



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Re-Advertisement

(National Consultant: Access to Justice Specialist for Final Evaluation of RoLHR Programme)

UNDP/PN/11/2017 Re-Add

Date: 23 May 2017

Country: Nepal

Description of the assignment: The National consultant will be responsible for providing necessary technical support and assistance to the Team Leader (International) to evaluate the performance of the Strengthening the Rule of Law and Human Rights Protection System in Nepal (ROLHR) programme. The Access to Justice Expert will be responsible for reviewing and analyzing documents, assessing progress and challenges and drafting selected chapters of the evaluation report as assigned by the Team Leader. She/He will provide necessary technical support and assistance to the Team Leader to ensure the overall quality and timely submission of the evaluation report.

Number of consultant required: 1

Project name: Strengthening the Rule of Law and Human Rights Protection System in Nepal' (ROLHR) programme

Period of assignment/services (if applicable): A total of 30 working days commencing from 19th June – 15 August 2017.

Duty Station: Kathmandu, Nepal

Proposal should be submitted at the following address: **Procurement Unit, UNDP (Ref.: UNDP/PN/11/2017 Re-Add: National Consultant: Access to Justice Specialist for Final Evaluation of RoLHR (SM), UN House, Pulchowk, PO Box 107, Kathmandu, Nepal** or by email to **procurement.np@undp.org** not later than **1730 hours (Nepal Standard Time) of 1 June 2017.**

Any request for clarification must be sent in writing, or by standard electronic communication to the e-mail: query.procurement.np@undp.org mentioning Procurement Notice Ref: **UNDP/PN/11/2017 Re-Add: National Consultant: Access to Justice Specialist for Final Evaluation of RoLHR (SM)**, on or before **28 May 2017**. The procurement unit will respond to the inquiries by **29 May 2017**, in writing, including an explanation of the query without identifying the source of inquiry, to all consultants or via bulletin published on the UNDP website: <http://www.np.undp.org/content/nepal/en/home/operations/procurement.html>. Inquiries received after the above date and time shall not be entertained. Inquiries received after the above date and time shall not be entertained.

Any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary.

1. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED WORK

Please refer to the attached ToR (Annex 1)

Please submit your application at the following email address: procurement.np@undp.org

2. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Education & Experience:

- Advanced university degree in law, human rights or other relevant field.
- At least 7 years of experience in justice reform, legal aid and rule of law. In-depth knowledge of access to justice issues in Nepal.
- Proven experience in conducting evaluations.
- Excellent analytical and English writing skills.

II. Other competencies:

Corporate competences:

- Commitment to UNDP's mission, vision and values;
- Sensitivity to cultural, gender, religion, race, nationality and age differences;
- Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment;
- Demonstrate consistency in upholding and promoting the values of UN in actions and decisions, in line with the UN Code of Conduct.

3. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSAL

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

1. Proposal:

To be included as part of the proposal:

- A cover letter with a brief presentation of your consultancy explaining your suitability for the work;
- A brief methodology on how you will approach and conduct the work (*limit to under 1500 words*);

2. Financial proposal

- Financial proposal indicating a lump sum consultancy fee for the deliverables as per the TOR

3. P11 Form (attached as Annex 3) including past experience in similar projects and at least 3 references.

Note:

- a. Applicants of 62 years or more require full medical examination and statement of fitness to work to engage in the consultancy
- b. The candidate has to be an independent consultant (If the candidate is engaged with any organization, the organization employing the candidate will be issued with a Reimbursable Loan Agreement (RLA) to release the employee for the consultancy with UNDP).
- c. Due to sheer number of applicants, the procurement unit will contact only competitively selected consultant.

4. EVALUATION

Individual consultants will be evaluated based on the following methodologies:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

- a) responsive/compliant/acceptable, and*
 - b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*
- * Technical Criteria weight; 70%*
** Financial Criteria weight; 30%*

Only candidates obtaining a minimum of 49 points in the technical evaluation would be considered for the Financial Evaluation.

Criteria	Weight	Max. Point
<u>Technical</u>	70%	70
Criterion A: <ul style="list-style-type: none">Advanced university degree in law, human rights or other relevant field.	25%	25
Criterion B: <ul style="list-style-type: none">At least 7 years of experience in justice reform, legal aid and rule of law. In-depth knowledge of access to justice issues in Nepal.	30%	30
Criterion C: <ul style="list-style-type: none">Excellent analytical and English writing skills	15%	15
<u>Financial</u>		
<ul style="list-style-type: none">Lowest financial proposal	30%	30

Contract will be awarded to the technically qualified consultant who obtains the highest combined score (financial and technical). The points for the Financial Proposal will be allocated as per the

following formula:

$$\frac{\text{Lowest Bid Offered*}}{\text{Bid of the Consultant}} \times 30$$

* "Lowest Bid Offered" refers to the lowest price offered by Offerors scoring at least 70% points in technical evaluation.

ANNEX

ANNEX 1- TERMS OF REFERENCES (TOR)

ANNEX 2- GENERAL CONDITIONS OF CONTRACT FOR THE SERVICES OF INDIVIDUAL CONSULTANT

ANNEX 3- P11 Form

ANNEX 4 - OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT



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Terms of Reference

FINAL EVALUATION OF THE STRENGTHENING THE RULE OF LAW AND HUMAN RIGHTS PROTECTION SYSTEM IN NEPAL PROGRAMME (RoLHR)

1. Background:

The 'Strengthening the Rule of Law and Human Rights Protection System in Nepal' (Programme) was launched in January 2013 for a 5-year period in a move towards sector-wide justice reform covering most of the justice sector institutions including, the Supreme Court of Nepal, the Ministry of Law and Justice and Parliamentary Affairs (MoLJPA), Office of the Attorney General, Justice Sector Training Centre, Nepal Bar Association, National Judicial Academy. The Programme document was signed in April 2013, but implementation started from July 2013. The Programme focuses on supporting systemic changes in national legislative, policy and institutional frameworks and structures towards betterment of access to justice and on delivering tangible results at the local level contributing to peace, development and human rights in Nepal.

The Programme includes two main components: i) Justice Sector Coordination, and ii) Access to Justice and Legal Aid. The justice sector reform process has been implemented through Justice Sector Coordination Committees (JSCCs) under the Supreme Court to support policy dialogue, strategic planning, research, monitoring and evaluation and piloting activities to improve the administration of justice across the sector. The second component of access to justice is being led by the MoLJPA. The Programme is supporting the Ministry to lead reforms in legal aid towards the establishment of an integrated legal aid system that can reach out to the most vulnerable population in Nepal through a socio-legal aid approach. The Programme has received support (approx. 20mn USD. out of 24mn USD.) from Denmark, Finland, Norway, UNPFN and UNDP.

The Programme has achieved several results. Some remarkable achievements include, the establishment of Information Centres and Justice Sector Coordination Committee (JSCC) Secretariats in 23 districts. The JSCC secretariats are expected to ensure a better coordination among the justice sector actors. So far, about 103,091 (51,143 women) people accessed these information services. The in-camera-hearing guidelines has been passed and being applied by the court system to integrate the gender equity while handling the GBV related cases.

As a result of the establishment of Socio-Legal Aid Centres (SLACs), around 71,590 members of target groups have directly benefited from preventive legal aid services and 15,448 received remedial services. The Programme has also spearheaded the development of an affirmative legal education programme consisting of scholarships and internships for women and members of disadvantaged communities. In law reform, the programme supported a Parliamentary Committee to finalize the draft codes on civil, criminal law and procedures and sentencing bills, among others. These codes are being adopted to standardize the Nepalese legal system in line with international good practices and human rights norms.

As the Programme comes to an end in 2017, UNDP is planning to commission a final evaluation to identify and document achievements, challenges, lessons learned and best practices. The findings of this evaluation will provide guidance for the formulation of new programmatic interventions in the areas of rule of law,

access to justice and justice reform. Thus, the evaluation report is expected to include specific recommendations for future interventions.

2. Purpose and Scope:

The purpose of this final evaluation is to assess the achievements made by the Programme against the planned outcomes, outputs and results as set out in the Programme document including Results and Resource Framework (RRF) to provide the basis and way forward to UNDP, development partners and its national implementing agencies beyond 2017. In relation to the scope of evaluation, the mission will review the progress of the MTR recommendations and analyse the current situation including overall analysis of theory of change.

The evaluation results will be presented to the Project Executive Board (PEB) and the findings will feed into the formulation of new programmatic initiatives in 2018.

3. Objectives of the Evaluation:

The overall objective of the evaluation is to assess the Relevance, Effectiveness, Efficiency, Impact and Sustainability of UNDP's programming per UNDP guidelines for evaluating development assistance. Following are the specific objectives of the evaluation.

- Determine the extent to which the Programme objectives have been achieved in terms of the three outputs: i) Justice Sector delivery at national and sub-regional level is coordinated; ii) Capacity of justice institutions to uphold and promote human rights and integrity standards enshrined in the Constitution of Nepal 2015 and the 2015 UPR outcome is strengthened; iii) national mechanisms and instruments of access to justice for vulnerable groups are strengthened;
- Examine and analyze challenges and limitations faced by the project and adopted mitigation strategies;
- Consider the prospect for long-term sustainability of the processes and results achieved; and
- Capture lessons learned and best practices and provide concrete recommendations for future interventions in justice reform and rule of law system in Nepal.

4. Evaluation Criteria:

The final evaluation should respond to a set of questions in order to review the relevance, effectiveness, efficiency and sustainability of interventions. The following indicative questions will be further defined and expanded by the evaluation team to guide the analysis of information:

Relevance:

- Were the objectives and design of the Programme appropriate at the time it was initiated, considering the political developments in the country as well as national priorities? To what extent are the objectives of the programme still valid? Was the Programme flexible to adapt to political/environmental changes?
- To what degree was the Programme justified and was appropriate within the national environment and development priorities?
- Was the Programme relevant in relation to the needs and priorities of the intended beneficiaries?
- If and how the intervention was designed to contribute to the results in critical human rights and gender areas, as identified through human rights and gender analysis (based, inter alia, on the international conventions and related documents, declarations [UDHR] and other relevant international agreements);
- Was the approaches/modalities and activities relevant in the context when the program was designed, during the implementation and at the present context?

Effectiveness:

- Have the overall objectives and results of the program been achieved?
- To what extent has the Programme managed to promote inclusiveness, gender and social inclusion mainstreaming?
- What factors have contributed to achieving (or not achieving) the intended outputs and outcomes?
- Was the M&E strategy systematically applied and was it appropriate to the Programme and frequency of reporting against M and E?
- Had the Programme managed risks effectively?
- To what extent do the Programme interventions contribute to the judicial sectoral reform?

Efficiency:

- Had the implementation modalities been appropriate and cost-effective?
- Had the training and learning programmes been beneficial for the government implementing partners?
- With multi-national partners involved, had there been any duplication /overlap of activities?
- Were the costs well justified or could the same results have been achieved with fewer resources?

Impact:

- Was the Programme's Theory of Change (ToC) well developed and was the evidence of change produced by the Programme as indicated in the ToC?
- Is there any evidence that suggest that the lives of beneficiaries, in particular vulnerable groups, have improved as a direct result of the project?
- Whether the Programme has contributed to building capacity of the justice system to protect the rights of individual citizens in general, and vulnerable groups in particular?
- Has it contributed to stronger integration and respect for human rights based approach in the law making process and legislations?
- Was the Programme contributing towards the realization of rights of targeted rights-holders, in particular women and identified vulnerable groups?
- What are the areas in which the Programme has made significant change and also where the Programme has failed to make substantive progress and what are the reasons behind not achieving the objectives?
- How successful have the Justice Sector Coordination Committee Secretariats and information centers been in strengthening the coordination with different justice sector actors and in developing joint strategies?
- How successful have the Socio-legal Aid Centers been in providing accessible, acceptable and qualitative legal aid to the poor and vulnerable? Is the legal aid structures likely to be sustainable?

Sustainability:

- Has the Programme managed to adhere to key development effectiveness and human rights principles, including national ownership, "doing no harm" and ensuring sustainability?
- To what extent has the Programme been able to develop strong and sustainable partnerships?
- What are the factors involved influencing the sustainability of the Programme interventions?
- What is the evidence of institutional strengthening, including progress in the capacity development of State partners?
- To what extent the reform initiatives are likely to be continued and sustained?
- What should be the future focus of the program? What further progress/changes should be made? What time frame are we looking at for these future changes?

5. Methodology:

The Final evaluation will be conducted following a robust methodology in line with UNDP's M&E Guidelines. The evaluation team may also apply additional approaches on the basis of the objective and scope of the evaluation. The methods and activities to be carried out by the evaluation team will include at least, the followings:

- A thorough desk review of all relevant documents, including but not limited to the project documents, annual work plans, budget revisions, quarterly and annual progress reports; concept notes, previous assessments and knowledge products including the Mid-Term Review and final evaluation of the UN Peace Fund for Nepal component;
- The proposed methodology should include a combination of quantitative and qualitative data collection and analytical approaches. The final inception plan should incorporate feedback from the Programme Evaluation Reference Group that include the representatives of UNDP, DPs and implementing partners.
- Review of latest data against all the indicators;
- Semi-structured Interviews and focus group discussions with key actors and stakeholders involved in promoting rule of law and governance, including the Programme, representatives of the Supreme Court, Ministry of Law, Justice and Parliamentary Affairs, Office of the Attorney General, Nepal Law Campus, NDC, NWC, National Judicial Academy, Nepal Bar, UN-Women, donors, international development agencies and CSOs.
- FGDs with the beneficiaries and stakeholders at the community level.
- Triangulation of the findings, obtain strong evidence for the analysis of information from multiple sources.
- Debriefing to GoN/DPs
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*Evaluations in UNDP shall be conducted in accordance with the principles outlined in the UNEG "Ethical Guidelines for Evaluation".

6. Time-frame for the Evaluation Process:

The evaluation is planned to commence from the third week of June 2017. The final report should be submitted to UNDP by second week of August 2017.

S.N.	Activities	Duration
1.	Desk Review	5 days
2	Inception Plan	4 days
3.	Briefing implementation partners and UNDP	1 day
4.	Finalizing Inception Plan including the evaluation design and methods	1 day
5.	Stakeholder meetings, interviews, field visits	10 days
6.	Preparation of draft report	3 days
7.	Stakeholder meeting to present draft findings	1 day
8.	Finalization of report and briefing	5 days
	Total	30 days

6.1 Implementation Arrangement:

To facilitate the evaluation process, UNDP will set up an Evaluation Management Group (EMG) headed by the Deputy Country Director (P), including the Assistant Country Director, Governance and Rule of Law, Programme Analyst (Justice, Human Rights and Rule of Law), Chief Technical Advisor (Rule of Law), M & E Specialist from SPDEU unit, and representatives from the two main national implementing partners

(Supreme Court and Ministry of Law and Justice, Constituent Assembly and Parliamentary Affairs) and representative from UN Women. The EMG will review this Terms of Reference with the Evaluation Team; ensure the quality and independence of the evaluation in alignment with UNEG Norms and Standards and Ethical Guidelines; share all relevant documents; review, provide feedback and accept the inception report; assist in identifying stakeholders; review and provide feedback on the draft report; assist in organizing the debriefing meeting for key stakeholders; and, accept the final report. The representatives from other donors, and civil society will be invited to the key meetings and the final debriefing. Programme Analyst will take lead as Evaluation Task Manager who will work as the Secretariat of the EMG. The Governance and Rule of Law Unit will assist with logistics, meetings and field visits.

7. Evaluation Team:

- Team Leader (International): The Team Leader will be responsible for the overall coordination and management of his/her team for the evaluation and for the quality and timely submission of the evaluation report.

Required skills and experience:

- Advanced university degree in law, human rights, and/or other relevant subject.
- Proven experience (at least 10 years) in managing, planning and/or evaluating large scale, multi-sectoral projects.
- At least 7 years of experience in rule of law and access to justice in conflict and/or post-conflict contexts.
- Minimum 5 years of experience in conducting evaluations.
- Prior knowledge on issues pertaining to access to justice and rule of law in Nepal will be a strong asset.
- Excellent analytical skills, knowledge of politics and command in report writing in English.

- Access to Justice Expert (National): The Access to Justice Expert will be responsible for reviewing and analyzing documents, assessing progress and challenges and drafting selected chapters of the evaluation report as assigned by the Team Leader. She/he will provide necessary technical support and assistance to the Team Leader to ensure the overall quality and timely submission of the evaluation report.

Required skills and experience:

- Advanced university degree in law, human rights or other relevant field.
- At least 7 years of experience in justice reform, legal aid and rule of law. In-depth knowledge of access to justice issues in Nepal.
- Proven experience in conducting evaluations.
- Excellent analytical and English writing skills.

- Gender and Social Inclusion Expert (National): The GESI Expert will be responsible for analysing the degree to which the program design and interventions have effectively addressed the rights of women and traditionally excluded groups (based on caste, ethnicity, etc). S/he will ensure that the gender and social inclusion dimensions are incorporated into all steps of the analysis and evaluation.

Required skills and experience:

- Advanced university degree in law, human rights, sociology, gender studies, development studies or other relevant field
- At least 5 years of experience in gender and inclusion in development programming, rule of law, and/or access to justice.
- In-depth understanding of gender and social inclusion issues in Nepal.
- Excellent analytical and English writing skills.
- Experience in conducting evaluations will be an asset.

The evaluation team will be as diverse as possible with regards to gender, ethnicity, culture, etc. Team members involved in the design, management or implementation of the Programme will not be qualified.

8. Deliverables

The evaluation team is expected to produce the following deliverables:

- An **evaluation inception report** including work plan with time frame containing evaluation design, including proposed list of stakeholders to be interviewed, methodology, draft questionnaire for stakeholders, and an outline of the evaluation report. The methodology should include, among other tools, an evaluation matrix with key evaluation criteria, indicators and means of verification (1-2 pages).
- **Draft Evaluation Report** to be shared with UNDP, UN Women, Supreme Court/ MoLJAPA and donors for feedback and quality assurance
- **Evaluation debriefing** meeting with UNDP, UN Women, Supreme Court/MOLJAPA, development partners and key stakeholders where the main findings will be shared
- **Final evaluation report** (not exceeding 30 pages plus annexes) with an executive summary, detailed findings with respect to the key evaluation questions above, and recommendations. The recommendations should be structured, specific and forward looking.

a. Payment Modality

The payment will be made as follows;

- 20% upon the submission of the inception report
- 50% upon the submission of the first draft of the report; and
- 30% upon the submission of the final report.

9. Use of Evaluation Results

The findings of this evaluation will be used to analyze the lessons learned and to develop new project. Thus, the evaluation report should therefore, include specific recommendations for future interventions.

The evaluation report should contain relevant evaluation criteria, key questions, specific-sub-questions, data sources, data collection methods/tools, indicators/success standard, and methods for data analysis. (Detail Matrix is attached under Annex: IV).

Annex: I. Results Frameworks

Annex: II. Documents to be considered

- ROLHR Programme document
- Rule of Law project document funded by UNPFN
- Annual Work Plans
- Annual Progress Reports
- Strategic plans
- Policy documents
- Evaluation reports
- Guidelines and procedures developed
- Knowledge products

Annex: III. Key stakeholders meetings

- UN RC and RCO
- UNDP (CD and DCD, Governance and Rule of Law Head and Programme Analyst (Justice and Human Rights); Democratic transition Unit)
- UN Women
- DPs (Finland, Denmark, Norway, UNPFN secretariat, US, UK)
- Supreme Court of Nepal
- Ministry of Law and Justice, Constituent Assembly and Parliamentary Affairs
- Office of the Attorney General
- National Judicial Academy
- Justice Sector Training Center
- Nepal Law Commission
- Mediation Council
- National Women's Commission
- National Dalits' Commission
- Central Legal Aid Committee
- Justice Sector Coordination Committee Secretariat
- Socio-legal Aid center
- Information Center
- Nepal Bar Association
- Local NGOs and civil society members
- UNDP BPPS HQ and BRH
- End users/direct beneficiaries of RoLHR programme

Annex: IV. Evaluation Matrix

Table: A. Sample evaluation matrix						
Relevant evaluation criteria	Key Questions	Specific Questions	Data Sources	Data collection methods	Indicators/success standards	Methods for data collection