



Investing in People for Social & Economic Justice

INVITATION FOR EXPRESSION OF INTEREST FOR PRODUCING A DRAFT AMENDMENT TO THE PUBLIC FINANCE MANAGEMENT AMENDMENT BILL 2021

I. Introduction and background

A social and economic justice organisation based in Harare, Zimbabwe Coalition and Debt and Development (ZIMCODD) is seeking a qualified consultant or a team of consultants to draft an amendment to the Public Finance Management Amendment Bill of 2021 and produce a legal opinion paper on the Bill. The Public Finance Management Bill was gazetted on 31 March 2021 and it seeks to amend the Public Finance Management Act, Chapter 22:19 so as to align it to the Constitution of Zimbabwe (Amendment No.20) 2013 in particular section 298.

The Public Finance Management Act's mandate is to regulate financial management in the national and provincial governments as well as to ensure that all revenue is transparently accounted for. The Constitution of Zimbabwe Amendment (No. 20) Act in 2013 creates an enabling foundation upon which a strong public finance management system should be premised. However, eight years after its adoption, legislation impacting on public finance management, primarily the Public Finance Management Act [Chapter 22:19] which is the principal Act regulating public finance management in Zimbabwe has not been aligned to the Constitution. This non-alignment has contributed to fiscal leakages as evidenced by the annual reports published by the Auditor General and limited effective oversight by the Parliament and citizens alike in key spheres of public finance management such as public procurement and public debt management. The none alignment of the Public Finance Management Act with the Constitution has also resulted in the lack of proper frameworks allowing for Parliamentary oversight in public borrowing and limited citizen participation in budgetary processes. Thus, creating avenues for the State to contract loans in violation of constitutional provisions and the Public Debt Management Act. The management of public finances is a key determinant of the quality and soundness of governance a country has. While the PFMA has certainly provided legal safeguards for the management of public finances, there is still significant room for improvement hence the need for a comprehensive PFM legislation.

2. Scope of the work

The purpose of this assignment is to draft amendments to the Public Finance Management Amendment Bill and also provide a legal opinion by making a thorough review and assessment of the Bill with a view of identifying gaps and international best practices that should be incorporated in the Bill to ensure full alignment with the Constitution of Zimbabwe (Amendment No. 20) 2013. The consultant will thus (a) produce a draft amendment to the PFM Amendment Bill and (b) a legal opinion paper on the PFM Amendment Bill.

3. Roles and Responsibilities

The consultant will be expected to execute the following tasks:

- a. Critically analyse the PFM Amendment Bill and in so doing highlighting the major gaps in the Bill which are important in strengthening Zimbabwe's public Finance Management Bill.
- b. Produce a legal Opinion Paper on the Bill and proffer recommendations to enhance the Bill and transparency and accountability in the management of public finances in Zimbabwe.
- c. Preparing a work plan and methodology.
- d. Submitting the draft and final draft amendments and the legal opinion paper within stipulated timeframes.
- e. Presenting the two documents to different platforms as communicated by the client.

4. Time Frame

The timeline for the assignment is 10 days from the date of awarding of contract.

5. Terms of Payment

Payment will be done according to agreed terms and budget with the successful applicant(s).

6. Reporting

The consultant will report to the Programmes Manager for this assignment.

7. Qualifications and Experience

The organisation is looking for a person (s) with knowledge and a clear understanding of legislation impacting on public finance management in Zimbabwe. The individual must be in possession of a University degree in Law, Economics or Social Sciences and must have experience in drafting legal opinion papers and amendments. The individual must also be familiar with broad policy and legal frameworks in Zimbabwean Public finance management systems and must have excellent writing and oral communication skills in English language.

8. To Apply

Interested individuals should send their CV, expression of interest (Eoi) with budget (US\$) and time frame to consultantapplication1@gmail.com by **IPM on Friday, 28 May 2021**. Only successful applicants will be contacted.