



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 12.04.2017

Country: Turkey

Description of the assignment: Statistician for UNDP Project: “Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey

REF: UNDP1/LA1-COC

Project name: Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey

Period of assignment/services: 30 DAYS UPON CONTRACT SIGNATURE between April 2017 and October 2017

Proposal should be emailed to tr.ic.proposal@undp.org no later than **22 April 2017**.

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. UNDP will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants. **Only short-listed candidates will be contacted.**

1. BACKGROUND

Please see Annex 1(Terms of Reference).

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

Please see Annex 1(Terms of Reference).

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Please see Annex 1(Terms of Reference).

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

1. Proposal:

- (i) A one-page Letter of Interest, explaining why they are the most suitable for the work
- (ii) Personal CV including past experience in similar projects and at least 3 references

5. FINANCIAL PROPOSAL

The candidates will be requested to submit 'Financial Proposals' upon completion of technical evaluation.

The financial proposals shall be submitted in UNDP's standard format which will be communicated to successful candidates. The financial proposal shall specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

6. EVALUATION

Applicants meeting the minimum requirements listed in the Terms of Reference will be short-listed and asked for price proposals. The selection of the Consultant will be made in accordance with the quality- cost based selection method (70 % technical component and 30% price component). Only short-listed candidates will be contacted.

ANNEX

ANNEX 1- TERMS OF REFERENCES (ToR)

ANNEX 2- P11 FORM

Terms of Reference (ToR)

Statistician for UNDP Project:

“Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey”

1. Background and Context

It is globally recognized that there are strong links between establishing democratic governance, securing human rights and access to justice for all. This recognition has led to the acceleration of justice reforms worldwide as one of the essential prerequisites of sustainable human development. In line with this perspective, for a global organization founded on the principles of peace, freedom, human rights and rule of law, access to justice for all is a vital part of the UNDP’s mandate to strengthen democratic governance and reduce poverty. Within the broader context of justice sector reform, UNDP’s specific niche lies in supporting justice and related systems so that they work for all, particularly for the disadvantaged.

In the context of Turkey, judicial reform is one of the highest priority issues and as a candidate country for the EU accession, in recent years the Government of Turkey has undertaken comprehensive constitutional and legal amendments. Turkey’s strong commitment to judicial reforms is expressed in various national policy framework documents and these efforts mostly take the form of comprehensive legal and constitutional arrangements. However, there has been some challenges for its full-fledged formulation and implementation mainly due to the lack of consensus oriented policy making, limited institutional capacities and public awareness.

UNDP Turkey, in view of its global experience and technical expertise, has been associated with the judicial reform process in Turkey through a series of projects on access to justice and strengthening the rule of law. In that respect, a special niche of UNDP in the field of access to justice and strengthening of the rule of law in Turkey is to provide technical assistance for individual and institutional capacity-building based on its global experience and technical expertise in strengthening the rule of law for judicial systems in countries throughout the world.

The strong partnership between the UNDP and the Court of Cassation in Turkey started in late 2009 with the aim of improving the institutional and administrative capacity of the high courts in Turkey to conform to international standards. Since then, two comprehensive Programs have been implemented, and the present Project builds on the results achieved from these two projects.

Past projects continuously related experiences of different countries’ high courts to the CoC and have paved the way for the creation of seminal documents in the area of judicial ethics and transparency. For instance, the Report on the Comparative Analysis on the Functioning of High Courts included a review of 25 country experiences on how the high courts functioned as regards quality, education, diversity, judicial powers, transparency and structural safeguards, thereby providing policy options for the restructuring of high courts in Turkey. The First International Summit of the High Courts was then organized on 1-2 November 2010 with the participation of chief justices of 19 countries along with high level representatives of the international judicial community including the Special Rapporteur of the UN Secretary General on the Independence of Judges and Lawyers. The First International Summit resulted in a guiding principles of reforms, restructuring and improvement of the functioning of the judicial system to aid the judicial reform process in Turkey.

The UNDP – CoC cooperation in the past years also saw the drafting of a **Code of Judicial Conduct** for judges, prosecutors and court personnel based on the Bangalore Principles, the dissemination and use of which is one of the pillars to be dealt with in the current project.

Significantly, the Second International Summit of High Courts, organized around the theme of judicial transparency in 2013, resulted in the **“Istanbul Principles of Transparency on Judicial Processes”**. This landmark document was approved by 20 Chief Justices participating in the Summit from around the world, and has been referenced by the Special Representative on Independence of Judges and Lawyers. The project at hand will address its adoption and use not only at the national but also the international level.

The Project therefore builds on these three identified areas of need and aims to enhance the level of public knowledge on and confidence in the working of the Court of Cassation through strengthening the measures for transparency and the adoption of a code of ethics specifically designed for the high court.

The above-mentioned objective is planned to be achieved via 3 outcomes:

1. Enhancement of institutional capacity for the adoption of code of ethics by CoC
2. Development of required policies and implementation measures to strengthen transparency in judicial processes
3. Raised confidence on the functioning of the CoC

The Project also will benefit continuously from the extended expertise and experience of the UNDP Bureau for Policy and Programme Support, Council of Europe, European Commission and UN Special Rapporteur on Independence of Judges and Lawyers in the field of judicial reform during the implementation period.

2. Objectives

The work of the Statistician will fall under the second objective of the Project, namely “Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey” for required policies and implementation measures for strengthened transparency in judicial processes.

According to the second component of the project, experience suggests that increased public knowledge about the law and court of processes promote not only judicial transparency but also public confidence. Recent outreach approaches have included town hall meetings, the production of the radio and television programs and dissemination of awareness-raising materials such as court user guides in the form of short pamphlets providing basic information on arrest, detention and bail, criminal and civil procedure and useful contacts for crime victims, witnesses and other users. Also based on “Istanbul Principles” issued as result of Summit of High Courts themed on transparency in judiciary, Strategy of Increasing Transparency and Trust in the Judiciary will be developed in the scope of the project at hand. The said strategy is expected to include developing methods which will further facilitate access to high courts, opening judicial process to public and ensure feedback from beneficiaries and development of the legal aid programs.

There is a need to understand the satisfaction level and perception of the user/non-users of CoC to develop realistic, sustainable, achievable and participatory strategy for strengthening transparency of CoC.. In this framework as the second component of the project, studies which may enable evaluation of the level of satisfaction on the services provided by CoC will be conducted which regards to survey and research implementations. So, Satisfaction and Trust Survey within the scope of the Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation (CoC) project will be implemented under the second objective of the project. Right after the procurement process, successful tenderer (Survey Company) will be responsible for implementing the survey and statistician as supporting consultant will be contact and supporting person for the relation between TUIK and UNDP to gather necessary samples.

3. Description of Responsibilities

The Statistician will be the supporting consultant for the UNDP project team and CoC. Statistician together with UNDP Project Management Team and in close collaboration with the Court of Cassation, will be responsible for:

- i. Contributing to project team for the preparation of the methodology of the Trust Survey and provide input to the procurement document in terms of the methodology.
- ii. Prepare application forms and documents to TUIK to gather necessary sample to implement the survey.
- iii. Follow the process and provide input to TUIK where necessary during the preparation of the samples and act as contact person between TUIK and project management team.

4. Duration and Deliverables

| Deliverables/ Outputs | Estimated # of working days to be invested by IC | Indicative Deadlines (post-review) | Review and Approvals Required |
|--|---|---|--------------------------------------|
| 1. Contributing to preparation of the methodology of the survey for the procurement document. | 5 | 30.04.2017 | |
| 2. Gathering samples from TUIK by preparation of the forms and application documents and follow the process during the sample preparation. | 20 | 20.05.2017 | |
| TOTAL | 25 | | |

In order to fulfill required tasks for the development of deliverables as defined and listed in the table above, the **estimated** number of days to be invested are provided. This estimation is provided merely to facilitate the provision of a **lump-sum price proposals**. The number of days presented as ‘estimated number of working days to be invested’ is **indicative**. The ICs may invest less/more than the expected number of days to finalize each output. The actual number of days invested will not change the amount of payments. The amount paid shall be gross and inclusive of all associated costs such as social security, pension and income tax.

5. Institutional Arrangement

If requested, UNDP Turkey in Ankara shall provide the National Consultant with an office space equipped with a PC and access to the Internet and a local telephone line during his/stays in Turkey.

6. Place of Work and Guidance for Price Proposal

The position is home – based and it would require several travels to Ankara. The place of work will be the IC’s place of residence.

It is expected that the IC will need to make **two** trips to Ankara, each trip lasting for 2 days, and hence 4 days in total. In case of any travel, IC shall be responsible to cover his travel, accommodation, living costs (intra-city travel costs, breakfast, lunch, dinner, etc.) for these 2 trips. **In case of need of additional travels that are unforeseen in the ToR**, the respective travels of the consultant may either be;

- Arranged and covered by UNDP CO from the respective project budget without making any reimbursements to the IC or
- Reimbursed to the consultant upon the submission of the receipts/invoices of the expenses by the consultant and approval of the UNDP. The reimbursement of each cost item subject to following constraints/conditions provided in below table;
- covered by the combination of the above options

The following guidance on travel compensation is provided per UNDP practice.

| Cost item | Constraints | Conditions of Reimbursement |
|---|---|---|
| Travel (intercity transportation) | Full-fare economy class tickets | 1- Approval of UNDP before the initiation of travel 2- Submission of the invoices/receipt, etc. by the consultant with the UNDP's F-10 Form 3- Approval of UNDP |
| Accommodation | Up to 50% of the effective DSA rate of UNDP for the respective location | |
| Breakfast | Up to 6% of the effective DSA rate of UNDP for the respective location | |
| Lunch | Up to 12% of the effective DSA rate of UNDP for the respective location | |
| Dinner | Up to 12% of the effective DSA rate of UNDP for the respective location | |
| Other Expenses (intra city transportations, transfer cost from /to terminals, etc.) | Up to 20% of effective DSA rate of UNDP for the respective location | |

7. Required Qualifications

Education:

- S/he shall have a bachelor degree in statistic.
- Additional educational background in statistic, mathematics will be asset.

- General professional experience:

- Minimum 5 years of experience in working in terms of statistical methodologies,
- Proven experience working as survey statistician consultant,
- Proven experience working with TUIK and research institutions will be asset,
- Experience in working with intergovernmental organizations is an asset.

Specific professional experience:

- Experience working as statistician or consultant in surveys and capacity to develop statistical models and sampling strategy,
- Knowledge on theoretical and applied statistics,
- Proven research and report drafting skills,
- Proven ability to display gender equality sensitivity in work is an asset.

Language Requirements:

- Full proficiency in English and Turkish

Notes:

- Internships (paid/unpaid) are not considered professional experience.
- Obligatory military service is not considered professional experience.
- Professional experience gained in an international setting is considered international experience.
- Experience gained prior to completion of undergraduate studies is not considered professional experience.
- To prevent any conflict of interest, the selected consultant as per this Terms of Reference to assist in developing the methodology of the survey and gathering samples from TUIK, - starting at the date of application to this post – cannot work for the firms or be in commercial/profit bond for these firms which will apply for the relevant tender. The content of this study will be kept confidential and will not be shared with third parties at all conditions, and this will also be recorded through a Declaration of Confidentiality and Impartiality after contracting.

8. Evaluation of Applications

Applicants meeting the minimum requirements listed in the Terms of Reference will be selected from roster in alignment with UNDP Rules and Regulations. Applicants meeting the minimum requirements listed in the Terms of Reference will be short-listed and asked for price proposals. The selection of the Consultant will be made in accordance with the quality-cost based selection method (70% technical assessment and 30% price assessment).

9. Payments

The consultant shall be paid in USD if he/she resides in a country different than Turkey. If he/she resides in Turkey, the payment shall be realized in TL through conversion of the USD amount by the official UN exchange rate valid on the date of money transfer.

The amount paid to the consultant shall be gross and inclusive of all associated costs such as social security, pension and income tax etc.

Payments will be made within 30 days upon the approval of the corresponding deliverable and UNDP Certificate of Payment Form (COP) (Attachment 1) on a lump sum basis irrespective the number of days invested by the consultant for this particular deliverable.

If the deliverables are not produced and delivered by the consultant to the satisfaction of UNDP, no payment will be made even if the consultant has invested working/days to produce and deliver such deliverables.

Tax Obligations: The IC is solely responsible for all taxation or other assessments on any income derived from UNDP. UNDP will not make any withholding from payments for the purposes of income tax. UNDP is exempt from any liabilities regarding taxation and will not reimburse any such taxation to the IC.

Annex II: Price Proposal Guideline and Template

The prospective ICs should take the following explanations into account during submission of his/her price proposal.

- You are asked to propose your professional **daily fee rate**, which will be multiplied by the number of working/days indicated in the Terms of Reference to establish the **total contract amount**.
- The fee rate should be indicated in TL.
- UNDP will not make any further clarification on costs related to tax, social security premium, pension, visa etc. It is the applicants' responsibility to make necessary inquiries on these matters.
- The payments to be made will be calculated on the actual number of working/days to be invested and reported by the consultant for fulfillment/delivery of corresponding activities/deliverables. The number of working/days to be reported by the consultant cannot be more than the number of working/days allocated for the fulfillment/delivery of corresponding activities/deliverables.
- Price proposal is all-inclusive and shall take into account various expenses incurred by the consultant/contractor during the contract period (e.g. tax, social security premium, pension, visa, consultancy fee, health insurance, vaccination, personal security needs and any other relevant expenses related to the performance of services). All envisaged travel costs in Section 6 must be included in the price proposal. This includes all travel to join duty station/repatriation travel. Once proposed and accepted, **the fee rate cannot be changed**.
- As per UNDP corporate procurement rules and regulations, in case a candidate over 62 years of age and required to travel for the completion of tasks described in the TOR is identified for contract award, the candidate shall at his/her own expense undergo a full medical examination, including x-rays, as well as obtaining medical clearance from an UN-approved doctor prior to taking up his/her assignment." The cost of the medical clearance shall be taken into consideration while calculating and submitting the price proposal. UN approved doctor list including contact information will be provided to the successful candidate.
- Please (a) copy the below text into a word processor, (b) indicate your daily fee rate as explained above, (c) do not change any part of the standard text (changing the standard text may lead to disqualification), (d) sign the document, (e) scan the signed version of the price proposal, and (f) send it as an attachment back to UNDP by replying to this email.

Price Proposal Submission Form for ICs

To: United Nations Development Programme

Ref: Statistician for UNDP Project: “Strengthening Transparency and Code of Ethics for Enhanced Public Confidence in Court of Cassation in Turkey

Dear Sir / Madam,

I, the undersigned, offer to provide professional consulting services to UNDP within the scope of the referred Assignment.

I, the undersigned, offer to provide Professional Consulting Services as an Individual Contractor, to carry out the duties spelled out in the attached Terms of Reference for the sum as detailed below:

Daily consultancy fee:TL [A]

Total number of working days: 30 working days [B]

Total price proposal:TL [AxB]

My daily fee rate will be multiplied by the applicable number of units to establish the contract amount.

The number of working/days indicated in the terms of reference, allocated for each payment/deliverable is the *maximum* number of working days, and I agree to fulfill/deliver the relevant activities/deliverables at most within those maximum amounts of working/days.

I confirm that the price (daily fee rate) that I quote is **gross**, and is inclusive of all legal expenses, including but not limited to all legal expenses (social security, income tax etc.), which will be required by local law.

I agree that my proposal shall remain binding upon me for 60 days.

I understand that you are not bound to accept any proposal you may receive.

[Signature]

Date:

Name:

Address:

Telephone/Fax:

Email: