



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 4 July 2018

Country: Botswana

Description of the assignment: Law Reform Expert – Strategic Planning Workshop

Project name: “Support to the Fulfilment of Human Rights, Access to Justice and Empowerment of Women and Youth Project” (2018 – 2021) (“the Project”)

Period of assignment/services (if applicable): approximately 7 - 10 days in September – October 2018 – or as specified in the technical proposal.

Proposal should be submitted at the following address: by email to procurement.bw@undp.org no later than **5:00 pm Botswana time Friday 20 July, 2018** (late submissions cannot be accepted).

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. Enquiries.bw@undp.org 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.

1. BACKGROUND

The Government of Botswana is seeking to build national law reform capacity to ensure law reform processes are nationally led and to support the achievement of national strategic priorities. In 2010, Cabinet approved the establishment of a Law Reform Division at the Attorney General’s Chambers. In October 2017, Cabinet decided to proceed with the establishment of a Law Reform Unit under the Legislative Drafting Division at the Attorney General’s Chambers. The Law Reform Unit is essential for the realisation of Government’s large and complex law reform projects which underpin the National Development Plan 11 (NDP 11) and achievement of Sustainable Development Goals (SDGs) and as such, it’s establishment is a Government priority.

The Attorney General’s Chambers has requested UNDP to provide technical support to establish the Law Reform Unit Under the auspices of a project being implemented by UNDP and the Government of Botswana, “Support to the Fulfillment of Human Rights, Access to Justice and Empowerment of Youth and Women Project” (2018 – 2021) (the Project).

The establishment of a Law Reform Unit with capacity to conduct high quality, nationally-led law reform processes will contribute to:

- ensuring that Botswana’s laws are modern, complete and reflect Botswana’s unique legal context and national policy objectives;
- improved capacities to plan for delivery, identify and resolve implementation challenges and account for the delivery of quality interventions to deepen democracy outcomes and strengthen governance institutions (UNSD 2.4);
- realization of NDP11 and SDG 16 targets related to effective, accountable and transparent institutions and responsive, inclusive, participatory and representative decision-making; and
- creating an enabling environment for sustainable economic growth through sound legal frameworks that are necessary to achieve a range of other NDP11 and SDG targets.

Law reform is a process that involves many actors from civil society, *Dikgosi*, Parliament, media, Government agencies and parastatals, academic institutions, international organisations and so on. Effective law reform is conducted in a system where the roles and responsibilities of various actors is clear, the community is actively engaged and aware of the law and proposals for reform and there are clear pathways for presenting reform proposals and acting on them. The Government has committed to the establishment of a Law Reform Unit in the Attorney General’s Chambers as the central forum for law reform (and likely statute law revision) in Botswana. The Law Reform Unit will not, however, operate in a vacuum. A Law Reform Strategy is therefore required to set out the roles and responsibilities of institutions and key stakeholders in reforming law in Botswana, identify and respond to the capacity gaps and plan the way forward (though a detailed action plan) for the effective functioning of the law reform processes in Botswana. The Strategy will also include a budget and a monitoring and evaluation framework that integrates NDP11 and SDG targets

A three day Law Reform Strategy Development workshop will therefore be convened in Botswana from 19 – 21 September 2018. The workshop will be designed and facilitated by the Technical Adviser (Law Reform) in coordination with UNDP and the Attorney General’s Chambers.

The objective of the Law Reform Strategy Development workshop is to develop a common understanding of the role of law reform in the broader justice and regulatory system and the contributions of various stakeholders (government, civil society, academia, international organisations) in law reform, and to agree the structure and functions of the Law Reform Unit in Botswana. The workshop discussions and recommendations will inform the Law Reform Strategy which will be finalized by the Technical Adviser (Law Reform) in coordination with UNDP and the Attorney General’s Chambers.

The development of the Law Reform Strategy will be guided by several key documents including Botswana’s Eleventh National Development Plan; Changing the Law: A Practical Guide to Law Reform (2017) <http://www.calras.org/pub/Main/LawReform/Changing%20The%20Law.pdf> and Final Report – Consultancy for the Establishment of a Law Reform Agency in Botswana (2009), a copy of which will be provided to the selected consultant.

The Attorney General’s Chambers is therefore requesting the appointment of an eminent international law reform specialist as a short-term consultant to prepare and present two papers at the Law Reform Strategy Development workshop (“Law Reform in its Broader Context” and “Key decisions in establishing a Law Reform body – International Comparative Experience” or similar topics as agreed with the retreat organisers), to act as a resource person to guide and inform discussions throughout the strategy development workshop and to review and comment upon the draft Strategy document.

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

The deliverables are:

1. Prepare and deliver two referenced papers (2 x approximately 45 minutes) at the Law Reform Strategy Workshop in Botswana (likely dates are 19 – 21 September 2018) on topics to be agreed with retreat organisers.
2. Provide technical advice and guidance as a resource person during the Law Reform Strategy Workshop.
3. Review and provide comments on the draft Law Reform Strategy (likely October 2018).

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Minimum master's degree or equivalent, in law required.
- Additional tertiary qualifications in public policy or public administration preferred.

II. Required experience:

- Minimum 10 years experience in a senior leadership role in a law reform agency in a Commonwealth country;
- Demonstrated understanding of international comparative approaches in law reform;
- Demonstrated expertise leading strategic planning processes in the areas of law reform and / or the justice sector more broadly;
- Demonstrated expert knowledge of the legal and institutional context of law reform in Botswana;
- Excellent written and oral communication skills;
- Fluency in written and spoken English.

III. Competencies:

Core Competencies:

- Uses substantive mastery of technical content to model excellence and motivate performance;
- Sets strategic goals and builds the means to achieve results;
- Remains calm, in control and good humored even under pressure;
- Demonstrates excellent oral and written communication skills.

Technical Competencies:

- Expertise in law reform institutions and processes in Commonwealth jurisdictions;
- Ability to engage in comparative research and analysis and contextualise strategic and technical advice to the local context and conditions.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

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

1. Technical Proposal:

A motivation letter explaining suitability for the role and confirming availability to complete the work in the timeframe specified in the TOR. If flexibility around the dates is requested, alternative dates should be specified. The letter should include the anticipated number of days and how many days it is proposed be worked from home / in country.

2. Financial proposal

3. Personal CV including the names and contact details of 3 referees

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount and payment terms that are linked with the deliverables in the TOR. Payments are based upon delivery of the services specified in the TOR and payments can only be released according to the dates specified in the schedule if the deliverable has been accepted as meeting the requirements specified in the TOR at the standard required by UNDP and the implementing partner (in this case the Attorney General's Chambers).

To assist the evaluation panel to compare financial proposals, the financial proposal must include a breakdown of this lump sum amount (including timing of installments, travel, per diems and number of anticipated working days).

If payment for any amount (eg travel, per diems) is required at a specific time, this should be specified in the financial proposal, noting that usually UNDP will not pay for travel or per diems in advance of arrival of the consultant in country.

An example of a financial proposal (by way of illustration only) is:

Deliverable	Timing of payment	Days and daily rate (USD) / unit cost	Total cost
Prepare and deliver two referenced papers (2 x approximately 45 minutes) at the Law			

Reform Strategy Workshop in Botswana (likely dates are 19 – 21 September 2018) on topics to be agreed with retreat organisers.			
Provide technical advice and guidance as a resource person during the Law Reform Strategy Workshop.			
Review and provide comments on the draft Law Reform Strategy (likely October 2018).			
Travel			
Daily Subsistence Allowance			
Total lump sum			

Travel

All envisaged travel costs must be included in the financial proposal. This includes all travel to join the duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the consultant wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and consultant, prior to travel and will be reimbursed. Local travel costs (transfer to and from airport and travel within Botswana for purposes of completing the assignment) should not be included in the financial proposal.

6. EVALUATION

Individual consultants will be evaluated based on the following methodology:

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%*

A: Evaluation criteria – responsive / compliant / acceptable	Evaluation
Qualifications Minimum master's degree or equivalent, in law required	Yes/No
Experience Minimum 10 years experience in a senior leadership role in a law reform agency in a Commonwealth country	Yes/No
Proposal Complete consultancy package submitted (technical, financial, CV including referees)	Yes/No

B: Technical evaluation		
<i>Only candidates obtaining a minimum of 50 points would be considered for the Financial Evaluation</i>		
Criteria	Weight	Max. Point
<u>Technical</u>		
Demonstrated expert knowledge of international comparative approaches in law reform	30%	30
Demonstrated expertise leading strategic planning processes in the areas of law reform and / or the justice sector more broadly	30%	30
Demonstrated knowledge of the legal and institutional context of law reform in Botswana	10%	10
<u>Financial</u>		
	30%	30

ANNEX

ANNEX 1- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS