience in working with international organizations.
- Must be result-oriented, a team player, and exhibiting high level of integrity.
- Must have strong coordination and communication skills.
- Excellent verbal and written communication skills in English, and Dhivehi and must be able to prepare high quality documents in English and Dhivehi.
- Ability to work with minimal supervision.

## 11. Contents of the Technical Proposal

The technical proposal shall contain:

- i. A brief description of the firm's organization and an outline of recent experience on assignments of similar nature. The outline should indicate, inter-alia, the profiles of the staff proposed, duration of the assignment, contract amount, and firm's involvement.
- ii. A description of the methodology and work plan for performing the assignment.

- iii. Updated CVs of the team leader and others. Key information should include number of years working for the firm/entity and degree of responsibility held in various assignments during the last three (3) years.
- iv. Proposal must be signed by the authorized representative of the firm.

## 12. Payment

Payment will be made in terms of Maldivian Rufiyaa (MVR), based on satisfactory completion of the project as agreed with the Council by a Service Level Agreement with the Council.

## 13. Time Span

The duration of the Consultancy is 03 (three) months from the contract signing date.

## 14. Intellectual Property

The Consultant shall not use any intellectual property of the Council including, but not limited to Council's official logo, or any other logo, Name of the Council, at any time without the prior approval of the Council. The final deliverables will become a product of the Maldives Media Council.

## 15. Eligible Applicants

The Applicants should meet all criteria provided below:

- i. This RFP is open to qualified law consultancy firms and currently practicing in the Maldives. This RFP is not open to individual practitioners who have the necessary qualifications.
- ii. The Applicant shall be a Company registered under the Companies Act or Partnership firm registered under the Partnership Act or registered Sole Proprietorship. The legal status shall be demonstrated through a copy of registration certificate issued by registrar of companies/firms.
- iii. Team Leader must have minimum undergraduate degree in Law, Shariah and Law, LLB (A Postgraduate Degree include of media law model or specialized in Media Law, or expertise of Media field would be added advantage).

- iv. Minimum three years of experience in legal field, more specifically legal drafting.
- v. The Applicant must have a minimum annual turnover of MVR 500,000 during each of the last two (2) years ending on 31 Dec 2020. The same shall be demonstrated by submitting financial statements for the last two (2) years.

## 16. Bid Submission

Interested and qualified applicants should submit their applications (in English) on 15<sup>th</sup> July 2021, 11AM at Maldives Media Council, with the following documents;

- Cover Letter
- Detailed Curriculum Vitae(s)
- Reference Letter(s)
- Technical Proposal
- Tax clearance report (within last 3 months)
- GST registration certificate copy (for those required to pay GST)
- Business registration certificate copy
- Financial Statement of last 2 years

\*\* The page numbers and total number of pages should be indicated on each page of the proposal\*\*

## 17. Evaluation Criteria

<b>Evaluation Criteria</b>	
Technical Proposal	15%
Financial Capability	10%
Experience	40%
Qualification	25%
Understanding of the project (Oral presentation)	10%
<b>Total:</b>	<b>100%</b>

## 18. Evaluation Criteria Detail

DETAIL	MARKS	SCORE
<b>1 Technical Proposal 15%</b>		
This section will be assessed based on the Technical Proposal submitted by the candidate.		
1.1 Addressing Requirement (5%)	5%	
1.2 Addressing Scope and Deliverables (5%)	5%	
1.3 Proposed Gantt chart (2%)	2%	
1.4 Methodology (3%)	3%	
<b>2 Financial Capabilities (10%)</b>		
Annual Average Turnover for the last two (2) years:		
Five (5) marks for turnover MVR 500,000-MVR 1,000,000	5%	
Seven (7) marks for turnover MVR 1,000,001-MVR 2,000,000	7%	
Ten (10) marks for turnover MVR 2,000,001 or more	10%	
Based on financial statements to be submitted		
<b>3 Experience 40%</b>		
This section will be assessed based on submitted documents that indicate experience.		
3.1 Legal Drafting work experience (20 %), (Each work 5%, Max 4 reference letters)	20%	

3.2 Experience in conduction of workshops, seminar, and other consultative processes (5%), (Each work 2.5%, Max 2 reference letters)	5%	
3.3 Experience in undertaking media research (10%), (Each work 5%, Max 2 reference letters)	10%	
3.4 Experience in working with government bodies (5%), (Each work 2.5%, Max 2 reference letters)	5%	
<b>4 Qualification 25%</b>		
This section will be assessed based on highest academic qualifications of team leader		
4.1 Degree (10%)	10%	
4.2 Master's degree (15%)	15%	
4.3 PHD (25%)	25%	
<b>5 Understanding of the project 10% (Oral Presentation)</b>		<b>10%</b>
Understanding of the Act/regulation/policy		
Expected impact of the Act Act/regulation/policy on the sector		
Challenges in the media sector		
Role of MMC, its processes and functions		
Qualifying bidders will be required to make the presentation in front of Ethics and Legal Committee of Maldives Media Council for assessment on understanding of the project. Time, date and venue to be communicated for the same.		
<b>TOTAL</b>	<b>100%</b>	

Note: Candidate shall obtain a minimum score of 50% from the total evaluation to be selected.



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