

TITLE 19 - REGULATION OF PROFESSIONS AND OCCUPATIONS
CHAPTER 7 - GUIDELINES FOR ENGAGEMENT OF CONSULTANTS IN THE
GOVERNMENT MINISTRIES ACT, 2023



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

GUIDELINES FOR ENGAGEMENT OF CONSULTANTS IN
THE GOVERNMENT MINISTRIES ACT, 2023

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AN ACT to provide guidelines on the engagement of local and international individual consultants as professionals, institutional consultants, and retired Government officers who are considered consultants at various levels and on different aspects of work in the Government Ministries; to ensure that government has the position to contract consultants and in doing so according to this Act will bring transparency and uniformity in the engagement of consultants.

Commencement:

April 10, 2023

Source:

P.L. 2023-64

§101. Short title.

This Act may be cited as the Guidelines for Engagement of Consultants in the Government Ministries Act, 2023.

§102. Interpretation.

- (a) “Consultants” means a person whether local or international whose nature of engagement is on fee-based consultancy, not in any way tantamount to an appointment for employment or job, and whose engagement is based on contractual arrangement with a Government ministry;
- (b) “Ministries” means the Republic of the Marshall Islands Government ministries;

§103. Purpose and scope.

- (1) The purpose of these guidelines is to provide guidelines for the selection and engagement of consultants engaged by the Government Ministries.
- (2) The guideline shall apply to all consultants engaged by Government ministries whether through special arrangements with donor projects or under foreign relation arrangement programs, or directly contracted by the Government to provide such services.
- (3) Every consultants who are engaged by the Government may be classified into the following four categories:
 - (a) Individual local consultants: where local individuals having academic or professional degree and or working experience in a particular subject and hired from open market to provide services they are specialized.
 - (b) Individual international consultants: Where foreign individuals having academic or professional degree and or working experience in a particular subject and hired from open market to provide services they are specialized.
 - (c) Institutional Consultants: Where an organization, or agency, or firm, or institution or joint venture of persons who are contracted for doing a specific job or providing specific services, or undertake specific project.
 - (d) Retired Government Employees as Consultants: Where Retired Government officers or officials are, engaged as Consultants for all purposes based on their professional degree and or working experience in a particular subject or specific services for the Government.

§104. Remuneration.

The Consultants shall be remunerated based on the terms and conditions of the contract with certain standards considered for remuneration of each type or aspect of services provided under such contract. Provided however in the consideration for remuneration of local consultants, such remuneration shall not be less than 50% of the total salary afforded to international consultants.

§105. Tax deductions.

The income tax or any other taxes such as the social security and health benefits will be deducted by the Government Ministry in accordance with the Income Tax Act and other laws relating to the related taxes.

§106 - §108. RESERVED

§109. Qualification and experience of consultants.

A consultant must possess the academic qualification, skills and experience required to provide the services to the Government under which he or she is contracted.

§110. Period of engagement of consultants.

- (1) The period of engagement of consultants may be before the period of two years, unless however, specified in the contract, whichever is less.
- (2) The appointment of consultants is of a temporary (non-official) nature against the specific job.
- (3) The engagement of consultant can be terminated by the Ministry of which the Consultant provide services, without cause thereof, by giving 30 days notice. However, in the case, the Consultant wishes to resign, he or she will be given 30 days advance notice or remuneration in lieu thereof before resigning from the engagement.

§111. Confidentiality and conflict of interests.

- (1) Consultants are to maintain absolute confidentiality and secrecy of the information handled with the Government Ministry, and shall remain to be maintained even after 1 year of the termination of her or her engagement.
- (2) The consultant appointed by the Government Ministry shall in no case represent or give opinion or advise to others in any matter which will adversely affect the Government Ministry because of conflict of interests to the matter he or she is dealing with.
- (3) The Consultant shall abide by the ethical principles set out in the Ethics in Government Act

§112 - §113 RESERVED.

§114. Effective date.

This Act shall take effect in accordance with the Constitution and the Rules of Procedures of the Nitijela.