



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 12/10/2018

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**Country:** Somalia

**Description of the assignment:** Senior Constitutional Drafter

**Project name:** Constitution Review Support Project (CRSP-II)

**Period of assignment/services (if applicable):** Approximately 55 working days within spread over period of Six months from (01 Nov 2018 – 31 Mar 2019)

**Duty Station:** Home based

Interested candidates are strongly encouraged to apply online via website <http://jobs.undp.org/> no later than close of business **23<sup>rd</sup> October 2018**.

Please note that incomplete applications will not be further considered. Please make sure you have provided all requested materials

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail: [procurement.so@undp.org](mailto:procurement.so@undp.org); copying [mary.okello@undp.org](mailto:mary.okello@undp.org).

UNDP Somalia procurement will respond in writing by uploading the clarifications to the following link: [http://procurement-notices.undp.org/view\\_notice.cfm?notice\\_id=50653](http://procurement-notices.undp.org/view_notice.cfm?notice_id=50653) titled **Senior Constitutional Drafter**. Interested consultants are requested to frequently check the above link for any addenda (clarification) that may be posted.

### 1. BACKGROUND

Somalia is undergoing a historic process of change, moving towards peace from decades of violent conflict, which ravaged the country and resulted in widespread suffering of its people. The Provisional Constitution of the Somali Republic was agreed and endorsed on 1 August 2012. The 9th Parliament successfully completed its term of office and remained a stabilizing force. The 10th Parliament has been elected including the Upper House. The newly established Upper House will need support to develop its Rules of Procedure and to train its members to effectively provide support to the emerging Federal Member States.

This project builds on the exercise of Constitutional Review during the 9<sup>th</sup> Parliament and seeks to provide the necessary support to draft the final constitution that will be adopted. Three central stakeholders have been identified in this process, i.e. the Ministry of the Constitutional Affairs (MoCA), the National Federal Parliament (NFP) and the Federal Member States (FMS). During the current phase, the Ministry is undertaking critical consultations with key role players and stakeholders that will provide the current phase of the constitutional review with legitimacy.

The role of the ministry, among others is to provide the overall organizational facilitation of the smooth execution of the tasks throughout the period of the review and implementation process of the constitution and strengthen the coordination of the institution that are involved in the constitution review process in Somalia.

In November 2017, the Ministry of the Constitutional Affairs (MoCA), the Independent Constitution Review and Implementation Commission (ICRIC) and the Oversight Parliamentary Constitution Review and Implementation Committee (OC), the key stakeholders in Somali's Constitution Review Process, developed a joint Roadmap and Memorandum of Understanding (MoU) based on consultations with the Leadership of the Federal Government of Somalia. The Roadmap for the constitutional review process defines three key objectives, namely to have a national constitution completed within the mandated timeframe by December 2019, to ensure that the review process is based on national dialogue and public consultation with the Somali people and key stakeholders, and to educate the Somali citizens about the process through broad civic education programs that empowers the society at large to contribute, and engage in the review process, possibly ensure their constitutional rights are well captured.

Furthermore, an MoU was signed between MoCA, the OC and ICRIC, as foreseen in the provisional constitution specifically in articles 133, 134 and in Laws No. 199 of 3 July 2013. The MoU defines the cooperation between these three bodies and defines the basic principles, as well as shared and individual duties and responsibilities as well as dispute resolution mechanisms. It also includes guiding principles for the constitution review process, namely a fixed timeline, Somali ownership, continuation and recognition of the work done by the 9<sup>th</sup> parliament, inclusivity, transparency, participation, accountability as well as partnership and cooperation.

In support of the new Federal Government and the people of Somalia, UNDP Somalia is implementing a Constitutional Support Project in Somalia. Notably, the Projects have been designed to support the key stakeholders in upholding these principles while carrying out their respective mandates and the key deliverables outlined in the Roadmap, namely; regularization of the constitution, negotiation on the political issues, allocation of powers between the Federal Government and the Federal Member States, tabling and publication of the 9<sup>th</sup> Parliament's constitutional Option report, Civic education and public participation, national dialogue and consensus building forum, review and adoption of the constitution, referendum or national validation and alignment of Federal Member States Constitutions with the Federal Constitution.

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

### Objectives:

The objective of the assignment is to provide technical expertise and advisory support together with support in the drafting and formulation of constitutional text that reflects the political agreements reached between the key role players and reviewed chapters of the constitution. The consultant will work with the UNDP Constitutional Support Project Team to provide high quality services to each of the identified role players with a focus of providing advice on different legal issues and assist in preparing written text and expert opinions, explanatory memoranda and provide guidance that would assist the consistency and coherence of the formulated text and avoid contradictions. Consultant will also review the Somali draft electoral law to identify gaps and revise the document to ensure the law is using appropriate format and language that is sufficiently detailed, clear, concise, and legally functional and applies legal drafting principles and with reference to the relevant laws of the country ensuring international standards are met while considering the particular circumstances of the country.

### Expected outputs and Deliverables:

Within the scope of work, the consultant will support the Ministry, FNTC, OC and ICRC and provide expert advice on the formulation and working of the text as well as crafting formulations that assist in building of consensus between the role players.

	<b>Deliverables/ Outputs</b>	<b>Estimated Duration to Complete</b>	<b>Target Due Dates</b>	<b>Review and Approvals Required</b>	<b>% of total professional fee</b>
1	Support in drafting and formulation of constitutional text based on political agreements reached by FGS and FMS	10 days	Within the period from Nov 2018- Mar 2019	Supervisor	18 %
2	Provide expert advice on the formulation and wording of the text. - Support in the drafting of the revised chapters of the provisional constitution	05 days	Within the period from Nov 2018- Mar 2019	Supervisor	10%
3	Provide substantive advice on the formulations that need to be considered. - Formulate draft amendments (inclusive of options where appropriate) to the provisional constitution of Somalia with brief report containing explanatory notes on the amended provisions, options, proposed for various sections and other aspects required by key players	10 days	Within the period from Nov 2018- Mar 2019	Supervisor	18%
4	Provide technical support and advice to members of the FNTC, MoCA, OC and the ICRC as required	10 days	Within the period from Nov 2018- Mar 2019	Supervisor	18%

5	Support in preparing strategies that assist in building of consensus of key role players. Provide written text and experts opinions and prepare explanatory memoranda supporting the drafted text	10 days	Within the period from Nov 2018-Mar 2019	Supervisor	18%
6	Produce and present final version of the drafted texts to the Ministry, FNTC, OC and the ICRC	5 days	Within the period from Nov 2018-Mar 2019	Supervisor	9%
7	Review the Somali draft electoral law, identify gaps and revise the document to ensure the law is using appropriate format and language that is sufficiently detailed, clear, concise, and legally functional and applies legal drafting principles and with reference to the relevant laws of the country ensuring international standards are met while considering the particular circumstances of the country. (Under Elections Project)	5 days	Within the period from 01 Nov to 15 Nov 2018.	Supervisor	9%

### 3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

#### I. Academic Qualifications:

- University Degree (preferably Master) in Law, Legislative or Constitutional drafting, International Affairs, Public Policy, Public Administration, Communication, Social Studies Conflict Resolution or related field

#### II. Years of experience:

- At least 15 years more professional experience in constitutional review of reform process and/or legal reform process, legal or legislative reforms, drafting constitutional text and relative papers.
- Experience of working in post-conflict and crises settings, with dynamically changing conditions on the ground
- Excellent writing, planning, research, communication and reporting skills and demonstrated ability to perform well in multi-cultural environment
- Experience in constitutional making and legislative development processes in developing country contexts would be an asset

#### III. Language Requirements:

Fluency in English with excellent verbal and written skills.

#### IV. Corporate Competencies:

- Demonstrates integrity by modeling the UN's values and ethical standards;
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Treats all people fairly without favoritism;
- Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

#### V. Functional Competencies:

- Strong interpersonal skills, communication and diplomatic skills, ability to work in team and multi-cultural environments;
- Expertise in constitution review process, legal process and drafting constitutional text.
- Strong analytical, reporting and writing abilities;
- Openness to change and ability to receive/integrate feedback;
- Ability to work under pressure and tight deadlines.
- Expert knowledge of law, as well as an in-depth knowledge of relevant organizational policies and procedures
- Excellent oral and written communication skills
- Demonstrates ability to manage complexities and work under pressure, as well as conflict resolution skills.

#### **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:**

(i) Brief description of why the individual considers him/herself as the most suitable for the assignment

(ii) Provide a brief methodology on how they will approach and conduct the work.

**2. Financial Proposal** indicating lump sum for each deliverable in United States Dollars (USD) with total professional fee for this home based assignment. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process off releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

**3. Personal CV** indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least 3 professional references

Please scan all the above documents into one attachment and upload into the online system:

<http://jobs.undp.org/>. Note that the system only allows one to attach **only one** document.

## 5. EVALUATION

**Combined scoring method:** the qualifications and methodology will be weighted a maximum of 70% and combined with the price offer which will be weighted a maximum of 30%. Technical proposals will be evaluated based on their responsiveness to the Terms of Reference (ToR).

### Evaluation Criteria for Technical Score (Maximum of 70 points)

- |   |           |
|---|-----------|
| • Academic qualifications   | 10 points |
| • Years of relevant experience                                    | 40 points |
| • Proved record of successfully completion of similar assignments | 20 points |

Only applicants obtaining a minimum of 49 points (i.e. 70% of the 70 points) in the technical score will be considered for financial evaluation

### Evaluation Criteria for Financial Score, i.e. Price Offer (maximum 30 points).

The maximum number of points assigned to the financial proposal is allocated to the lowest price proposal. All other proposals receive points in inverse proportion. The formula for the rating of the proposals will be as follows: -

#### **Rating the Technical Proposal (TP)**

TP Rating = (Total score obtained by the offer/maximum obtainable score for the TP) \*100

#### **Rating the Financial Proposal (FP)**

FP Rating = (lowest priced offer/price of the offer being reviewed) \*100

#### **Total Combined Score:**

(TP rating) \* Weight of TP, i.e. 70%) +(FP rating) \* (weight of FP, i.e. 30) = Total combined and final rating of the proposal

Final award will be based on the highest combined score based on 70% technical offer and 30% price weight distribution of technically qualified proposals.

**UNDP will only be able to respond to those applications in which there is further interest**

## 6. FINANCIAL ARRANGEMENTS

- Payments as percentage of lump sum will be made on approval and timely completion of each deliverables described above.
- Any delay of deliverable must be approved by the CTA in writing.

## 7. INSTITUTIONAL ARRANGEMENTS

The consultant will liaise/interact/collaborate with Constitution Review Support Project for the execution of the assignment. The consultant will work under direct supervision of Chief Technical Advisor of inclusive politics portfolio.

**ANNEX 1**

**ANNEX 2- General Terms and Conditions of Individual Consultants**



**Annex II -IC GTCs**