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GHANA

TERM OF REFERENCE (TOR) FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTOR (IC)

GENERAL INFORMATION

Services/Work Description:	Consultant to support the Legal Aid Commission to Draft legislative instructions for the implementation of the Legal Aid Commission ACT.
Project/Program Title:	Rights Protection
Post Title:	National Consultant (NC) Group of Individuals and/or Firms are not eligible for this consultancy assignment (only at an individual level)
Consultant Level:	
Duty Station:	Home-Based
Expected Places of Travel:	
Duration:	7th November 2018 to 18 th January 2019 (30 working Days)
Expected Start Date:	November 2018

I. BACKGROUND / PROJECT DESCRIPTION

The Legal Aid Scheme is mandated under the Legal Aid Scheme Act, 1997 (ACT 542) to provide legal assistance to the poor and indigent as well as other persons in the prosecution and defence of their rights in accordance with articles 14,17 and 294 of the Constitution of Ghana. This forms part of efforts to ensure, that under the current constitutional dispensation, the rule of law and access to justice is extended to the poor and vulnerable.

Since the passage of the Legal Aid Scheme ACT, 1997 (ACT 542), several improvements have been made in the access to justice practice and international legal aid delivery. However, these changes are not reflected in the ACT 542 and hence have created gaps in its implementation. The white paper on the report of the Constitutional Review Committee, which was published in June 2012 indicated government's acceptance of the recommendation for the Legal Aid Scheme to be established as an independent constitutional body and funded in same manner as other independent constitutional bodies.

In line with the recommendation and International best practice; the Parliament of Ghana, which the Constitution imposes an obligation on under Article 294(1) to (3) to enact legislation to regulate the granting of legal aid, in July 2018 passed a new Legal Aid Commission Bill (currently awaiting Presidential Assent) to facilitate efficient and effective delivery of legal aid in Ghana.

The Commission with the support of the United Nations Development Programme (UNDP) therefore seeks the services of a Consultant to support the Legal Aid Commission for the development of instructions to facilitate the drafting of a Legislative Instrument for the implementation of the Legal Aid Commission Act, 2018 by the office of the Attorney General and Minister for Justice.

II. SCOPE OF THE WORK

The consultant in close consultation with the Legal Aid Commission will develop a draft Legislative Instrument for the Legal Aid Commission Bill and perform the following tasks

- a. .
 - i) Review and analyse the regulatory power under the LAC Bill
 - ii) Conduct consultations with the Board of the Legal Aid Commission, key staff and other stakeholders delivering legal aid in Ghana to obtain legislative instructions
 - iii) Produce zero draft instructions
 - iv) Produce second draft of the LI to the Commission incorporating inputs from LAC and other stakeholders on the draft
 - v) Facilitate a validation meeting with the Legal Aid Board and Key Staff and incorporate relevant inputs and recommendations into the legislative instructions
 - vi) Submit the final draft legislative instructions to the Legal Aid Commission
 - vii) Produce end of assignment report

III. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration to Complete	Review and Approvals Required
1	Submit an inception Report, after an inception meeting, which outlines the approach to fulfil the assignment, a workplan and a report on the review and analysis of the regulatory power under the LAC ACT	2 weeks after contract signing	LAC /UNDP
2	Produce Zero Draft Legislative Instructions after consultations with stakeholders	4weeks after contract signing	LAC / UNDP
3	Submit Second draft of the LI to the Commission incorporating inputs from LAC and other stakeholders from the consultative engagements	7 weeks after contract signing	LAC /UNDP

4	Facilitate a meeting with LAC Board and Key Staff to validate draft instructions	8 weeks after contract signing	LAC /UNDP
5	Submit final draft instructions to the Commission with key inputs and recommendations from the validation meeting incorporated	10 weeks after contract signing	LAC /UNDP

IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

- ❖ The consultant will be supervised by the Legal Aid Commission and the country office of the UNDP
- ❖ Payment will be made upon satisfactory delivery of outputs, certification of payment form, acceptance and confirmation by LAC and UNDP on outputs satisfactory delivery.

V. LOGISTICS AND ADMINISTRATIVE SUPPORT TO PROSPECT IC

- a) The successful Individual Consultant **SHALL NOT** be provided with, directly or indirectly, any of the following, but not limited to, Office Space; Equipment; Secretarial services; Local transport service, internet, printing facilities.
- b) **All expenses must be anticipated and factored into the professional fees.**

VI. DURATION OF THE WORK

- a. The consultancy is from the 7th November 2018 to 15th January 2019 for a total of 30 working days. It is expected that within this period, the successful IC should complete work.
- b. Strictly follow the timelines as stated in expected output table above.

VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)

The successful consultant must possess the following:

- Master's Degree or equivalent in Law, Public Administration, Social Sciences, Governance or related field.
- At least seven (7) years' experience in legislative drafting. The consultant must provide information to indicate qualification to perform the task
- Ability to co-ordinate and moderate the relevant deliberations on the proposed legislation and facilitate multi stakeholder groups on the subject matter.
- Documentary evidence of the experience and information on similar assignments undertaken by the consultant

Core Competencies:

- Ability to manage time effectively and adhere to deadlines

- Excellent written and communication skills
- Must be a computer literate
- A strong team player

Important Note:

The Consultant is required to have the above mentioned professional and technical qualifications. **Only the applicants who hold these qualifications** will be shortlisted and contacted.

VIII. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly; Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:
 - a. Technical Criteria weight is 70%
 - b. Financial Criteria weight is 30%

Criteria	Weight	Max. Point
Technical Competence (based on CV, Proposal and interview (if required))	70%	
Qualification of consultant <ul style="list-style-type: none"> ▪ Academic qualification 		10 pts*
Professional experience of consultant <ul style="list-style-type: none"> ▪ Relevant previous experience in legal matters, development and human rights or related field (15) ▪ Excellent written, communication and coordination skills (5 marks) ▪ Experience in drafting regulations (15) 		35 pts*
<ul style="list-style-type: none"> ▪ Understanding of scope of work demonstrated through detailed and comprehensive plan and approach for the development of the Legislative Instructions 		25 pts *
Financial (Lower Offer/Offer*100)	30%	30
Total Score	Technical Score * 70% + Financial Score * 30%	

* It is mandatory criteria and shall have a minimum of 50%

IX. PAYMENT MILESTONES AND AUTHORITY

The qualified consultant shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 st Installment	Approval of Submitted inception report	LAC/UNDP	20%
2 nd Installment	Approval of Submitted second draft Legislative Instructions	LAC/UNDP	40%
3 rd Installment	Submission of final Legislative Instructions and report	LAC/UNDP	40%

X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, a prospective Individual Contractor (IC) is given a proposed **Table of Contents**. Therefore, prospective Consultant Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent from the LAC and UNDP. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of the LAC.

This TOR is approved by:

Name: Nana Teiba Chinbuah

Designation: Governance Specialist & Head of Cluster

Signature: _____

Date Signed: