



Technical Assistance Report

Project Number: 50126-001
Capacity Development Technical Assistance (CDTA)
December 2016

People's Republic of Bangladesh: Enhancing the Institutional Capacity of the Anti-Corruption Commission

The document is being disclosed to the public in accordance with ADB's Public Communications Policy 2011.

Asian Development Bank

CURRENCY EQUIVALENTS

(as of 1 November 2016)

Currency unit	–	taka (Tk)
Tk1.00	=	\$0.0127
\$1.00	=	Tk78.375

ABBREVIATIONS

ACC	–	Anti-Corruption Commission
ADB	–	Asian Development Bank
IPMS	–	Investigation and Prosecution Management System
TA	–	technical assistance

NOTES

- (i) The fiscal year (FY) of the Government of Bangladesh ends on 30 June. “FY” before a calendar year denotes the year in which the fiscal year ends, e.g., FY2016 ends on 30 June 2016.
- (ii) In this report, "\$" refers to US dollars.

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CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE AT A GLANCE

1. Basic Data		Project Number: 50126-001	
Project Name	Enhancing the Institutional Capacity of the Anti-Corruption Commission	Department /Division	SARD/BRM
Country	Bangladesh	Executing Agency	Anticorruption Commission
2. Sector		ADB Financing (\$ million)	
✓ Public sector management	Public administration		0.50
		Total	0.50
3. Strategic Agenda		Climate Change Information	
Inclusive economic growth (IEG)	Pillar 1: Economic opportunities, including jobs, created and expanded	Climate Change impact on the Project	Low
4. Drivers of Change		Gender Equity and Mainstreaming	
Governance and capacity development (GCD)	Anticorruption Institutional development Institutional systems and political economy Organizational development Public financial governance	No gender elements (NGE)	✓
Knowledge solutions (KNS)	Application and use of new knowledge solutions in key operational areas Knowledge sharing activities		
Partnerships (PAR)	Bilateral institutions (not client government) Official cofinancing		
Private sector development (PSD)	Conducive policy and institutional environment		
5. Poverty and SDG Targeting		Location Impact	
Geographic Targeting	No	Nation-wide	High
Household Targeting	No		
SDG Targeting	Yes		
SDG Goals	SDG16		
6. TA Category:	B		
7. Safeguard Categorization	Not Applicable		
8. Financing			
Modality and Sources		Amount (\$ million)	
ADB		0.50	
Capacity development technical assistance: Technical Assistance Special Fund		0.50	
Cofinancing		0.00	
None		0.00	
Counterpart		0.00	
None		0.00	
Total		0.50	
9. Effective Development Cooperation			
Use of country procurement systems		No	
Use of country public financial management systems		No	

I. INTRODUCTION

1. The Government of Bangladesh asked the Asian Development Bank (ADB) to provide capacity development technical assistance (TA) to strengthen the institutional capacity of the Anti-Corruption Commission (ACC) of Bangladesh. Accordingly, the TA was included in ADB's country operations business plan, 2016–2018 for Bangladesh.¹

2. ADB fielded a fact-finding mission on 16–18 October 2016 and consulted ACC as the executing agency, relevant government agencies, and development partners.² The government confirmed the scope, implementation arrangements, financing (including counterpart contributions), procurement, terms of reference for consultants, and the design and monitoring framework of the TA. The design and monitoring framework is in Appendix 1.³

II. ISSUES

3. Corruption is a serious challenge hampering the inclusive and sustained development of Bangladesh. Transparency International's latest published Corruption Perception Index (2015) ranked Bangladesh 139th among 164 countries, with a score of 25 on a scale of 0–100 (0 representing the most corrupt and 100 representing the least corrupt).

4. To fight corruption effectively, the government enacted the Anti-Corruption Commission Act, 2004 and constituted the ACC. However, the ACC still lags in the inquiry, investigation, and prosecution of cases, which currently take more than 36 months to complete, according to ACC estimates. The proposed TA aims to improve the monitoring of the ACC's inquiry and investigation capacity through the use of information and communication technology, which will enable cases to be completed more quickly.

5. For the ACC to become effective and gain public confidence, proper investigation and prosecution, and the timely disposal of cases leading to conviction are critical. More than 6,235 inquiries and investigations are pending, and around 4,000 cases are under trial in special judges' courts and higher courts. The ACC has around 300 inquiry officers and investigation officers and more than 120 public prosecutors; however, the ACC lacks an automated system to monitor and evaluate their activities, which delays the disposal of the cases.

¹ ADB. 2015. *Country Operations Business Plan: Bangladesh, 2016–2018*. Manila. In the country operations business plan, the TA was named Strengthening Public Sector Institutions. However, as the scope of the proposed TA became more focused, the name was changed to Enhancing the Institutional Capacity of the Anti-Corruption Commission.

² The ACC is a statutory and independent government organization established under the Anti-Corruption Commission Act, 2004. The ACC is the designated government authority to fight and prevent corrupt practices in the country. Its functions can be broadly divided into enforcement and prevention. The inquiry and investigation of allegations of corruption and the prosecution of the cases fall under enforcement; meanwhile, the ACC carries out awareness campaigns at various levels to promote the values of honesty and integrity, which falls under prevention.

³ The TA first appeared in the business opportunities section of ADB's website on 30 September 2016.

III. THE CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE

A. Impact and Outcome

6. The impact will be the improved efficiency of the ACC in combating corruption, in alignment with the government's 7th Five Year Plan.⁴ The outcome will be the ACC's enhanced capacity to monitor investigation and prosecution.

B. Methodology and Key Activities

7. The outcome of the TA will be achieved through four outputs. The key activities under each output are discussed below.

8. **Output 1: Investigation and Prosecution Management System software developed.** The TA will study and analyze the ACC's current business processes to identify practical improvements relating to the ACC's processes for inquiry, investigation, and prosecution. This will be done by consulting relevant stakeholders. Based on these findings, the team will develop and operationalize Investigation and Prosecution Management System (IPMS) software for the ACC with various modules, including (i) monitoring the activities of the inquiry and investigation officers and prosecutors; (ii) managing the public prosecutors' bills and claims; (iii) digitizing and archiving documentary evidence relating to cases at the ACC headquarters; and (iv) creating a database of the corruption-prevention committees, the integrity units, and the public hearings conducted by the ACC.

9. **Output 2: Operations manual on the Investigation and Prosecution Management System approved.** The operations manual on the IPMS will be finalized through a consultative process and submitted for the ACC's approval.

10. **Output 3: Report on proposed improvements to current corruption-prevention activities completed.** A report will be prepared in consultation with various stakeholders studying the effectiveness of the ACC's current corruption-prevention activities and containing practical recommendations for improving ACC initiatives.

11. **Output 4: Capacity development activities for the Anti-Corruption Commission conducted.** The TA will coordinate with the relevant developing member country agency and provide the necessary logistics support to facilitate at least one study tour within regional ADB member countries for at least 10 participants. The purpose of the study tour is to gain practical experience and share best practices in digital case management with respect to the monitoring system. In addition, at least 200 ACC staff will be trained on the IPMS, and dissemination workshops and seminars regarding the scope and progress of the TA will be arranged for relevant stakeholders.

C. Cost and Financing

12. The TA is estimated to cost \$550,000, of which \$500,000 will be financed on a grant basis from ADB's Technical Assistance Special Fund (TASF- V).

⁴ Government of Bangladesh, Planning Commission. 2015. *7th Five Year Plan, FY2016–FY2020: Accelerating Growth, Empowering Citizens*. Dhaka.

13. The government will provide counterpart support in the form of project staff, office space, office supplies, transport, communication, and other in-kind contributions. Disbursements under the TA will be done in accordance with ADB's *Technical Assistance Disbursement Handbook* (2010, as amended from time to time).

D. Implementation Arrangements

14. The ACC will be the executing agency of the TA and will establish a project management unit and provide furnished office space for the project management unit and consultants. The consultants will report to the senior public management officer of the Bangladesh Resident Mission, but will still work in close coordination with the ACC. The ACC will provide counterpart staff to ensure close coordination and smooth contract implementation. The TA will be implemented over a 30-month period from January 2017 to June 2019.

15. A project steering committee will also be formed to oversee and monitor the implementation of the TA. The committee will meet on a quarterly basis. The TA will be monitored and evaluated through review missions, quarterly progress reports, and consultant's reports. Lessons learned and good practices derived from the TA will be disseminated through workshops, training programs, and day-to-day interactions with the consultants.

16. A consulting firm will be engaged following ADB's Guidelines on the Use of Consultants (2013, as amended from time to time) using quality- and cost-based selection (80:20) with full technical proposal. The assignment will involve 40 person-months of services by national consultants. The consultant team will include (i) a team leader (12 person-months, intermittent); (ii) a legal expert (8 person-months, intermittent); (iii) an information technology expert (8 person-months, intermittent); (iv) a procurement expert (6 person-months, intermittent); and (v) a training expert (6 person-months, intermittent). The consultants will be responsible for procuring the software and hardware and developing the web-based IPMS software in accordance with ADB's Procurement Guidelines (2015, as amended from time to time), with prior approval from ADB.

17. After TA completion, the hardware, software, and all other equipment will be turned over to the ACC, which will maintain the hardware and software with its own personnel and budget. Therefore, the ACC must ensure that it can provide adequate staff and funding to operate the system. At the same time, the ACC must commit to using the IPMS after project completion.

IV. THE PRESIDENT'S DECISION

18. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of \$500,000 on a grant basis to the Government of Bangladesh for Enhancing the Institutional Capacity of the Anti-Corruption Commission, and hereby reports this action to the Board.

DESIGN AND MONITORING FRAMEWORK

Impact the Technical Assistance is Aligned With			
Efficiency of the Anti-Corruption Commission (ACC) in combating corruption improved (7th Five Year Plan) ^a			
Results Chain	Performance Indicators with Targets and Baselines	Data Sources and Reporting Mechanisms	Risks
Outcome The ACC's investigation and prosecution monitoring capacity enhanced	By 2019, IPMS used in the ACC headquarters and seven divisional offices (2016 baseline: Not applicable)	Consultant's report	Government support for combating corruption not sustained overtime
Outputs 1. Investigation and Prosecution Management System (IPMS) developed 2. IPMS operations manual approved 3. Report on the effectiveness of current corruption-prevention activities completed 4. Capacity development activities for the ACC conducted	1. By 2018, IPMS user acceptance test completed (2016 baseline: not applicable) 2. By 2018, operations manual approved by the ACC (2016 baseline: not applicable) 3. By 2017, study report endorsed by the ACC (2016 baseline: not applicable) 4a. By 2018, at least one foreign study tour conducted for at least 10 participants (2016 baseline: not applicable) 4b. By 2019, at least 200 ACC staff trained in the IPMS (2016 baseline: Not applicable)	1. Consultant's report 2. Operations manual 3. Report on the effectiveness of current corruption-prevention activities 4a. ACC study tour report 4b. ACC training completion report	High turnover of trained staff at the ACC
Key Activities with Milestones			
1 IPMS developed			
1.1 Initiate a study on business processes and submit the gap analysis report (within August 2017)			
1.2 Conduct the software and hardware requirement survey indicating the hardware specifications, choice of software, justification, and cost estimates (within September 2017)			
1.3 Procure and install the hardware and software (within May 2018)			
1.4 Initiate a trial run of the IPMS (within August 2018)			

Results Chain	Performance Indicators with Targets and Baselines	Data Sources and Reporting Mechanisms	Risks
<p>1.5 Conduct a user acceptance test of the software (within December 2018)</p> <p>1.6 Provide a maintenance plan for 2 years after completion of the technical assistance (April 2019)</p> <p>2 IPMS operations manual approved</p> <p>2.1 Initiate drafting of the operations manual (within January 2018)</p> <p>2.2 Finalize the operations manual (within March 2018)</p> <p>2.3 Submit the operations manual for approval by the ACC (within December 2018)</p> <p>3 Report on the effectiveness of current corruption-prevention activities completed</p> <p>3.1 Consult and collect data from relevant agencies and stakeholders (within August 2017)</p> <p>3.2 Prepare the report with practical recommendations to improve the ACC's preventive activities (within December 2017)</p> <p>4 Capacity development activities for the ACC conducted</p> <p>4.1 Coordinate with the relevant developing member country agency, and provide the necessary logistics support to facilitate the study tour in regional ADB member countries (within October 2017)</p> <p>4.2 Organize IPMS training sessions (within August 2018).</p> <p>4.3 Organize dissemination workshops and seminars for relevant stakeholders regarding the scope and progress of the technical assistance (the first in July 2017, the second in April 2018, and the final one in March 2019)</p> <p>Note: It will take approximately 6 months to complete the procurement of the consulting firm.</p>			
<p>Inputs</p> <p>Asian Development Bank Technical Assistance Special Fund (TASF-V): \$500,000</p> <p>Note: The government will provide counterpart support in the form of project staff, office space, office supplies, transport, communication, and other in-kind contributions.</p>			
<p>Assumptions for Partner Financing</p> <p>Not applicable</p>			

^a Government of Bangladesh, Planning Commission. 2015. *7th Five Year Plan, FY2016–FY2020: Accelerating Growth, Empowering Citizens*. Dhaka.

Source: Asian Development Bank.

COST ESTIMATES AND FINANCING PLAN
(\$'000)

Item	Amount
Asian Development Bank^a	
1. Consultants	
a. Remuneration and per diem (national consultants)	100.0
b. International and local travel	10.0
2. Equipment (hardware)	150.0
3. Software	150.0
4. Capacity development (study tour, training, workshop)	70.0
5. Miscellaneous administration and support costs ^b	10.0
6. Contingencies	10.0
Total	500.0

Note: The technical assistance (TA) is estimated to cost \$550,000, of which contributions from the Asian Development Bank (ADB) is presented in the table above. The government will provide counterpart support in the form of project staff, office space, office supplies, transport, communications, and other in-kind contributions. The value of government contribution is estimated to account for 9% of the total TA cost.

^a Financed by the ADB's Technical Assistance Special Fund (TASF-V).

^b ADB (Budget, Personnel, and Management Systems Department; and Strategy and Policy Department). 2013. Use of Bank Resources: Regional Technical Assistance and Technical Assistance vs. Internal Administrative Expenses Budget. Memorandum. 26 June (internal).

Source: ADB estimates.

OUTLINE TERMS OF REFERENCE FOR CONSULTANTS

A. General

1. Over the past 2 decades Bangladesh has maintained a healthy rate of economic growth; however, widespread corruption is hampering the Government of Bangladesh's development initiative. To fight corruption more effectively the government constituted the Anti-Corruption Commission (ACC) in 2004. However, the ACC is lagging in the inquiry, investigation, and prosecution of cases, and it currently takes more than 36 months to complete the inquiry, investigation, and prosecution of a case, according to its own estimations.

B. Objective of the Assignment

2. This technical assistance (TA) aims to strengthen the ACC's capacity to monitor the inquiry, investigation, and prosecution of cases through the use of information and communication technology.

3. For the ACC to become effective and gain public confidence, proper investigation and prosecution, and the timely disposal of cases leading to conviction are critical. More than 6,235 inquiries and investigations are pending, and around 4,000 cases are under trial in special judges' courts and higher courts. The ACC has around 300 inquiry and investigation officers and more than 120 public prosecutors; however, the ACC lacks an automated system to monitor and evaluate their activities, which delays the disposal of the cases.

C. Outputs

4. The TA will have four outputs: (i) a web-based software system, Investigation and Prosecution Management System (IPMS), developed and operationalized with various modules, including (a) monitoring the activities of the inquiry and investigation officers and public prosecutors; (b) managing the public prosecutors' bills and claims; (c) digitizing and archiving the documentary evidence relating to cases at the ACC headquarters; and (d) creating a database of the corruption-prevention committees at various levels with the necessary hardware and connectivity; (ii) an IPMS operations manual developed and approved by the ACC; (iii) a report on the effectiveness of ACC's current corruption-prevention activities completed, with practical recommendations to improve such activities; and (iv) capacity development activities of the ACC conducted.

D. Scope of Work

5. The assignment will involve 40 person-months of services by national consultants and will be carried out in the ACC headquarters and divisional offices. Consultations and/or meetings with other relevant government offices will be required. ACC will assign appropriate counterpart staff to smooth the project's implementation. The team of consultants will carry out their assignment in consultation with the ACC and the Asian Development Bank (ADB). The ACC will provide available reports, information for consultants, logistics support for arranging meetings and workshops, and other dissemination activities. The ACC will also provide the consultants with furnished office accommodation. The estimated contract period is 24 months (July 2017–June 2019).

E. Team Composition

6. The consultant team will include (i) a team leader (intermittent, 12 person-months); (ii) a legal expert (intermittent, 8 person-months); (iii) an information technology expert (intermittent, 8 person-months); (iv) a training expert (intermittent, 6 person-months); and (v) a procurement expert (intermittent, 6 person-months).

F. Qualification and Detailed Tasks

1. Team Leader

7. **Qualification.** The team leader should have preferably a master's degree from a reputable university in governance studies, public administration, social studies, economics, or business administration; and 15 years of practical experience in an international organization in the field of governance and public sector reforms. Proven knowledge of government administrative systems and ADB procedures is required and excellent communication skills in Bengali and English are essential.

8. **Detailed tasks.** The team leader's tasks will include:

- (i) being responsible for the delivery of all TA outputs, as a complete solution;
- (ii) leading the consulting assignment and directing the team of consultants as necessary to ensure that TA outputs are delivered within the TA period;
- (iii) coordinating with the team of consultants, implementing and executing agencies, other government organizations, and ADB to ensure that all milestone activities are accomplished within the approved time frame;
- (iv) arranging necessary meetings, workshops, and other dissemination activities for the stakeholders;
- (v) providing the implementing agency with the necessary logistics support for arranging the foreign study tour;
- (vi) providing a support and maintenance plan for 2 years after the completion of the TA; and
- (vii) ensuring that the quality of the deliverables is acceptable to ADB.

2. Legal Expert

9. **Qualification.** The legal expert should have preferably a master's degree in law from a reputable university and 15 years of practical experience working in Bangladesh's legal system. Proven knowledge in government administrative systems and ADB procedures is required and excellent communication skills in Bengali and English are essential.

10. **Detailed tasks.** The legal expert's tasks will include:

- (i) studying, analyzing, and reporting on the ACC's existing investigation and prosecution process and identifying the gaps causing delays;
- (ii) suggesting improvements to the ACC's business processes of the inquiry and investigation in conformity with Bangladesh's existing law;
- (iii) providing input for the development of the IPMS and IPMS operations manual; and
- (iv) liaising and coordinating with the Ministry of Law, Justice and Parliamentary Affairs; Office of the Registrar General of the Supreme Court; Office of the Attorney General; or any other office to obtain their views and suggestions in

developing the IPMS and the operations manual, and arranging workshops and/or seminars to familiarize the stakeholders with the system and manual.

3. Information Technology Expert

11. **Qualification.** The information technology (IT) expert should have preferably a master's degree or its equivalent in computer science, engineering in a relevant field, or programming and practical experience in implementing a similar IT-based project that entails the preparation of a specific hardware and software requirement; documenting the procurement of hardware and software; and installing, customizing, and operationalizing software. Knowledge of government administrative systems and ADB procedures is required and excellent communication skills in Bengali and English are essential.

12. **Detailed tasks.** The tasks of the IT expert will include:

- (i) studying and analyzing the ACC's investigation and prosecution process and identifying the areas where IT intervention can improve the business process;
- (ii) developing the software and hardware requirement survey, indicating the hardware specifications, choice of software, justification, and cost estimates in consultation with the ACC and with ADB's approval;
- (iii) providing input for importing and/or procuring the required hardware and software;
- (iv) installing the hardware, software, and networks;
- (v) conducting a trial run of the software;
- (vi) customizing the software;
- (vii) training the ACC staff on the IPMS;
- (viii) providing onsite support for the hardware and software; and
- (ix) providing input for developing the support and maintenance plan for 2 years after the completion of the TA.

4. Training Expert

13. **Qualification.** The training expert should have preferably a master's degree or its equivalent in public administration, human resource management, business administration, or management; and 10 years of practical experience in an academic and/or training institution. Proven knowledge of government administrative systems and ADB procedures is required and excellent communication skills in Bengali and English are essential.

14. **Detailed tasks.** The training expert's tasks will include:

- (i) developing a training module on the IPMS for the ACC staff,
- (ii) developing a training program on the IPMS for the ACC staff,
- (iii) implementing the training program according to the approved schedule,
- (iv) evaluating the training program,
- (v) revising the training module and materials as required, and
- (vi) conducting dissemination activities as and when required.

5. Procurement expert

15. **Qualification.** The procurement expert should have preferably a master's degree or its equivalent in public procurement, supply chain management, engineering, business administration, or management; and 10 years of practical experience in procurement with a large procuring entity, including experience procuring IT hardware and software. Knowledge of

government procurement systems and ADB procurement guidelines is required and excellent communication skills in Bengali and English are essential.

16. **Detailed tasks.** The procurement expert's tasks will include:
 - (i) preparing cost estimates and obtaining ADB approval;
 - (ii) preparing appropriate documents for the procurement of hardware and software;
 - (iii) helping with advertising on the ADB website and in the national newspaper for the procurement of hardware and software;
 - (iv) arranging the receiving, opening, and evaluating of bids; and obtaining approval from the appropriate authority;
 - (v) preparing the notification of the award;
 - (vi) preparing, approving, and arranging the signing of contract; and
 - (vii) helping monitor and supervise the contract implementation.

17. **Deliverables.** The consulting firm's deliverables will include:
 - (i) an inception report detailing a time-bound action plan for each TA activity within June 2017;
 - (ii) a quarterly progress report detailing the progress of the agreed action plan within the first week of every quarter;
 - (iii) a hardware and software requirement survey approved by the ACC within September 2017;
 - (iv) a software and hardware acceptance report by the ACC within December 2018;
 - (v) an approved IPMS operations manual within June 2018;
 - (vi) a training completion report within August 2018;
 - (vii) a study report on the effectiveness of the ACC's current preventive activities, with practical recommendations to improve preventive activities, within December 2017; and
 - (viii) a final report, including a support and maintenance plan for 2 years after the completion of the TA, within March 2019.

18. **Reporting arrangement.** The team leader and other consultants will report to the senior public management officer of the Bangladesh Resident Mission.