**INDIVIDUAL CONSULTANT PROCUREMENT NOTICE** 

 Date: 8th October 2018

**Country: Malawi**

**Place of assignment: Lilongwe 35 working days**

**Field visits: N/A**

**Description of the assignment: Consultancy to develop** **complaints handling system for the Malawi Human Rights Commission.**

**Project name: HUMAN RIGHTS SUPPORT PROJECT**

**Period of assignment/services (if applicable):**

Proposal should be submitted at the following address: https://jobs-intra.undp.org/cj\_view\_jobs.cfm or by email to procurement.mw@undp.org no later than 23rd October 2018

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. Procurement Unit 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**

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| UNDP – Malawi is supporting the Malawi Human Rights Commission (the Commission) in strengthening human rights complaints management. It is in this context that UNDP-Malawi seeks services of a HUMAN RIGHTS EXPERT to develop complaints handling system for the Commission. The Malawi Human Rights Commission is a National Human Rights Institution (NHRI) for Malawi established by the Constitution of Malawi. The primary function of the Commission is the promotion and protection of human rights accorded by the Constitution or any other law. The Commission started its operations in 1999 following the enactment of the enabling legislation, the Human Rights Commission Act (HRCA) in 1998 and appointment of the first cohort of commissioners in 1999. At the foundation stage, the Commission was organised based on its functions, including investigations of violations of human rights. However, in 2009, the Commission decided to focus on thematic issues and as such, its operational structure was reorganised to include the directorates of Civil and Political Rights, Economic, Social and Cultural Rights, Child Rights, Gender and Women Rights and Disability and Elderly Persons. These directorates perform protection and promotion functions as stated above. Investigations of the violations of rights are however undertaken as part of the broader functions of the thematic areas and as such have often not received adequate attention. Following performance of multiple tasks requiring diverse skills by technical directorates, it has been evident that, over time, the Commission has lacked the competency to effectively handle complaints. This inadequacy has manifested in inordinate delays in the conclusion of investigations and; inadequate ratio of concluded and resolved cases and complaints of human rights violations. While other financial factors account for these manifestations, the accumulation of the backlog mainly stems from weak complaint handling systems and procedures which occasion the delays and also inefficiencies; inadequate technical skills relevant for complaint handling. Additionally, the manual complaint handling systems and procedures do not adequately provide for case reminder and tracking system. These deficiencies account for the bulk of cases that remain unattended. It must be noted that owing to the aforementioned challenges, the Commission has accumulated more than 1000 cases. Some of these cases were received more than 17 years ago. It is not known whether complainants for these cases still exist or not or the issues remain unresolved or not. But it is noteworthy that such inordinate delays erode people’s confidence in the work of the Commission on protection of human rights. In addition, as the Commission is not able to adequately follow the process of complaint handling, it has become difficult (or almost impossible) for the Commission to detect the major importers of complaints of human rights violations by locality and also generation of human rights. But disaggregated data on the type of complaints the Commission receives is necessary to inform strategy selection. It must also be noted that existing systems and procedures for complaints handling at the Commission were developed in early 2000 and partially reviewed in 2007. Over time, most officers and members of the Commission that have received training in complaints handling have since left the institution.  |

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

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| The assignment aims to contribute to the service delivery reforms currently underway at the Commission by turning around performance in complaints handling. In these reforms, the assignment will particularly facilitate capacity building of the Commission focusing on systems, policies, procedures and skills to enable the Commission effectively and efficiently handle complaints and other cases of human rights violations. Specifically, the assignment aims to:1. review and redesign the systems and procedures for handling complaints in order to improve efficiency, effectiveness and responsiveness of the Commission;
2. reorganize and computerize data on human rights complaints
3. automate complaints handling system in collaboration with an ICT specialist
4. orient complaint handling officers and members of the Commission on the new system and procedures;

The scope of the assignment shall include but not limited to:1. Conduct an institutional assessment including gap analysis focusing on systems, policies, procedures and skills relating to complaint handling at the Commission;
2. Prepare an institutional assessment report relating to complaints handling;
3. Facilitate a consultative and participatory process of reviewing and redesigning the complaints handling system, procedures and policies;
4. Review other human rights complaints handling systems especially from the region to tap from best practices.
5. Develop a revised complaint handling system, policies and procedures;
6. Orient **40** members and complaint handling officers of the Commission on the new complaint handling system, policies and procedures;
7. Pre-test the revised complaint handling system, including procedures;
8. Come up with a Final Complaint Handling System,
9. Collate and document skills gaps and training needs for members and complaint handling officers of the Commission;
10. Facilitate skills transfer to members and complaint handling officers of the Commission; and
11. Prepare final report
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**3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

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| The consultant will provide expertise in human rights and complaints handling. He/ She will have in-depth knowledge and experience on Human Rights pertaining to developing countries, preferably in Sub- Saharan Africa. Specifically, the consultant will have the following qualifications:* A university post graduate degree or its equivalent in Law or Human Rights or related disciplines
* Minimum of 10 years work experience in the field of Human Rights.
* Experience and familiarity with National Human Rights Institutions procedures.
* Experience with complaints handling systems
* Fluency in written and spoken English.
* Excellent writing and reporting skills.
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**4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.**

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| Interested individual consultants must submit the following documents/information to demonstrate their qualifications:1. Proposal:(i) Explaining why they are the most suitable for the work(ii) Provide a brief methodology on how they will approach and conduct the work (if applicable)(iii) fill annex 1 Offeror’s Letter to UNDP attached 2. Financial proposal3. Personal CV including past experience in similar projects and at least 3 reference**s** |

**5. FINANCIAL PROPOSAL**

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| * **Lump sum contracts**

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).* **Contracts based on daily fee**

The financial proposal will 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.**Travel;**All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC 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 Individual Consultant, prior to travel and will be reimbursed |

**6. EVALUATION**

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| 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) 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%**Please note that the Office might choose desk review or/and interview to assess candidates. If interview the committee will draft questions that fall under evaluation criteria below. Only candidates obtaining a minimum of 49 point would be considered for the Financial Evaluation*

|  |  |  |
| --- | --- | --- |
| ***Criteria*** | ***Weight***  | ***Max. Point*** |
| *Technical* | *70%* | *100 points* |
| * *Criteria A(example: qualifications)*
 | *14%* | *20* |
| * *Criteria B(experience)*
 | *14%* | *20* |
| * *Criteria C(specific expertise)*
 | *14%* | *20* |
| * *Criteria D(methodology)*
 | *21%* | *30* |
| * *Criteria E(competencies)*
 | *7%* | *10* |
| *Financial* | *30%* | *30 points* |

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**ANNEX**

**ANNEX 1-OFFEROR’S LETTER TO UNDP**

**Annex 2 - TERMS OF REFERENCES (TOR)**

**ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**

**ANNEX 1**

**OFFEROR’S LETTER TO UNDP**

**CONFIRMING INTEREST AND AVAILABILITY**

**FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT**

Date

Maria Jose Torres

United Nations Development Programme

Lilongwe, Malawi

Dear Sir/Madam:

I hereby declare that:

1. I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of [*indicate title of assignment*] under the [*state project title*];
2. I have also read, understood and hereby accept UNDP’s General Conditions of Contract for the Services of the Individual Contractors;
3. I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV which I have duly signed and attached hereto as Annex 1;
4. In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3 [delete this item if the TOR does not require submission of this document];
5. I hereby propose to complete the services based on the following payment rate: *[please check the box corresponding to the preferred option]:*
* An all-inclusive daily fee of [*state amount in words and in numbers indicating currency]*
* A total lump sum of [*state amount in words and in numbers, indicating exact currency]*, payable in the manner described in the Terms of Reference.
1. For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;
2. I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;
3. This offer shall remain valid for a total period of \_\_\_\_\_\_\_\_\_\_\_ days [*minimum of 90 days*] after the submission deadline;
4. I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office *[disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists];*
5. If I am selected for this assignment, I shall *[please check the appropriate box]:*
* Sign an Individual Contract with UNDP;
* Request my employer *[state name of company/organization/institution]* to sign with UNDP a Reimbursable Loan Agreement (RLA), for and on my behalf. The contact person and details of my employer for this purpose are as follows:

1. I hereby confirm that *[check all that applies]*:
* At the time of this submission, I have no active Individual Contract or any form of engagement with any Business Unit of UNDP;
* I am currently engaged with UNDP and/or other entities for the following work:

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| --- | --- | --- | --- | --- |
| **Assignment** | **Contract Type** | **UNDP Business Unit / Name of Institution/Company** | **Contract Duration** | **Contract Amount** |
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* I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

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| --- | --- | --- | --- | --- |
| **Assignment** | **Contract Type**  | **Name of Institution/ Company** | **Contract Duration** | **Contract Amount** |
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1. I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.
2. ***If you are a former staff member of the United Nations recently separated, please add this section to your letter:*** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.
3. I also fully understand that, if I am engaged as an Individual Contractor, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as a staff member.
4. Are any of your relatives employed by UNDP, any other UN organization or any other public international organization?

 YES  NO If the answer is "yes", give the following information:

|  |  |  |
| --- | --- | --- |
| **Name** | **Relationship** | **Name of International Organization** |
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1. Do you have any objections to our making enquiries of your present employer?

 YES  NO 

1. Are you now, or have you ever been a permanent civil servant in your government’s employ?

 YES  NO  If answer is "yes", WHEN?

1. REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications.

|  |  |  |
| --- | --- | --- |
| **Full Name** | **Full Address** | **Business or Occupation** |
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1. Have you been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?

 YES  NO  If "yes", give full particulars of each case in an attached statement.

I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made on a Personal History form or other document requested by the Organization may result in the termination of the service contract or special services agreement without notice.

 DATE: SIGNATURE:

NB. You will be requested to supply documentary evidence which support the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so and, in any event, do not submit the original texts of references or testimonials unless they have been obtained for the sole use of UNDP.

**Annexes** *[please check all that applies]***:**

* CV shall include Education/Qualification, Processional Certification, Employment Records /Experience
* Breakdown of Costs Supporting the Final All-Inclusive Price as per Template
* Brief Description of Approach to Work (if required by the TOR)

**ANNEX 2**

**BREAKDOWN OF COSTS[[1]](#footnote-1)**

**SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL**

1. **Breakdown of Cost by Components:**

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| --- | --- | --- | --- |
| **Cost Components** | **Unit Cost** | **Quantity** | **Total Rate for the Contract Duration** |
| 1. **Personnel Costs**
 |  |  |  |
| Professional Fees |  |  |  |
| Life Insurance |  |  |  |
| Medical Insurance  |  |  |  |
| Communications |  |  |  |
| Land Transportation |  |  |  |
| Others (pls. specify) |  |  |  |
|   |  |  |  |
| 1. **Travel[[2]](#footnote-2) Expenses to Join duty station**
 |  |  |  |
| Round Trip Airfares to and from duty station |  |  |  |
| Living Allowance |  |  |  |
| Travel Insurance |  |  |  |
| Terminal Expenses |  |  |  |
| Others (pls. specify) |  |  |  |
|  |  |  |  |
| 1. **Duty Travel**
 |  |  |  |
| Round Trip Airfares |  |  |  |
| Living Allowance |  |  |  |
| Travel Insurance |  |  |  |
| Terminal Expenses |  |  |  |
| Others (pls. specify) |  |  |  |

1. **Breakdown of Cost by Deliverables\***

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| --- | --- | --- |
| **Deliverables***[list them as referred to in the TOR]* | **Percentage of Total Price (Weight for payment)** | **Amount** |
| Deliverable 1 |  |  |
| Deliverable 2 |  |  |
| …. |  |  |
| Total  | 100% | USD …… |

*\*Basis for payment tranches*

1. The costs should only cover the requirements identified in the Terms of Reference (TOR) [↑](#footnote-ref-1)
2. Travel expenses are not required if the consultant will be working from home. [↑](#footnote-ref-2)