



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

### International Consultants on legislative compliance with Human Rights Treaties

Reference No.: UNDP/PN/40/2018

Date: 02 November 2018

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**Country: NEPAL**

**Description of the assignment:** As per the attached Terms of Reference (ToR) –Annex 1.

**Project/Agency name:** United Nations Resident Coordinators Office (UNRCO)

**No. of Consultants:** 2 (two)

**Period of assignment/services (if applicable):** 45 days during 15 November–31 December 2018

Proposal should be submitted by email to [procurement.np@undp.org](mailto:procurement.np@undp.org) not later than **1730 hours (Nepal Standard Time) on 11 November 2018** mentioning reference No. **UNDP/PN/40/2018 – International Consultants on legislative compliance with Human Rights Treaties.**

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#### 1. BACKGROUND

Constitution of Nepal, promulgated in September 2015, envisages establishment of a federal system of governance with significant devolution of powers from central to provincial and local authorities, particularly in legislative drafting. Consequently, Nepal has experienced major legislative changes in all levels of governance. In addition, the Constitution has significantly expanded the catalogue of fundamental rights that enjoy constitutional and legal protection. At the time of its enactment, the Constitution set a three-year deadline for the Government of Nepal to draft and submit to the Parliament for adoption laws on all fundamental rights envisaged in the Constitution. To meet this constitutional deadline, on September 19, 2018, the Parliament adopted sixteen laws related to fundamental rights. The laws cover the following areas: rights of children, citizenship, education, consumer protection, protection of crime victims, rights of disabled, employment, public security, social security, caste-based discrimination and untouchability, privacy, environment, food sovereignty, housing, public health and safe motherhood. For the analysis of newly promulgated laws on fundamental rights and other select legislation from the perspective of compliance with the international human rights treaties, the consultancy service is required from the qualified international consultant.

The scope of the assignment covers analysis of the newly promulgated laws on fundamental rights and other select legislation from the perspective of compliance with the international human rights treaties.

Based on the list of laws provided by the RCO, the Consultant, guided by the human rights-based approach, will provide analysis of legal provisions in light of Nepal's obligations as a signatory to International Human Rights Treaties and other treaties relevant to the subject matter of the analyzed legislation. The consultant is expected to provide the following deliverables:

- Inception report outlining the relevant international treaties that need to be comparatively analyzed and a detailed workplan for completion of the assignment (by November 20);
- Analysis of the fundamental rights laws, with recommendations for amendment, where applicable (by December 20);
- Final report (by December 31)

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

For detailed information, please refer to the Terms of Reference – ToR (Annex 1)

## 3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

### I. Academic Qualifications:

- Masters level degree in International Human Rights Law, International Law or similar field

### II. Years of experience:

- At least 10 years of professional experience in human rights, rule of law, access to justice issues. Experience of working in post-conflict areas is an advantage.

### III. Competencies:

- Proficiency in written and spoken English language

#### 4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

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

- Offeror's Letter to UNDP Confirming Interest and Availability for the Individual Contractor (IC) Assignment
- 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

**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.

- **Financial Proposal**
- **Personal CV including past experience in similar projects and at least 3 references**

#### 5. FINANCIAL PROPOSAL

- **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.

#### 6. 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 point would be considered for the Financial Evaluation

<b>Criteria</b>	<b>Weight</b>	<b>Max. Point</b>
<u>Technical</u>		
• <b>Criteria A</b> Qualification: Masters level degree in International Human Rights Law, International Law or similar field	30%	30
• <b>Criteria B</b> Experience: At least 10 years of professional experience in human rights, rule of law, access to justice issues. Experience of working in post-conflict areas is an advantage	25%	25
• <b>Criteria C</b> Publication and Analysis on human rights	15%	15
<u>Financial</u>	30%	30

Contracts will be awarded to two technically qualified consultants who obtain the first and the second 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- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**



**UNITED NATIONS DEVELOPMENT PROGRAMME  
TERMS OF REFERENCE**

<b>I. Position Information</b>
<p>Title: International Consultant on legislative compliance with Human Rights Treaties</p> <p>Department/Unit: Resident Coordinators Office</p> <p>Reports to: Head of Resident Coordinators Office</p> <p>Duty Station: Home based</p> <p>Expected Places of Travel (if applicable): N/A</p> <p>Duration of Assignment: 15 November 2018 – 31 December 2018 (45 working days)</p>
<b>II. Background Information</b>
<p>Constitution of Nepal, promulgated in September 2015, envisages establishment of a federal system of governance with significant devolution of powers from central to provincial and local authorities, particularly in legislative drafting. Consequently, Nepal has experienced major legislative changes in all levels of governance. In addition, the Constitution has significantly expanded the catalogue of fundamental rights that enjoy constitutional and legal protection. At the time of its enactment, the Constitution set a three-year deadline for the Government of Nepal to draft and submit to the Parliament for adoption laws on all fundamental rights envisaged in the Constitution. To meet this constitutional deadline, on September 19, 2018, the Parliament adopted sixteen laws related to fundamental rights. The laws cover the following areas: rights of children, citizenship, education, consumer protection, protection of crime victims, rights of disabled, employment, public security, social security, caste-based discrimination and untouchability, privacy, environment, food sovereignty, housing, public health and safe motherhood.</p>
<b>III. Objective:</b>
<p>To provide an analysis of newly promulgated laws on fundamental rights and their compliance with international treaties and conventions to which Nepal is a signatory.</p>
<b>IV. Scope</b>
<p>The scope of the assignment covers analysis of the newly promulgated laws on fundamental rights and other select legislation from the perspective of compliance with the international human rights treaties.</p>

Based on the list of laws provided by the RCO, the Consultant, guided by the human rights-based approach, will provide analysis of legal provisions in light of Nepal's obligations as a signatory to International Human Rights Treaties and other treaties relevant to the subject matter of the analyzed legislation.

#### **V. Expected Results/Deliverables/Final Products Expected**

The consultant is expected to provide the following deliverables:

- Inception report outlining the relevant international treaties that need to be comparatively analyzed and a detailed workplan for completion of the assignment (by November 20);
- Analysis of the fundamental rights laws, with recommendations for amendment, where applicable (by December 20);
- Final report (by December 31)

#### **VI. Schedule of Payments**

The following schedule of payments will be applied:

- 20 % upon receipt of the inception report;
- 60 % upon receipt of analysis of all laws;
- 20 % upon receipt of the final report.

All payments are subject to satisfactory submission of deliverables certified by head of RCO.

#### **VII. Recruitment Qualifications**

Education:	Masters level degree in International Human Rights Law, International Law or similar field
Experience:	At least 10 years of professional experience in human rights, rule of law, access to justice issues. Experience of working in post-conflict areas is an advantage.
Language Requirements:	Proficiency in written and spoken English language

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

**UNDP/PN/40/2018 : International Consultants on legislative compliance with Human Rights Treaties.**

Date \_\_\_\_\_

United Nations Development Programme  
UN House  
Pulchowk,  
Lalitpur, Nepal

Dear Sir/Madam:

I hereby declare that:

I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of **International Consultants on legislative compliance with Human Rights Treaties** under the **United Nations Resident Coordinators Office (UNRCO)**.

- A) I have also read, understood and hereby accept UNDP's General Conditions of Contract for the Services of the Individual Contractors;
- B) 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;
- C) 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.
- D) I hereby propose to complete the services based on the following payment rate:

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.

- E) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;
- F) 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;

G) This offer shall remain valid for a total period of \_\_\_\_\_ days [*minimum of 90 days*] after the submission deadline;

H) 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*];

I) 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:

\_\_\_\_\_

J) 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:

Assignment	Contract Type	UNDP Business Unit / Name of Institution/Company	Contract Duration	Contract Amount

- I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

Assignment	Contract Type	Name of Institution/ Company	Contract Duration	Contract Amount

K) 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.

L) ***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.

M) 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.



O) 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

P) Do you have any objections to our making enquiries of your present employer?

YES  NO

Q) Are you now, or have you ever been a permanent civil servant in your government's employ?

YES  NO  If answer is "yes", WHEN?

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

Full Name	Full Address	Business or Occupation

S) 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, Professional 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)

**BREAKDOWN OF COSTS<sup>1</sup>**  
**SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL**

**A) Breakdown of Cost by Components:**

Cost Components	Quantity	Unit Cost (US\$)	Total for the Contract Duration (US\$)
<b>I. Personnel Costs</b>			
Professional Fees	45 days		
Life Insurance			
Medical Insurance			
Communications			
Land Transportation	N/A		
Others (pls. specify)			
<b>II. Travel<sup>2</sup> Expenses to Join duty station</b>			
Round Trip Airfares to and from duty station	N/A		
Living Allowance	N/A		
Travel Insurance	N/A		
Terminal Expenses	N/A		
Others (pls. specify)	N/A		
<b>III. Duty Travel</b>			
Round Trip Airfares	N/A		
Living Allowance	N/A		
Travel Insurance	N/A		
Terminal Expenses	N/A		
Others (pls. specify)	N/A		
<b>Total</b>			
<b>IV. Field visits outside duty station</b>			N/A

**B) Breakdown of Cost by Deliverables\***

Deliverables	Percentage of Total Price (Weight for payment)	Amount in US\$
Upon receipt of the inception report	20%	
Upon receipt of analysis of all laws	60%	
Upon receipt of the final report	20%	
<b>Total</b>	100%	US\$.....

*\*Basis for payment tranches*

<sup>1</sup> The costs should only cover the requirements identified in the Terms of Reference (TOR)

<sup>2</sup> Travel expenses are not required if the consultant will be working from home.