* United Nations Development Programme*

**REQUEST FOR PROPOSAL**

**Consulting Company to Draft the Local Administration Law for Independent Directorate of Local Governance – Afghanistan (IDLG)**

RFP No.: **UNDP/AFG/RFP/2019/0000003483**

Project: Local Governance Project (LoGo)

Country: Afghanistan

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# Section 1. Letter of Invitation

The United Nations Development Programme (UNDP) hereby invites you to submit a Proposal to this Request for Proposal (RFP) for the above-referenced subject.

This RFP includes the following documents and the General Terms and Conditions of Contract which is inserted in the Bid Data Sheet (BDS):

Section 1: This Letter of Invitation

Section 2: Instruction to Bidders

Section 3: Bid Data Sheet (BDS)

Section 4: Evaluation Criteria

Section 5: Terms of Reference

Section 6: Returnable Bidding Forms

* Form A: Technical Proposal Submission Form
* Form B: Bidder Information Form
* Form C: Joint Venture/Consortium/Association Information Form
* Form D: Qualification Form
* Form E: Format of Technical Proposal
* Form F: Financial Proposal Submission Form
* Form G: Financial Proposal Form

The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by UNDP, and the unit price shall prevail and the total price shall be corrected. If the Service Provider does not accept the final price based on UNDP’s re-computation and correction of errors, its Proposal will be rejected.

Any Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions indicated herein. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP in this link: <http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html>

Please be advised that UNDP is not bound to accept any Proposal, nor award a contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP’s vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. **In the event that** you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link: <http://www.undp.org/content/undp/en/home/operations/procurement/protestandsanctions/>

**UNDP encourages every prospective Contractor to** prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this RFP.

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link : <http://www.un.org/depts/ptd/pdf/conduct_english.pdf>

Your offer, comprising of documents stated in this RFP, should be submitted to UNDP Afghanistan in accordance with Section 2 (Instructions to Bidders) and Section 3 (Bid Data Sheet) through the **“UNDP ATLAS E-tendering system”** (<https://etendering.partneragencies.org>).

The step by step instructions for registration of bidders and proposal submission through the UNDP ATLAS E-tendering system is available in the **“Instructions Manual for the Bidders”**, attached with this RFP. Should you require any training on the UNDP ATLAS E-tendering system or face with any difficulties when registering your company or submitting your proposal, please send an email to the E-tendering helpdesk at [procurement.af@undp.org](mailto:procurement.af@undp.org) or call +93728999751 during office hours to request for help.

The proposers are advised to use Internet Explorer (Version 10 or above) to avoid any compatibility issues with the e-tendering system.

**No hard copy or email submissions shall be accepted by UNDP.**

Kindly go through this invitation letter and other documents attached here to this RFP. Should you have any questions or require any clarification, please feel free to email your questions/clarifications to the procurement officer at [procurement.af@undp.org](mailto:procurement.af@undp.org). The subject of the email should be **UNDP/AFG/RFP/2019/0000003483.**

UNDP looks forward to receiving your proposal and thanks you in advance for your interest in UNDP procurement opportunities.

Sincerely yours,

***Head of SCMO***

***7 March 2019***

# Section 2. Instruction to Bidders

|  |  |
| --- | --- |
| GENERAL PROVISIONS | |
| Introduction | * 1. Bidders shall adhere to all the requirements of this RFP, including any amendments in writing by UNDP. This RFP is conducted in accordance with the UNDP Programme and Operations Policies and Procedures (POPP) on Contracts and Procurement which can be accessed at <https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d>   2. Any Proposal submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Proposal by UNDP. UNDP is under no obligation to award a contract to any Bidder as a result of this RFP.   3. As part of the bid, it is desired that the Bidder registers at the United Nations Global Marketplace (UNGM) website ([www.ungm.org](http://www.ungm.org)). The Bidder may still submit a bid even if not registered with the UNGM. However, if the Bidder is selected for contract award, the Bidder must register on the UNGM prior to contract signature. |
| Fraud & Corruption,  Gifts and Hospitality | * 1. UNDP strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, and obstruction of UNDP vendors and requires all bidders/vendors observe the highest standard of ethics during the procurement process and contract implementation. UNDP’s Anti-Fraud Policy can be found at <http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti>   2. Bidders/vendors shall not offer gifts or hospitality of any kind to UNDP staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches or dinners.   3. In pursuance of this policy, UNDP (a) Shall reject a proposal if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question; (b) Shall declare a vendor ineligible, either indefinitely or for a stated period of time, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNDP contract.   4. All Bidders must adhere to the UN Supplier Code of Conduct, which may be found at <https://www.un.org/Depts/ptd/sites/www.un.org.Depts.ptd/files/files/attachment/page/pdf/unscc/conduct_english.pdf> |
| Eligibility | * 1. A vendor should not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNDP whether they are subject to any sanction or temporary suspension imposed by these organizations.   2. It is the Bidder’s responsibility to ensure that its employees, joint venture members, sub-contractors, service providers, suppliers and/or their employees meet the eligibility requirements as established by UNDP. |
| Conflict of Interests | * 1. Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:   2. Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by UNDP to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process;   3. Were involved in the preparation and/or design of the programme/project related to the services requested under this RFP; or   4. Are found to be in conflict for any other reason, as may be established by, or at the discretion of UNDP.   5. In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to UNDP, and seek UNDP’s confirmation on whether or not such a conflict exists.   6. Similarly, the Bidders must disclose in their proposal their knowledge of the following:   7. If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of UNDP staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving services under this RFP; and   8. All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.   Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.   * 1. The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNDP’s further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFP, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Proposal. |
| PREPARATION OF PROPOSALS | |
| General Considerations | * 1. In preparing the Proposal, the Bidder is expected to examine the RFP in detail. Material deficiencies in providing the information requested in the RFP may result in rejection of the Proposal.   2. The Bidder will not be permitted to take advantage of any errors or omissions in the RFP. Should such errors or omissions be discovered, the Bidder must notify the UNDP |
| Cost of Preparation of Proposal | * 1. The Bidder shall bear any and all costs related to the preparation and/or submission of the Proposal, regardless of whether its Proposal was selected or not. UNDP shall not be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process. |
| Language | * 1. The Proposal, as well as any and all related correspondence exchanged by the Bidder and UNDP, shall be written in the language (s) specified in the BDS. |
| Documents Comprising the Proposal | * 1. The Proposal shall comprise of the following documents:   2. Documents Establishing the Eligibility and Qualifications of the Bidder;   3. Technical Proposal;   4. Financial Proposal;   5. Proposal Security, if required by BDS;   6. Any attachments and/or appendices to the Proposal. |
| Documents Establishing the Eligibility and Qualifications of the Bidder | * 1. The Bidder shall furnish documentary evidence of its status as an eligible and qualified vendor, using the Forms provided under Section 6 and providing documents required in those forms. In order to award a contract to a Bidder, its qualifications must be documented to UNDP’s satisfaction. |
| Technical Proposal Format and Content | * 1. The Bidder is required to submit a Technical Proposal using the Standard Forms and templates provided in Section 6 of the RFP.   2. The Technical Proposal shall not include any price or financial information. A Technical Proposal containing material financial information may be declared non-responsive.   3. Samples of items, when required as per Section 5, shall be provided within the time specified and unless otherwise specified by UNDP, and at no expense to UNDP   4. When applicable and required as per Section 5, the Bidder shall describe the necessary training programme available for the maintenance and operation of the services and/or equipment offered as well as the cost to the UNDP. Unless otherwise specified, such training as well as training materials shall be provided in the language of the Bid as specified in the BDS. |
| Financial Proposals | * 1. The Financial Proposal shall be prepared using the Standard Form provided in Section 6 of the RFP. It shall list all major cost components associated with the services, and the detailed breakdown of such costs.   2. Any output and activities described in the Technical Proposal but not priced in the Financial Proposal, shall be assumed to be included in the prices of other activities or items, as well as in the final total price.   3. Prices and other financial information must not be disclosed in any other place except in the financial proposal. |
| Proposal Security | * 1. A Proposal Security, if required by BDS, shall be provided in the amount and form indicated in the BDS. The Proposal Security shall be valid up to thirty (30) days after the final date of validity of the Proposal.   2. The Proposal Security shall be included along with the Technical Proposal. If Proposal Security is required by the RFP but is not found along with the Technical Proposal, the Proposal shall be rejected.   3. If the Proposal Security amount or its validity period is found to be less than what is required by UNDP, UNDP shall reject the Proposal.   4. In the event an electronic submission is allowed in the BDS, Bidders shall include a copy of the Bid Security in their proposal and the original of the Proposal Security must be sent via courier or hand delivery as per the instructions in BDS.   5. The Proposal Security may be forfeited by UNDP, and the Proposal rejected, in the event of any one or combination, of the following conditions:      1. If the Bidder withdraws itsoffer during the period of the Proposal Validity specified in the BDS, or;      2. In the event that the successful Bidder fails:      3. to sign the Contract after UNDP has issued an award; or   6. to furnish the Performance Security, insurances, or other documents that UNDP may require as a condition precedent to the effectivity of the contract that may be awarded to the Bidder. |
| Currencies | * 1. All prices shall be quoted in the currency or currencies indicated in the BDS. Where Proposals are quoted in different currencies, for the purposes of comparison of all Proposals:  1. UNDP will convert the currency quoted in the Proposal into the UNDP preferred currency, in accordance with the prevailing UN operational rate of exchange on the last day of submission of Proposals; and 2. In the event that UNDP selects a proposal for award that is quoted in a currency different from the preferred currency in the BDS, UNDP shall reserve the right to award the contract in the currency of UNDP’s preference, using the conversion method specified above. |
| Joint Venture, Consortium or Association | * 1. If the Bidder is a group of legal entities that will form or have formed a Joint Venture (JV), Consortium or Association for the Proposal, they shall confirm in their Proposal that : (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the JV, Consortium or Association jointly and severally, which shall be evidenced by a duly notarized Agreement among the legal entities, and submitted with the Proposal; and (ii) if they are awarded the contract, the contract shall be entered into, by and between UNDP and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.   2. After the Deadline for Submission of Proposal, the lead entity identified to represent the JV, Consortium or Association shall not be altered without the prior written consent of UNDP.   3. The lead entity and the member entities of the JV, Consortium or Association shall abide by the provisions of Clause 9 herein in respect of submitting only one proposal.   4. The description of the organization of the JV, Consortium or Association must clearly define the expected role of each of the entity in the joint venture in delivering the requirements of the RFP, both in the Proposal and the JV, Consortium or Association Agreement.  All entities that comprise the JV, Consortium or Association shall be subject to the eligibility and qualification assessment by UNDP.   5. A JV, Consortium or Association in presenting its track record and experience should clearly differentiate between:  1. Those that were undertaken together by the JV, Consortium or Association; and 2. Those that were undertaken by the individual entities of the JV, Consortium or Association.    1. Previous contracts completed by individual experts working privately but who are permanently or were temporarily associated with any of the member firms cannot be claimed as the experience of the JV, Consortium or Association or those of its members, but should only be claimed by the individual experts themselves in their presentation of their individual credentials.    2. JV, Consortium or Associations are encouraged for high value, multi-sectoral requirements when the spectrum of expertise and resources required may not be available within one firm. |
| Only One Proposal | * 1. The Bidder (including the individual members of any Joint Venture) shall submit only one Proposal, either in its own name or as part of a Joint Venture.   2. Proposals submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:   3. they have at least one controlling partner, director or shareholder in common; or   4. any one of them receive or have received any direct or indirect subsidy from the other/s; or   5. they have the same legal representative for purposes of this RFP; or   6. they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Proposal of, another Bidder regarding this RFP process;   7. they are subcontractors to each other’s Proposal, or a subcontractor to one Proposal also submits another Proposal under its name as lead Bidder; or   8. some key personnel proposed to be in the team of one Bidder participates in more than one Proposal received for this RFP process. This condition relating to the personnel, does not apply to subcontractors being included in more than one Proposal. |
| Proposal Validity Period | * 1. Proposals shall remain valid for the period specified in the BDS, commencing on the Deadline for Submission of Proposals. A Proposal valid for a shorter period may be rejected by UNDP and rendered non-responsive.   2. During the Proposal validity period, the Bidder shall maintain its original Proposal without any change, including the availability of the Key Personnel, the proposed rates and the total price. |
| Extension of Proposal Validity Period | * 1. In exceptional circumstances, prior to the expiration of the proposal validity period, UNDP may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing, and shall be considered integral to the Proposal.   2. If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal.   3. The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated. |
| Clarification of Proposal | * 1. Bidders may request clarifications on any of the RFP documents no later than the date indicated in the BDS. Any request for clarification must be sent in writing in the manner indicated in the BDS. If inquiries are sent other than specified channel, even if they are sent to a UNDP staff member, UNDP shall have no obligation to respond or confirm that the query was officially received.   2. UNDP will provide the responses to clarifications through the method specified in the BDS.   3. UNDP shall endeavor to provide responses to clarifications in an expeditious manner, but any delay in such response shall not cause an obligation on the part of UNDP to extend the submission date of the Proposals, unless UNDP deems that such an extension is justified and necessary. |
| Amendment of Proposals | * 1. At any time prior to the deadline of Proposal submission, UNDP may for any reason, such as in response to a clarification requested by a Bidder, modify the RFP in the form of an amendment to the RFP. Amendments will be made available to all prospective bidders.   2. If the amendment is substantial, UNDP may extend the Deadline for submission of proposal to give the Bidders reasonable time to incorporate the amendment into their Proposals. |
| Alternative Proposals | * 1. Unless otherwise specified in the BDS, alternative proposals shall not be considered. If submission of alternative proposal is allowed by BDS, a Bidder may submit an alternative proposal, but only if it also submits a proposal conforming to the RFP requirements. UNDP shall only consider the alternative proposal offered by the Bidder whose conforming proposal ranked the highest as per the specified evaluation method. Where the conditions for its acceptance are met, or justifications are clearly established, UNDP reserves the right to award a contract based on an alternative proposal.   2. If multiple/alternative proposals are being submitted, they must be clearly marked as “Main Proposal” and “Alternative Proposal” |
| Pre-Bid Conference | * 1. When appropriate, a Bidder’s conference will be conducted at the date, time and location specified in the BDS. All Bidders are encouraged to attend. Non-attendance, however, shall not result in disqualification of an interested Bidder. Minutes of the Bidder’s conference will be disseminated on the procurement website and shared by email or on the e-Tendering platform as specified in the BDS. No verbal statement made during the conference shall modify the terms and conditions of the RFP, unless specifically incorporated in the Minutes of the Bidder’s Conference or issued/posted as an amendment to RFP. |
| SUBMISSION AND OPENING OF PROPOSALS | |
| Submission | * 1. The Bidder shall submit a duly signed and complete Proposal comprising the documents and forms in accordance with the requirements in the BDS. The submission shall be in the manner specified in the BDS.   2. The Proposal shall be signed by the Bidder or person(s) duly authorized to commit the Bidder. The authorization shall be communicated through a document evidencing such authorization issued by the legal representative of the bidding entity, or a Power of Attorney, accompanying the Proposal.   3. Bidders must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Bidder fully accepts the UNDP General Contract Terms and Conditions. |
| **Hard copy (manual) submission**  **Email Submission**  **eTendering submission** | * 1. Hard copy (manual) submission by courier or hand delivery allowed or specified in the BDS shall be governed as follows:   2. The signed Proposal shall be marked “Original”, and its copies marked “Copy” as appropriate. The number of copies is indicated in the BDS. All copies shall be made from the signed original only. If there are discrepancies between the original and the copies, the original shall prevail.   3. The Technical Proposal and the Financial Proposal envelopes MUST BE COMPLETELY SEPARATE and each of them must be submitted sealed individually and clearly marked on the outside as either “TECHNICAL PROPOSAL” or “FINANCIAL PROPOSAL”, as appropriate. Each envelope SHALL clearly indicate the name of the Bidder. The outer envelopes shall:   i. Bear the name and address of the bidder;  ii. Be addressed to UNDP as specified in the BDS   1. Bear a warning that states “*Not to be opened before the time and date for proposal opening*” as specified in the BDS.   If the envelopes and packages with the Proposal are not sealed and marked as required, UNDP shall assume no responsibility for the misplacement, loss, or premature opening of the Proposal.   * 1. Email submission, if allowed or specified in the BDS, shall be governed as follows:  1. Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS; 2. The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE. The financial proposal shall be encrypted with different passwords and clearly labelled. The files must be sent to the dedicated email address specified in the BDS. 3. The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose Technical Proposal has been found to be technically responsive. Failure to provide correct password may result in the proposal being rejected.    1. Electronic submission through eTendering, if allowed or specified in the BDS, shall be governed as follows: 4. Electronic files that form part of the proposal must be in accordance with the format and requirements indicated in BDS; 5. The Technical Proposal and the Financial Proposal files MUST BE COMPLETELY SEPARATE and each of them must be uploaded individually and clearly labelled. 6. The Financial Proposal file must be encrypted with a password so that it cannot be opened nor viewed until the password is provided. The password for opening the Financial Proposal should be provided only upon request of UNDP. UNDP will request password only from bidders whose technical proposal has been found to be technically responsive. Failure to provide the correct password may result in the proposal being rejected. 7. Documents which are required to be in original form (e.g. Bid Security, etc.) must be sent via courier or hand delivery as per the instructions in BDS. 8. Detailed instructions on how to submit, modify or cancel a bid in the eTendering system are provided in the eTendering system Bidder User Guide and Instructional videos available on this link: <http://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notices/resources/> |
| Deadline for Submission of Proposals and Late Proposals | * 1. Complete Proposals must be received by UNDP in the manner, and no later than the date and time, specified in the BDS. UNDP shall only recognize the date and time that the bid was received by UNDP   2. UNDP shall not consider any Proposal that is submitted after the deadline for the submission of Proposals. |
| Withdrawal, Substitution, and Modification of Proposals | * 1. A Bidder may withdraw, substitute or modify its Proposal after it has been submitted at any time prior to the deadline for submission.   2. Manual and Email submissions: A bidder may withdraw, substitute or modify its Proposal by sending a written notice to UNDP, duly signed by an authorized representative, and shall include a copy of the authorization (or a Power of Attorney). The corresponding substitution or modification of the Proposal, if any, must accompany the respective written notice. All notices must be submitted in the same manner as specified for submission of proposals, by clearly marking them as “WITHDRAWAL” “SUBSTITUTION,” or “MODIFICATION”   3. eTendering: A Bidder may withdraw, substitute or modify its Proposal by Canceling, Editing, and re-submitting the proposal directly in the system. It is the responsibility of the Bidder to properly follow the system instructions, duly edit and submit a substitution or modification of the Proposal as needed. Detailed instructions on how to cancel or modify a Proposal directly in the system are provided in Bidder User Guide and Instructional videos.   4. Proposals requested to be withdrawn shall be returned unopened to the Bidders (only for manual submissions), except if the bid is withdrawn after the bid has been opened |
| Proposal Opening | * 1. There is no public bid opening for RFPs. UNDP shall open the Proposals in the presence of an ad-hoc committee formed by UNDP, consisting of at least two (2) members. In the case of e-Tendering submission, bidders will receive an automatic notification once their proposal is opened. |
| EVALUATION OF PROPOSALS | |
| Confidentiality | * 1. Information relating to the examination, evaluation, and comparison of Proposals, and the recommendation of contract award, shall not be disclosed to Bidders or any other persons not officially concerned with such process, even after publication of the contract award.   2. Any effort by a Bidder or anyone on behalf of the Bidder to influence UNDP in the examination, evaluation and comparison of the Proposals or contract award decisions may, at UNDP’s decision, result in the rejection of its Proposal and may be subject to the application of prevailing UNDP’s vendor sanctions procedures. |
| Evaluation of Proposals | * 1. The Bidder is not permitted to alter or modify its Proposal in any way after the proposal submission deadline except as permitted under Clause 24 of this RFP. UNDP will conduct the evaluation solely on the basis of the submitted Technical and Financial Proposals.   2. Evaluation of proposals is made of the following steps:   3. Preliminary Examination   4. Minimum Eligibility and Qualification (if pre-qualification is not done)   5. Evaluation of Technical Proposals   6. Evaluation of Financial Proposals |
| Preliminary Examination | * 1. UNDP shall examine the Proposals to determine whether they are complete with respect to minimum documentary requirements, whether the documents have been properly signed, and whether the Proposals are generally in order, among other indicators that may be used at this stage. UNDP reserves the right to reject any Proposal at this stage. |
| Evaluation of Eligibility and Qualification | * 1. Eligibility and Qualification of the Bidder will be evaluated against the Minimum Eligibility/Qualification requirements specified in the Section 4 (Evaluation Criteria).   2. In general terms, vendors that meet the following criteria may be considered qualified:   3. They are not included in the UN Security Council 1267/1989 Committee's list of terrorists and terrorist financiers, and in UNDP’s ineligible vendors’ list;   4. They have a good financial standing and have access to adequate financial resources to perform the contract and all existing commercial commitments,   5. They have the necessary similar experience, technical expertise, production capacity where applicable, quality certifications, quality assurance procedures and other resources applicable to the provision of the services required;   6. They are able to comply fully with UNDP General Terms and Conditions of Contract;   7. They do not have a consistent history of court/arbitral award decisions against the Bidder; and   8. They have a record of timely and satisfactory performance with their clients. |
| Evaluation of Technical and Financial Proposals | * 1. The evaluation team shall review and evaluate the Technical Proposals on the basis of their responsiveness to the Terms of Reference and other RFP documents, applying the evaluation criteria, sub-criteria, and point system specified in the Section 4 (Evaluation Criteria). A Proposal shall be rendered non-responsive at the technical evaluation stage if it fails to achieve the minimum technical score indicated in the BDS. When necessary and if stated in the BDS, UNDP may invite technically responsive bidders for a presentation related to their technical proposals. The conditions for the presentation shall be provided in the bid document where required.   2. In the second stage, only the Financial Proposals of those Bidders who achieve the minimum technical score will be opened for evaluation. The Financial Proposals corresponding to Technical Proposals that were rendered non-responsive shall remain unopened, and, in the case of manual submission, be returned to the Bidder unopened. For emailed Proposals and e-tendering submissions, UNDP will not request for the password of the Financial Proposals of bidders whose Technical Proposal were found not responsive.   3. The evaluation method that applies for this RFP shall be as indicated in the BDS, which may be either of two (2) possible methods, as follows: (a) the lowest priced method which selects the lowest evaluated financial proposal of the technically responsive Bidders; or (b) the combined scoring method which will be based on a combination of the technical and financial score.   4. When the BDS specifies a combined scoring method, 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 / Max. Obtainable Score for TP) x 100  Rating the Financial Proposal (FP):  **FP Rating** = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100  Total Combined Score:  **Combined Score =** (TP Rating) x (Weight of TP, e.g. 70%) + (FP Rating) x (Weight of FP, e.g., 30%) |
| Due Diligence | * 1. UNDP reserves the right to undertake a due diligence exercise, also called post qualification, aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:      1. Verification of accuracy, correctness and authenticity of information provided by the Bidder;      2. Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team;      3. Inquiry and reference checking with Government entities with jurisdiction on the Bidder, or with previous clients, or any other entity that may have done business with the Bidder;      4. Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;      5. Physical inspection of the Bidder’s offices, branches or other places where business transpires, with or without notice to the Bidder;      6. Other means that UNDP may deem appropriate, at any stage within the selection process, prior to awarding the contract. |
| Clarification of Proposals | * 1. To assist in the examination, evaluation and comparison of Proposals, UNDP may, at its discretion, ask any Bidder for a clarification of its Proposal.   2. UNDP’s request for clarification and the response shall be in writing and no change in the prices or substance of the Proposal shall be sought, offered, or permitted, except to provide clarification, and confirm the correction of any arithmetic errors discovered by UNDP in the evaluation of the Proposals, in accordance with RFP.   3. Any unsolicited clarification submitted by a Bidder in respect to its Proposal, which is not a response to a request by UNDP, shall not be considered during the review and evaluation of the Proposals. |
| Responsiveness of Proposal | * 1. UNDP’s determination of a Proposal’s responsiveness will be based on the contents of the Proposal itself. A substantially responsive Proposal is one that conforms to all the terms, conditions, TOR and other requirements of the RFP without material deviation, reservation, or omission.   2. If a Proposal is not substantially responsive, it shall be rejected by UNDP and may not subsequently be made responsive by the Bidder by correction of the material deviation, reservation, or omission. |
| Nonconformities, Reparable Errors and Omissions | * 1. Provided that a Proposal is substantially responsive, UNDP may waive any non-conformities or omissions in the Proposal that, in the opinion of UNDP, do not constitute a material deviation.   2. UNDP may request the Bidder to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the Proposal related to documentation requirements. Such omission shall not be related to any aspect of the price of the Proposal. Failure of the Bidder to comply with the request may result in the rejection of its Proposal.   3. For Financial Proposal that has been opened, UNDP shall check and correct arithmetical errors as follows:  1. if there is a discrepancy between the unit price and the line item total that is obtained by multiplying the unit price by the quantity, the unit price shall prevail and the line item total shall be corrected, unless in the opinion of UNDP there is an obvious misplacement of the decimal point in the unit price; in which case the line item total as quoted shall govern and the unit price shall be corrected; 2. if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and 3. if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.    1. If the Bidder does not accept the correction of errors made by UNDP, its Proposal shall be rejected. |
| AWARD OF CONTRACT | |
| Right to Accept, Reject, Any or All Proposals | * 1. UNDP reserves the right to accept or reject any Proposal, to render any or all of the Proposals as non-responsive, and to reject all Proposals at any time prior to award of contract, without incurring any liability, or obligation to inform the affected Bidder(s) of the grounds for UNDP’s action. UNDP shall not be obliged to award the contract to the lowest priced offer. |
| Award Criteria | * 1. Prior to expiration of the proposal validity, UNDP shall award the contract to the qualified Bidder based on the award criteria indicated in the BDS. |
| Debriefing | * 1. In the event that a Bidder is unsuccessful, the Bidder may request a debriefing from UNDP. The purpose of the debriefing is to discuss the strengths and weaknesses of the Bidder’s submission, in order to assist the Bidder in improving its future proposals for UNDP procurement opportunities. The content of other proposals and how they compare to the Bidder’s submission shall not be discussed. |
| Right to Vary Requirements at the Time of Award | * 1. At the time of award of Contract, UNDP reserves the right to vary the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions. |
| Contract Signature | * 1. Within fifteen (15) days from the date of receipt of the Contract, the successful Bidder shall sign and date the Contract and return it to UNDP. Failure to do so may constitute sufficient grounds for the annulment of the award, and forfeiture of the Proposal Security, if any, and on which event, UNDP may award the Contract to the Second Ranked Bidder or call for new Proposals. |
| Contract Type and General Terms and Conditions | * 1. The types of Contract to be signed and the applicable UNDP Contract General Terms and Conditions, as specified in BDS, can be accessed at <http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html> |
| Performance Security | * 1. 40.1 A performance security, if required in BDS, shall be provided in the amount specified in BDS and form available at   <https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&action=default> within fifteen (15) days of the contract signature by both parties. Where a performance security is required, the receipt of the performance security by UNDP shall be a condition for rendering the contract effective. |
| Bank Guarantee for Advanced Payment | * 1. Except when the interests of UNDP so require, it is UNDP’s preference to make no advance payment(s) (i.e., payments without having received any outputs). If an advance payment is allowed as per BDS, and exceeds 20% of the total contract price, or USD 30,000, whichever is less, the Bidder shall submit a Bank Guarantee in the full amount of the advance payment in the form available at <https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&action=default> |
| Liquidated Damages | * 1. If specified in BDS, UNDP shall apply Liquidated Damages resulting from the Contractor’s delays or breach of its obligations as per the Contract. |
| Payment Provisions | * 1. Payment will be made only upon UNDP's acceptance of the work performed. The terms of payment shall be within thirty (30) days, after receipt of invoice and certification of acceptance of work issued by the proper authority in UNDP with direct supervision of the Contractor. Payment will be effected by bank transfer in the currency of contract. |
| Vendor Protest | * 1. UNDP’s vendor protest procedure provides an opportunity for appeal to those persons or firms not awarded a contract through a competitive procurement process. In the event that a Bidder believes that it was not treated fairly, the following link provides further details regarding UNDP vendor protest procedures: <http://www.undp.org/content/undp/en/home/operations/procurement/business/protest-and-sanctions.html> |
| Other Provisions | * 1. In the event that the Bidder offers a lower price to the host Government (e.g. General Services Administration (GSA) of the federal government of the United States of America) for similar services, UNDP shall be entitled to same lower price. The UNDP General Terms and Conditions shall have precedence.   2. UNDP is entitled to receive the same pricing offered by the same Contractor in contracts with the United Nations and/or its Agencies. The UNDP General Terms and Conditions shall have precedence.   3. The United Nations has established restrictions on employment of (former) UN staff who have been involved in the procurement process as per bulletin ST/SGB/2006/15 <http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&referer> |

# Section 3. Bid Data Sheet

The following data for the services to be procured shall complement, supplement, or amend the provisions in the Request for Proposals. In the case of a conflict between the Instructions to Bidders, the Data Sheet, and other annexes or references attached to the Data Sheet, the provisions in the Data Sheet shall prevail**.**

|  |  |  |  |
| --- | --- | --- | --- |
| **BDS No.** | **Ref. to Section.2** | **Data** | **Specific Instructions / Requirements** |
| 1 | 7 | Language of the Proposal | English |
| 2 |  | Submitting Proposals for Parts or sub-parts of the TOR (partial bids) | Not Allowed |
| 3 | 20 | Alternative Proposals | Shall not be considered |
| 4 | 21 | Pre-proposal conference | Will be Conducted  Time: Kabul Local Time  Date: March 21, 2019 10:00 AM  Venue: UNDP Meeting Room, UNOCA Compound, Jalalabad Road, Kabul, Afghanistan  All interested proposers are encouraged to participate in the pre-proposal conference.  The UNDP focal point for the arrangement is:  Procurement Unit  Telephone: +93728999751  E-mail: procurement.af@undp.org  Bidders interested to attend the Pre-Proposal Conference Must Send the Following information to the above-mentioned E-mail address ***Before 12:00 PM on 19 March 2019*** including Participant’s Name, Nationality, National ID (Tazkira) or Passport Number, and Company Name.  The Subject of E-mail Should be:  **RFP Ref. No-UNDP/AFG/RFP/2019/0000003483** |
| 5 | 10 | Proposal Validity Period | 90 days |
| 6 | 14 | Bid Security | Not Required |
| 7 | 41 | Advanced Payment upon signing of contract | Not Allowed |
| 8 | 42 | Liquidated Damages | Will be imposed as follows:  Percentage of contract price per day of delay: .05%  Max. number of days of delay 30 days, after which UNDP may terminate the contract. |
| 9 | 40 | Performance Security | Not Required |
| 10 | 18 | Currency of Proposal | United States Dollar |
| 11 | 31 | Deadline for submitting requests for clarifications/ questions | 5 days before the submission deadline |
| 12 | 31 | Contact Details for submitting clarifications/questions | Focal Person in UNDP:  Address: United Nations Development Programme, UNDP Country Office, UNOCA Complex, Jalalabad Road, Kabul, Afghanistan  E-mail address dedicated for this purpose:  [procurement.af@undp.org](mailto:procurement.af@undp.org)  Note: The Subject Line of email should be: **UNDP/AFG/RFP/2019/0000003483** |
| 13 | 18, 19 and 21 | Manner of Disseminating Supplemental Information to the RFP and responses/clarifications to queries | Posted directly to eTendering |
| 14 | 23 | Deadline for Submission | ☒ Online bidding in E-Tendering module.  As per indicated in eTendering system. Note that system time zone is in EST/EDT (New York) time zone. |
| 14 | 22 | Allowable Manner of Submitting Proposals | ☒ Online bidding in E-Tendering module.  Date and Time: As specified in the system (note that the time zone indicated in the system in New York Time zone).  **PLEASE NOTE:-**  Date and time visible on the main screen of the event (on the E-Tendering portal) will be final and prevail over any other closing time indicated elsewhere, in case they are different. Please also note that the bid closing time shown in the PDF file generated by the system is not accurate due to a technical glitch that we will resolve soon. The correct bid closing time is as indicated in the E-Tendering portal and system will not accept any bid after that time. It is the responsibility of the bidder to make sure bids are submitted within this deadline. UNDP will not accept any bid that is not submitted directly to the system.  Try to submit your bid a day prior or well before the closing time.  Do not wait until last minute. If you face any issue submitting your  bid at the last minute, UNDP may not be able to assist.  Note: for registration please refer to E-tendering instruction manual and FAQ. |
| 15 | 22 | Proposal Submission Address | Insert BU Code: AFG10  Event ID Number: 00000003477  To access Event Number 0000003477, kindly visit this website:  <https://etendering.partneragencies.org>  The step by step guide for e-tendering can be downloaded at this link:  <http://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notices/resources/> |
| 16 | 22 | Electronic submission (email or eTendering) requirements | * Format: PDF files only. ZIP, RAR and JPEG must not be used. Offerors are encouraged to check the attachment formats prior to submission as UNDP will not be responsible if attachments are in other formats that cannot be opened without additional software. * After preparing the Proposal in paper format, the entire Technical Proposal should be scanned or converted into one or more electronic.pdf (Adobe Acrobat) format file(s) and attached to one or more e-mails. The same should be done for financial proposal. * The Technical Proposal should be submitted separately from the Financial Proposal and must not contain any pricing information whatsoever on the services offered. * File names must be maximum 60 characters long and must not contain any letter or special character other than from Latin alphabet/keyboard. * All files must be free of viruses and not corrupted*.* * Financial Proposal Password:   Password for financial proposal must not be provided to UNDP until requested by UNDP if the proposal is deemed technically qualified. Proposers will have 48 hours to respond to the request for password from UNDP. Proposers are advised to note their passwords in a secure place. Should UNDP be unable to open the file due to forgotten password(s), the Proposal shall be request.   * Max. File Size per transmission:   *Proposers may send as many emails as needed but the size of each e-mail should not exceed five megabytes (5MB).*   * Mandatory subject of email:RFP Ref. No. UNDP/AFG/RFP/2019/0000003483 |
| 17 | 27  36 | Evaluation Method for the Award of Contract | Combined Scoring Method, using the 70%-30% distribution for technical and financial proposals respectively    The minimum technical score required to pass is 70%. |
| 18 |  | Expected date for commencement of Contract | May 1, 2019 |
| 19 |  | Maximum expected duration of contract | Seven (7) months |
| 20 | 35 | UNDP will award the contract to: | |  | | --- | | One Proposer Only | |
| 21 | 39 | Type of Contract | Contract for Professional Services |
| 22 | 39 | UNDP Contract Terms and Conditions that will apply | UNDP General Terms and Conditions for Professional Services  <http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html> |
| 23 |  | Other Information Related to the RFP | Proposers are solely responsible for ensuring that any and all files sent to UNDP are readable, i.e. uncorrupted, in the indicated electronic format and free from viruses and malware. Failure to provide readable files will result in the proposal being rejected.  Proposals send to or copied to personal emails of UNDP staff will be disqualified |

# Section 4. Evaluation Criteria

**Preliminary Examination Criteria**

Proposals will be examined to determine whether they are complete and submitted in accordance with RFP requirements as per below criteria on a Yes/No basis:

* Appropriate signatures
* Power of Attorney
* Minimum documents provided
* Technical and Financial Proposals submitted separately
* Bid Validity
* Bid Security submitted as per RFP requirements with compliant validity period

**Minimum Eligibility and Qualification Criteria**

Eligibility and Qualification will be evaluated on Pass/Fail basis.

If the Proposal is submitted as a Joint Venture/Consortium/Association, each member should meet minimum criteria, unless otherwise specified in the criterion.

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| --- | --- | --- |
| **Subject** | **Criteria** | **Document Submission requirement** |
| **ELIGIBILITY** |  |  |
| **Legal Status** | Vendor is a legally registered entity. | Form B: Bidder Information Form |
| **Eligibility** | Vendor is not suspended, nor debarred, nor otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization in accordance with RFP clause 3. | Form A: Technical Proposal Submission Form |
| **Conflict of Interest** | No conflicts of interest in accordance with RFP clause 4. | Form A: Technical Proposal Submission Form |
| **Bankruptcy** | Not declared bankruptcy, not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against the vendor that could impair its operations in the foreseeable future. | Form A: Technical Proposal Submission Form |
|  |  |  |
| **QUALIFICATION** |  |  |
| **History of Non-Performing Contracts[[1]](#footnote-1)** | Non-performance of a contract did not occur as a result of contractor default for the last 3 years. | Form D: Qualification Form |
| **Litigation History** | No consistent history of court/arbitral award decisions against the Bidder for the last 3 years. | Form D: Qualification Form |
| **Previous Experience** | Minimum 5 years of relevant experience. | Form D: Qualification Form |
| Minimum 2 contracts of similar value of not less than US$300,000 each, implemented over the last 5 years.  *(For JV/Consortium/Association, all Parties cumulatively should meet requirement).* | Form D: Qualification Form |
| Financial Standing | Positive net income for the past 2 years  *(For JV/Consortium/Association, all Parties cumulatively should meet requirement).* | Form D: Qualification Form |
| Bidder must demonstrate the current soundness of its financial standing and indicate its prospective long-term profitability.  *(For JV/Consortium/Association, all Parties cumulatively should meet requirement).* | Form D: Qualification Form |
| **Bidder’s Qualification** | * Should have an experience in conducting legal, and/or institutional research; * Should be familiar with Afghanistan Laws, Regulations, Policies. * Have at least 2 contracts in the past 5 years for provision of similar services as mentioned * Must have minimum of five years of experience in similar services. * Experienced with IDLG or Afghan government in legal/institutional reform, and development of national reform programs is an advantage; * Prior experience in monitoring and evaluation of development projects/programs is desired; * The firm should have zero record of corrupt practices, allegation and prosecutable crimes in the past that also include being blacklisted by the government of Afghanistan or NGOs for fraudulent activities; * The Firm Staffs should have zero record of prosecutable crimes including but not limited to fraudulent activities, conflict of interest in this assignment including bias towards any relevant party (IDLG, UNDP and other stakeholders); |  |
| **Key Personnel** | The firm should propose an appropriate team composition/size for carrying out the tasks as required within the given timeframe (7) months. Note that for evaluation purposes, the firm is expected to submit 4 Curriculum Vitae (CV) of the key personnel mentioned in the table below. The CVs should include details of education, relevant experience carried out by the applicable staff, indicating capability and capacity to undertake the assignment.   | **No.** | **Key Personnel** | **Minimum Educational Qualifications and Experience** | | --- | --- | --- | | 1. | Team leader (1) – International | * At least 15 years of relevant experience in governance, public sector reform, decentralization or institutional reform, * Master’s Degree in law, political sciences, public policy, public administration, development studies or political economics, * Hands on experience in designing research methodologies and/or conducting political economy assessments, governance assessments or impact assessment of laws and public policy; * Demonstrable experience in designing and leading similar complex tasks, preferably in conflict or post conflict environment; * Knowledge of Afghanistan political and administrative system will be considered as an asset. | | 2. | Legal Expert (1) – International | * Minimum 7 years of practical experience in research, legal drafting preferably focusing on public and administrative law, legal drafting methodologies, capacity building, teaching and learning methodologies as well as, coordination and facilitation of events/policy dialogue related to legal drafting and legislative reform; * Previous experience of working with legislative bodies, government officials, academics, CSOs etc.; * Extensive experience in provision of legal capacity building interventions to various stakeholders; * Extensive experience in legal drafting and building capacity of legal drafters how to draft laws. * Ability to interact and engage with high level Government officials and policy- makers; * Knowledge and experience in the legislative and juridical process in Afghanistan will be an asset. | | 3. | Local Governance Expert (1) – National | * Master’s degree in public administration, Law, Public Policy, Political Sciences, Economics, Management or related social science disciplines; * At least seven years of experience in governance programs and projects, by working directly with central or local level actors or research institution or similar, dealing provision of policy advise or similar; * In-depth knowledge of local governance realities in Afghanistan; * Proven qualities in partnership building and client orientation; * Ability to coordinate different stakeholders in a complex working environment; * Excellent communication skills. Fluency in Dari and/or Pashtu is a requirement; | | 4 | Research Analyst (2) – National | * Master’s degree in public policy research, economics, sociology, or political science with 5 years professional hands-on experience, or Bachelor with 7 years of hands-on experience in conducting quantitative and qualitative research, data analysis and any other related field. * At least 5 years of experience in research and analysis, data collection and presentation of reports in the field of governance, development, social or legal research or similar; * At least one published article or a professional report of the same nature; * Experience in the usage of computers and office software packages (Ms. Word, Excel, etc.); * Excellent communication skills. Fluency in Dari and Pashtu | |  |

**Technical Evaluation Criteria**

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| --- | --- | --- |
| **Summary of Technical Proposal Evaluation Forms** | | **Points Obtainable** |
| 1. | Bidder’s qualification, capacity and experience | 300 |
| 2. | Proposed Methodology, Approach and Implementation Plan | 400 |
| 3. | Management Structure and Key Personnel | 300 |
|  | **Total** | **1000** |

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| **Section 1. Bidder’s qualification, capacity and experience** | | | **Points obtainable** |
| 1.1 | Reputation of Organization and Staff Credibility / Reliability / Industry Standing | | **60** |
| 1.2 | General Organizational Capability which is likely to affect implementation: management structure, financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted | | **80** |
| 1.3 | Relevance of specialized knowledge and experience on similar engagements done in the region/country | | **100** |
| Have experience in conducting legal, and/or institutional research | 40 |  |
| Experienced with IDLG or Afghan government in legal/institutional reform, and development of national reform programs | 25 |  |
| experience in monitoring and evaluation of development projects/programs | 10 |  |
| Familiarities with Afghanistan Laws, Regulations, Policies | 25 |  |
| 1.4 | Quality assurance procedures, quality assurance methods proposed, warranty | | **60** |
| **Total Section 1** | | | **300** |

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| --- | --- | --- |
| **Section 2. Proposed Methodology, Approach and Implementation Plan** | | **Points obtainable** |
| 2.1 | Understanding of the requirement: Have the important aspects of the task been addressed in sufficient detail? Are the different components of the project adequately weighted relative to one another? | 80 |
| 2.2 | Description of the Offeror’s approach and methodology for meeting or exceeding the requirements of the Terms of Reference | 90 |
| 2.3 | Is the scope of task well defined and does it correspond to the TOR? | 80 |
| 2.4 | Description of available performance monitoring, evaluation mechanisms, reporting mechanism and tools; how they shall be adopted and used for a specific requirement | 40 |
| 2.5 | Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic | 50 |
| 2.6 | Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract | 30 |
| 27 | Extent to which any work would be distributed within the Joint Venture organs (Joint Venture carries additional risks which may affect project implementation, but properly done it offers a chance to access specialized skills.) | 30 |
| **Total Section** **2** | | **400** |

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| **Section 3. Management Structure and Key Personnel** | | | **Points obtainable** |
| 3.1 | Composition and structure of the team proposed. Are the proposed roles of the management and the team of key personnel suitable for the provision of the necessary services? |  | 40 |
| 3.2 | Qualifications of key personnel proposed |  |  |
| 3.2 a | Team leader (1) – International |  | 80 |
| Master’s Degree in law, political sciences, public policy, public administration, development studies or political economics, | 20 |  |
| At least 15 years of relevant experience in governance, public sector reform, decentralization or institutional reform. | 20 |
| Experience designing research methodologies and/or conducting political economy assessments, governance assessments or impact assessment of laws and public policy | 20 |
| Demonstrable experience in designing and leading similar complex tasks, preferably in conflict or post conflict environment | 10 |
| Knowledge of Afghanistan political and administrative system will be considered as an asset | 10 |
| 3.2 b | Legal Expert (1) – International |  | 80 |
|  | Minimum 7 years of practical experience in research, legal drafting preferably focusing on public and administrative law, legal drafting methodologies, capacity building, teaching and learning methodologies as well as, coordination and facilitation of events/policy dialogue related to legal drafting and legislative reform | 20 |  |
| Previous experience of working with legislative bodies, government officials, academics, CSOs etc | 20 |
| Extensive experience in provision of legal capacity building interventions to various stakeholders; | 20 |
| Extensive experience in legal drafting and building capacity of legal drafters how to draft laws | 5 |
| Ability to interact and engage with high level Government officials and policy- makers | 5 |
|  | Knowledge and experience in the legislative and juridical process in Afghanistan will be an asset. | 10 |  |

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| 3.2 c | Local Governance Expert (1) – National |  | 70 |
|  | Master Degree in Public Administration, Law, Public Policy, Political Sciences, Economics, Management or related social science disciplines; | 20 |  |
| At least seven years of experience in governance programs and projects, by working directly with central or local level actors or research institution or similar, dealing provision of policy advise or similar | 20 |
| In-depth knowledge of local governance realities in Afghanistan | 10 |
| Proven qualities in partnership building and client orientation | 10 |
| Ability to coordinate different stakeholders in a complex working environment | 5 |
| Excellent communication skills. Fluency in Dari and/or Pashtu is a requirement | 5 |
|  |  |
| 3.2 d | Research Analyst (2) – National |  | 70 |
|  | Master Degree in Public policy research, economics, sociology, or political science with 5 years professional hands-on experience, or Bachelor with 7 years of hands-on experience in conducting quantitative and qualitative research, data analysis and any other related field. | 20 |  |
| At least 5 years of experience in research and analysis, data collection and presentation of reports in the field of governance, development, social or legal research or similar; | 20 |
| At least one published article or a professional report of the same nature | 20 |
| Experience in the usage of computers and office software packages (Ms. Word, Excel, etc.); | 5 |
| Excellent communication skills. Fluency in Dari and Pashtu | 5 |
| **Total Section 3** | | | **300** |

# Section 5. Terms of Reference

**Terms of Reference (TOR)**

**To draft Local Administration Law for Independent Directorate of Local Governance – Afghanistan (IDLG)**

Location: Kabul, Afghanistan

Duration: (7) Months

Organization: UNDP Afghanistan

Project Title: Local Governance Project (LoGo)

1. **Background**

State-building and development efforts in Afghanistan are jeopardized by a widespread conflict which impacts negatively on the lives and the welfare of ordinary Afghans and on government public service delivery. The deconcentrated nature of sub-national governance in Afghanistan combined with the lack of proper implementation of consultative planning processes and local level elections means that services at the local level are in most cases implemented with limited attention to the priorities of the women and men in the constituencies and with capacity limitations to local government oversight. The United National Development Program (UNDP) and Independent Directorate for Local Governance (IDLG) have been working on subnational governance together since the inception of IDLG through the Afghanistan Sub National Governance Program (ASGP).

**Project Description**

The Local Governance Project-Afghanistan (LoGo) is a project, building upon the lessons from UNDP’s Afghanistan Sub-National Governance Program (ASGP). Through the LoGo project, the IDLG and UNDP are working jointly to address the top three priorities of IDLG which are: 1) service delivery; 2) accountability; and 3) clear functions and mandates. The project builds on a theory of change aimed at improving service delivery by enhancing the accountability and transparency of the local governments to the women and men of Afghanistan and building the capacity of the local governments to plan, budget and monitor service delivery effectively with the aim of increasing the legitimacy of the government and the trust between the state and society. The GIRoA, with UNDP support, will focus on the following areas:

* Capacity of PGOs and Provincial Councils has improved for accountability and transparent service delivery.
* Municipalities are able to generate more revenues and deliver improved services in a transparent, accountable and participatory manner. Civil Society and citizens have improved oversight capacity of local governance.
* IDLG is able to develop and implement policies to improve local government accountability and service delivery.

1. **Context and Objective of the Assignment**

The new Roadmap for Subnational Reform, acknowledges that the provincial governance structure is not well codified. Currently, the governance practices at the sub national level vary from exercising strong authority by some governors to playing a mare coordinating role by others. This uneven governance practices coupled by the outdated legal framework, creates a challenge for security and rule of law in an already fragile and conflict prone political context.

Some of the institutional challenges are mainly related to the unclear division of the responsibilities, lack of clarity in the system of subnational governance, weak leadership by provincial and district governors and lack of sufficient and effective delegation of authority by the central line ministries.

The central government is represented in the provinces and districts through subnational units of administration, which, in line with Art. 137 of the Constitution on the delegation of authority, aim to serve as facilitating platforms for bottom-up people’s participation in the decision-making processes of public service delivery at the local level. Thus, the key decisions of the central government are operationalized at the sub national level.

Afghanistan has a total of 34 provinces. The role of the provincial governor is to draft policies such as strategic planning and overall exercise of leadership for overseeing provincial line departments service delivery targets, through feedback received from Provincial Councils (PCs), in addition to contributing to provincial security, conflict prevention, and administrative supervision of the provinces and the districts.

District governors perform similar activities, where their source of bottom-up feedback includes District Councils, which are yet to be elected and civil society organizations, Community Development Councils (CDCs), and District Development Assemblies (DDAs). Currently, the district governors often view their role as a purely administrative one. However, their functions should include a broader framework of functions, including engagement with the local community, provision of security, justice, market development and service delivery as per the Roadmap.

The Roadmap is committed to establishing a comprehensive and harmonized legal framework on sub national governance which will be able to respond to the priorities of the reform and advance the implementation of the principle of subsidiarity in a gradual and incremental way. The Roadmap foresees subnational governance reform and sets the policy framework for subnational governance to undergo a transition.

Thus, one of the goals is to revise/draft the Local Administration Law, as a systemic law which will govern the functioning and define the roles, mandates and responsibilities of the IDLG and the sub national actors.

At the provincial and district level, there is no corresponding legislation or regulations that codifies the roles and responsibilities of the various administrative entities. This is due primarily to the historical unitary structure of the Afghan state, under which the Ministry of Interior solely managed subnational governance entities. To further develop subnational governance structures, the Local Administrative Law needs to be revised/drafted[[2]](#footnote-2).

In this context, the UNDP/LoGo supports the IDLG to draft the Local Administration Law. The Local Administration Law aims to improve and establish strong, transparent and accountable governance at the provincial and district level, in order to ensure effective implementation of the Afghan constitution, laws, and policies, and to protect the rights and benefits of the government and the people in accordance with the rule of law.

In parallel, the IDLG with the support from the UNDP is going to carry out a structural and functional analysis of the IDLG. This analysis, which should be finalized by the middle of 2019, will include an analysis of the IDLG’s Strengths, Weaknesses, Challenges, Opportunity and Threats (SWOT Analysis) in relation to its current operations and performance and in with reference to the new framework of sub-national governance policy. In addition, the analysis will recommend the most appropriate operational model(s) for any functions recommended to be moved out of IDLG or to be transferred into the IDLG; these might include certain authorities and responsibilities on budgeting, service delivery, procurements and recruitments. Also, the analysis will review IDLG’s existing vision, mission, and strategic objectives outlined in the subnational governance policy, in relation to its overall mandate to determine strategic alignment and review the organizational functions and operations of IDLG, both at center and local levels (province and district) to identify functions that support or do not support the IDLG’s mandate, and determine organizational overlaps and duplications that may exist within the IDLG, the wider portfolio (the role of local councils, drawing or designing new demarcation lines between districts and cities), and with other relevant sectors or entities that affect.

1. **Scope of Services**

IDLG seeks consulting services to draft the Local Administration Law with the overall aim to define the roles and responsibilities of the central, provincial and districts level. This task will include drafting a comprehensive legal framework on the roles, responsibilities, relationships, and authorities of the all actors/entities on subnational governance at the central level and subnational level. In light of the approval of municipality law and the draft local councils’ law, the draft local administration law must make reference to or highlight relationships between provincial administrative units with municipalities and councils. This task will include conducting a legal gap analysis, research on the impact assessment of the proposed Law, facilitation of consultative workshop(s) with the relevant stakeholders and submission of the draft text of the Law to the IDLG.

**More precisely, the company will carry out the following tasks:**

1. Conduct desk review of all policies, studies, laws and regulations (including sectoral), in particular, the newly adopted Subnational Governance Policy/Roadmap for Subnational Reform and its impact on functions, roles and responsibilities, relationships, and authorities of all subnational governance actors/entities at the central and subnational level.
2. Review the preliminary findings of the structural and functional analysis and the SWOT, and the outcomes of the filed research on Regional, provincial, district, village and organizational functions[[3]](#footnote-3);
3. Develop a legal (gap) analysis which will include analysis of the current regulation against the priorities outlined in the new subnational policy accompanied by different (legal) alternatives/options for administrative functions of all subnational governance actors/entities at the central and subnational level;
4. Design a methodology and conduct an impact assessment of the different legal alternatives (economic, political, social, administrative, financial etc) of the proposed solutions. The impact assessment, will focus on the relevant impact for the Afghan context of the legal options and will include risk and benefit analysis, providing a detailed view of the impact. The assessment will be carried out through focus group discuss, expert consultation and similar;
5. Present the legal gap analysis and the findings of the impact assessment to the IDLG leadership and all other relevant subnational actors/entities at the central and subnational level;
6. Based on the desk review and the impact assessment, and the consultative process with the relevant stakeholders, draft the new systemic Local Administration Law in line with Afghan Constitution, Law on the structure of the government, Public Finance and Expenditure Law, Procurement Law, Labour Law, Police Law, Law on the roles and responsibilities of the Attorney General, Law on the courts, Civil Service Law, Municipality Law, and Draft Local Council Law. The Law will provide a comprehensive legal framework on the roles and responsibilities of the IDLG, Provinces and Districts, including the horizontal and vertical cooperation of the IDLG, Provinces and Districts with the line departments and central ministries. The Law will include a clear reference to the sectoral areas which should be further regulated by means of Laws, Regulation and/or Administrative Instruction in line with the Afghan legal drafting and approval context[[4]](#footnote-4).
7. Propose a roadmap for the advocacy of the Law.
8. Perform tasks related to the Administration Law as assigned by the IDLG.
9. **Approach and Methodology** 
   1. **Qualification, capacity and experience documents**

The bidder is expected to provide all qualification, capacity and experience documents meeting the criteria mentioned in the Evaluation Criteria section of the RFP (Section 4)

* 1. **Methodology:**

The bidder is expected to propose the most appropriate methodology to meet the programme objectives as outlined in the TOR. The requested deliverables, timeline should also be observed.

* 1. **Management Structure and Key Personnel**

The bidder shall propose management structure of the entire offered team. The firm must also attach CVs of key personnel, and factsheet of their previous contracts in the field

* 1. **Financial Proposal:**

The bidder shall prepare and submit a Financial Proposal according to the attached Financial Proposal Form attached to this RFP.

1. **Deliverables and Schedules/Expected Outputs**

**Expected Outputs / Key Performance Indicators**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SN** | **Deliverables/Outputs** | **Deadline** | **Review and Approval Required** | **Payment** |
| D1 | * A workplan on delivery of the project outputs * Detailed Work Plan and Proposed scope of work for this assignment * Desk Review of relevant Laws, Regulations, Policies and regulatory guidelines of IDLG and other relevant documents of line Ministries. * Submission of reporting format (template) for evaluation of each assignment. * Produce Inception Report * Legal gap analysis with different options for the administrative functions and roles and responsibilities of the sub-national actors * Methodology for conducting the impact assessment * Presentation of the legal gap analysis with different options and the methodology for the impact assessment before IDLG and Steering Committee Consultative meetings with IDLG, IARCSC, and MoF , MoJ carried out etc. | **2,5 months** | IDLG/ PPD,  LoGo Component Lead (SNP) | 30% |
| D2 | * Surveys, interviews, expert opinions, focus group discussions conducted both at the central and local level, such as the PGOs, DGOs, municipalities, line departments and CSOs, as per the methodology. * Meeting with IDLG, LoGo/UNDP to confirm data accuracy and reliability of the data collected regarding the local Administration Law. * Submit and present the findings of the impact assessment to the Steering Committee for feed back * Meetings with IDLG, and UNDP and other line ministries on drafting of the Local Administration Law. * Submit the Draft of the Local Administration Law based on the feedback received | **3, 0, months** | IDLG/PPD,  LoGo Project manager and Component Lead (SNP) | 50% |
| D3 | * Carry out final consultative meetings with stakeholders for final feedback on the draft Law * Submit the final draft of the Law * Submit a final report of the assignment, including lessons learned and a roadmap for the implementation of the Law | **1,5 months** | IDLG, Steering committee and LoGo project manager | 20 % |

* The project will be overseen by an internal legislative committee at the IDLG.
* The firm is required to closely work and coordinate operational and programmatic functions with mentioned legislative committee and on a daily basis with LoGo.
* The firm is required to present findings on a biweekly manner to IDLG and as per the Scope of Work stipulated above.
* Before finalizing draft Law, the selected Firm should discuss the Law with a group of stakeholders to be defined and agreed upon with IDLG and UNDP/LoGo.
* The Director of Policy and Planning of IDLG and component lead of Subnational Policy, UNDP/LoGo will monitor and conduct the oversight on the services of the contract holder and will provide regular feedback to the selected Firm.
* The reports must be submitted in draft to the Steering Committee, the Steering Committee will review the draft report and provide feedback. Sub-standard reports not complying with the IDLG and UNDP standards shall be rejected by the UNDP.

1. **Expected Outputs / Key Performance Indicators**

* A comprehensive inception report which includes scope of work, legal gap analysis, research methodology for the impact assessment and the drafting of the Law;
* Conduct a consultative meeting with all actors/entities on subnational governance at the central level and subnational level.
* Present the gap analysis and the methodology for conducting impact assessment with the different options for delineating the functions and the roles and responsibilities of the different sub-national actors;
* Conduct consultative meetings, surveys, focus group discussions to assess economic, administrative, political, financial and social impact of the options and present the findings to the Steering Committee and other relevant stakeholders;
* Based on the recommendations from the Steering Committee, draft the Local Administration Law;
* Present the draft Local Administration Law to the Steering Committee;
* Final report which includes the findings, observations, lessons learned and recommendations including a roadmap (next steps) for the implementation of the law.

1. **Governance and Accountability**
   1. **UNDP’s Responsibility**

UNDP will be responsible to review contractor’s requests for information and support on a timely basis. Designated UNDP focal point(s) will be available to provide guidance to the contractor during the work. UNDP LoGo and/or his designated staff (Component Lead Subnational Policy) shall be responsible for monitoring of contractor’s performance and quality assurance. UNDP shall undertake review of contractor’s performance which will include review of quality of deliverables. UNDP shall undertake a structured performance review of the contractor at the end of the contract which will also include feedback from various stakeholders.

The UNDP will facilitate the process between the partners and the selected firm. The Firm has a right of access to, consultants, contractors and other persons or firm engaged by the partners. If the Firm has only restricted access to any records, person or location during the course of the assessment, UNDP should be immediately informed about any difficulty in accessing the information. The UNDP will liaise and facilitate the process throughout the assignment.

* 1. **Contractor’s Responsibility**

The Contractor shall designate a focal point (preferably the Task Manager) for communication related to submission of deliverables. The designated Contractor focal point shall be responsible for communication with UNDP regarding submission of draft reports, receipt and incorporation of comments/suggestions from UNDP and IDLG, and submission of final version of the reports/deliverables. The designated Contractor focal point shall also be responsible to coordinate with UNDP regarding organization of review meetings for the reports/deliverables.

The Contractor will need to provide in its proposal a description and cost estimate for all the facilities required to perform the services. UNDP will not provide facilities. It will be the sole responsibility of the Contractor to ensure a suitable level of security. The Contractor will also be entrusted with the duty of care of all its personnel in Afghanistan. The Contractor will also be subject to the provisions of Article 23 of the UNDP General Terms and Conditions with respect to security

* 1. **Required facilities to be provided by the Firm**

The Firm must ensure accessibility to the locations of the organizations/institutions.

All computers, communications, security clearance etc. to be provided by the contractor/service provider.

Logistics, travel/transportation, stationary, and security measures must be provided by the contractor/service provider.

The assignment carried out under this TOR (Terms of Reference) shall be conducted across IDLG both in central, provincial and district level including other relevant partners as necessary, for example travel to approximately 10 selected provinces, which are to be decided in consultation with IDLG

The selected Firm shall receive general information regarding the different partners and the program from the UNDP focal point(s). The Firm shall review this documentation in advance of performing a site visit to the different partners. The Firm should, through the UNDP focal point(s), also provide partners with an advance request of the documents and interviews they would like to have while on site, to ensure efficient use of time while on-site.

The Firm, with the assistance of the agencies, will have access at any time during the review to all records and documents.

1. **Expected Duration of the contract/assignment**

The contract duration will be for seven (7) months from the date of issuance of contract. The assignment is expected to start in (May/2019) so the firm will need to be ready and available to start the assignment within indicated timeframe. The following conditions apply to pre-due completion of work or delay in the delivery of expected outputs:

1. If Assignment is completed before the due date, IDLG and LoGo will review the deliverables and will process the scheduled payments accordingly;
2. If the assignment is delayed due to unforeseen circumstances such as severe security condition where the firm will have no access to specific geographical area and offices for data collection and interviews/consultation, the matter should be brought to attention of IDLG and LoGo focal points immediately;
3. IDLG and UNDP/LoGo shall review completed work, provide constructive feedback for enrichment/revision, or issue certificate of completion within 8 working days (9 Calendar Days);
4. **Duty Station**

The assignment will be conducted in IDLG/HQ and its directorates in Kabul as well as travel to provinces. The Steering Committee will provide the list of the provinces, districts, and municipalities. IDLG will only provide office space and desks for key personnel working under the umbrella of this assignment during their visits of provincial offices.

1. **Professional Qualifications of the Successful Contractor and its key personnel**
   1. **Qualifications of the firm:**

* Experienced with IDLG or Afghan government in legal/institutional reform, and development of national reform programs is an advantage;
* Have experience in conducting legal, and/or institutional research;
* Prior experience in monitoring and evaluation of development projects/programs is desired;
* Familiarities with Afghanistan Laws, Regulations, Policies.
* Have at least 2 contract in the past 5 years for provision of similar services as mentioned above and minimum of five years of experience.
* The firm should have zero record of corrupt practices, allegation and prosecutable crimes in the past that also include being blacklisted by the government of Afghanistan or NGOs for fraudulent activities;
* The Firm Staffs should have zero record of prosecutable crimes including but not limited to fraudulent activities, conflict of interest in this assignment including bias towards any relevant party (IDLG, UNDP and other stakeholders);
  1. **Key personnel qualifications**

The firm should propose an appropriate team composition/size for carrying out the tasks as required within the given timeframe (7) months. Note that for evaluation purposes, the firm is expected to submit 4 Curriculum Vitae (CV) of the key personnel mentioned in the table below. The CVs should include details of education, relevant experience carried out by the applicable staff, indicating capability and capacity to undertake the assignment.

| **No.** | **Key Personnel** | **Minimum Educational Qualifications and Experience** |
| --- | --- | --- |
| 1. | Team leader (1) – International | * At least 15 years of relevant experience in governance, public sector reform, decentralization or institutional reform, * Master’s Degree in law, political sciences, public policy, public administration, development studies or political economics, * Hands on experience in designing research methodologies and/or conducting political economy assessments, governance assessments or impact assessment of laws and public policy; * Demonstrable experience in designing and leading similar complex tasks, preferably in conflict or post conflict environment; * Knowledge of Afghanistan political and administrative system will be considered as an asset. |
| 2. | Legal Expert (1) – International | * Minimum 7 years of practical experience in research, legal drafting preferably focusing on public and administrative law, legal drafting methodologies, capacity building, teaching and learning methodologies as well as, coordination and facilitation of events/policy dialogue related to legal drafting and legislative reform; * Previous experience of working with legislative bodies, government officials, academics, CSOs etc.; * Extensive experience in provision of legal capacity building interventions to various stakeholders; * Extensive experience in legal drafting and building capacity of legal drafters how to draft laws. * Ability to interact and engage with high level Government officials and policy- makers; * Knowledge and experience in the legislative and juridical process in Afghanistan will be an asset |
| 3. | Local Governance Expert (1) – National | * Master Degree in Public Administration, Law, Public Policy, Political Sciences, Economics, Management or related social science disciplines; * At least seven years of experience in governance programs and projects, by working directly with central or local level actors or research institution or similar, dealing provision of policy advise or similar; * In-depth knowledge of local governance realities in Afghanistan; * Proven qualities in partnership building and client orientation; * Ability to coordinate different stakeholders in a complex working environment; * Excellent communication skills. Fluency in Dari and/or Pashtu is a requirement; |
| 4 | Research Analyst (2) – National | * Master Degree in Public policy research, economics, sociology, or political science with 5 years professional hands-on experience, or Bachelor with 7 years of hands-on experience in conducting quantitative and qualitative research, data analysis and any other related field. * At least 5 years of experience in research and analysis, data collection and presentation of reports in the field of governance, development, social or legal research or similar; * At least one published article or a professional report of the same nature; * Experience in the usage of computers and office software packages (Ms. Word, Excel, etc.); * Excellent communication skills. Fluency in Dari and Pashtu |

In case of any unforeseen circumstance(s) if one or more of the proposed key personnel fail to perform their duties under the contract, the Firm will be responsible to provide alternate personnel with at least similar or higher qualifications and skill-sets. In such event CVs of the alternate personnel must be approved by LoGo/UNDP prior to engagement.

1. **Schedule of Payments**

UNDP shall issue a fixed-priced contract to the recommended firm. Payments to the contractor shall be made upon successful completion and certification by UNDP according to the deliverables outline in section E of this TOR above.

# Section 6: Returnable Bidding Forms / Checklist

This form serves as a checklist for preparation of your Proposal. Please complete the Returnable Bidding Forms in accordance with the instructions in the forms and return them as part of your Proposal submission. No alteration to format of forms shall be permitted and no substitution shall be accepted.

Before submitting your Proposal, please ensure compliance with the Proposal Submission instructions of the BDS 22.

**Technical Proposal Envelope:**

|  |  |
| --- | --- |
| **Have you duly completed all the Returnable Bidding Forms?** |  |
| * Form A: Technical Proposal Submission Form |  |
| * Form B: Bidder Information Form |  |
| * Form C: Joint Venture/Consortium/ Association Information Form |  |
| * Form D: Qualification Form |  |
| * Form E: Format of Technical Proposal |  |
| * Form H: Proposal Security Form (**NOT APPLICABLE)** |  |
| **Have you provided the required documents to establish compliance with the evaluation criteria in Section 4?** |  |

**Financial Proposal Envelope**

**(Must be submitted in a separate sealed envelope/password protected email)**

|  |  |
| --- | --- |
| * Form F: Financial Proposal Submission Form |  |
| * Form G: Financial Proposal Form |  |

## **Form A:** Technical Proposal Submission Form

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bidder: | [Insert Name of Bidder] | Date: | Select date |
| RFP reference: | [Insert RFP Reference Number] | | |

We, the undersigned, offer to provide the services for [Insert Title of services] in accordance with your Request for Proposal No. [Insert RFP Reference Number] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

We hereby declare that our firm, its affiliates or subsidiaries or employees, including any JV/Consortium /Association members or subcontractors or suppliers for any part of the contract:

1. is not under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Compendium of United Nations Security Council Sanctions Lists;
2. have not been suspended, debarred, sanctioned or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization;
3. have no conflict of interest in accordance with Instruction to Bidders Clause 4;
4. do not employ, or anticipate employing, any person(s) who is, or has been a UN staff member within the last year, if said UN staff member has or had prior professional dealings with our firm in his/her capacity as UN staff member within the last three years of service with the UN (in accordance with UN post-employment restrictions published in ST/SGB/2006/15);
5. have not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against them that could impair their operations in the foreseeable future;
6. undertake not to engage in proscribed practices, including but not limited to corruption, fraud, coercion, collusion, obstruction, or any other unethical practice, with the UN or any other party, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the UN and we embrace the principles of the United Nations Supplier Code of Conduct and adhere to the principles of the United Nations Global Compact.

We declare that all the information and statements made in this Proposal are true and we accept that any misinterpretation or misrepresentation contained in this Proposal may lead to our disqualification and/or sanctioning by the UNDP.

We offer to provide services in conformity with the Bidding documents, including the UNDP General Conditions of Contract and in accordance with the Terms of Reference

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.

We understand and recognize that you are not bound to accept any Proposal you receive.

I, the undersigned, certify that I am duly authorized by [Insert Name of Bidder] to sign this Proposal and bind it should UNDP accept this Proposal.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*Stamp with official stamp of the Bidder*]

## **Form B:** BidderInformation Form

|  |  |
| --- | --- |
| **Legal name of Bidder** | [Complete] |
| **Legal address** | [Complete] |
| **Year of registration** | [Complete] |
| **Bidder’s Authorized Representative Information** | Name and Title: [Complete]  Telephone numbers: [Complete]  Email: [Complete] |
| **Are you a UNGM registered vendor?** | Yes  No If yes, [insert UGNM vendor number] |
| **Are you a UNDP vendor?** | Yes  No If yes, [insert UNDP vendor number] |
| **Countries of operation** | [Complete] |
| **No. of full-time employees** | [Complete] |
| **Quality Assurance Certification (e.g. ISO 9000 or Equivalent) (***If yes, provide a Copy of the valid Certificate):* | [Complete] |
| **Does your Company hold any accreditation such as ISO 14001 related to the environment?** *(If yes, provide a Copy of the valid Certificate):* | [Complete] |
| **Does your Company have a written Statement of its Environmental Policy?** *(If yes, provide a Copy)* | [Complete] |
| **Contact person UNDP may contact for requests for clarification during Proposal evaluation** | Name and Title: [Complete]  Telephone numbers: [Complete]  Email: [Complete] |
| **Please attach the following documents:** | * Company Profile, which should not exceed fifteen (15) pages, including printed brochures and product catalogues relevant to the goods/services being procured * Certificate of Incorporation/ Business Registration * Tax Registration/Payment Certificate issued by the Internal Revenue Authority evidencing that the Bidder is updated with its tax payment obligations, or Certificate of Tax exemption, if any such privilege is enjoyed by the Bidder * Trade name registration papers, if applicable * Local Government permit to locate and operate in assignment location, if applicable * Official Letter of Appointment as local representative, if Bidder is submitting a Bid in behalf of an entity located outside the country * Members of Governing Board and their Designations duly certified by the Corporate Secretary or its equivalent document if Bidder is not a corporation. * List of Shareholders and other entities financially interested in the firm owning 5% or more of the stocks and other interests, or its equivalent if bidder is not a corporation. * Quality certificate (e.g. ISO, etc) and/or other similar certificates, accreditations, awards and citations received by the bidder * Latest audited financial statement (income statement and balance sheet) including Auditor’s Report for the past 3 years * Statement of satisfactory performance from the top 5 clients in terms of contract value for the past 3 years |

## 

## **Form C:** Joint Venture/Consortium/Association Information Form

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bidder: | [Insert Name of Bidder] | Date: | Select date |
| RFP reference: | [Insert RFP Reference Number] | | |

To be completed and returned with your Proposal if the Proposal is submitted as a Joint Venture/Consortium/Association.

|  |  |  |
| --- | --- | --- |
| **No** | **Name of Partner and contact information** *(address, telephone numbers, fax numbers, e-mail address)* | **Proposed proportion of responsibilities (in %) and type of services to be performed** |
| 1 | [Complete] | [Complete] |
| 2 | [Complete] | [Complete] |
| 3 | [Complete] | [Complete] |

|  |  |
| --- | --- |
| **Name of leading partner**  (with authority to bind the JV, Consortium, Association during the RFP process and, in the event a Contract is awarded, during contract execution) | [Complete] |

We have attached a copy of the below document signed by every partner, which details the likely legal structure of and the confirmation of joint and severable liability of the members of the said joint venture:

Letter of intent to form a joint venture ***OR***  JV/Consortium/Association agreement

We hereby confirm that if the contract is awarded, all parties of the Joint Venture/Consortium/Association shall be jointly and severally liable to UNDP for the fulfillment of the provisions of the Contract.

|  |  |
| --- | --- |
| Name of partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Name of partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| Name of partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Name of partner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

## 

**Form D:** QualificationForm

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bidder: | [Insert Name of Bidder] | Date: | Select date |
| RFP reference: | [Insert RFP Reference Number] | | |

If JV/Consortium/Association, to be completed by each partner.

**Historical Contract Non-Performance**

|  |  |  |  |
| --- | --- | --- | --- |
| Contract non-performance did not occur for the last 3 years | | | |
| Contract(s) not performed for the last 3 years | | | |
| **Year** | **Non- performed portion of contract** | **Contract Identification** | **Total Contract Amount** (current value in US$) |
|  |  | Name of Client:  Address of Client:  Reason(s) for non-performance: |  |

**Litigation History** (including pending litigation)

|  |  |  |  |
| --- | --- | --- | --- |
| No litigation history for the last 3 years | | | |
| Litigation History as indicated below | | | |
| **Year of dispute** | **Amount in dispute** (in US$) | **Contract Identification** | **Total Contract Amount** (current value in US$) |
|  |  | Name of Client:  Address of Client:  Matter in dispute:  Party who initiated the dispute:  Status of dispute:  Party awarded if resolved: |  |

**Previous Relevant Experience**

Please list only previous similar assignments successfully completed in the last 3 years.

List only those assignments for which the Bidder was legally contracted or sub-contracted by the Client as a company or was one of the Consortium/JV partners. Assignments completed by the Bidder’s individual experts working privately or through other firms cannot be claimed as the relevant experience of the Bidder, or that of the Bidder’s partners or sub-consultants, but can be claimed by the Experts themselves in their CVs. The Bidder should be prepared to substantiate the claimed experience by presenting copies of relevant documents and references if so requested by UNDP.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project name & Country of Assignment** | **Client & Reference Contact Details** | **Contract Value** | **Period of activity and status** | **Types of activities undertaken** |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

*Bidders may also attach their own Project Data Sheets with more details for assignments above.*

  Attached are the Statements of Satisfactory Performance from the Top 3 (three) Clients or more.

**Financial Standing**

|  |  |
| --- | --- |
| **Annual Turnover for the last 3 years** | Year       USD  Year       USD  Year       USD |
| **Latest Credit Rating (if any), indicate the source** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial information**  (in US$ equivalent) | **Historic information for the last 3 years** | | |
|  | Year 1 | Year 2 | Year 3 |
|  | *Information from Balance Sheet* | | |
| Total Assets (TA) |  |  |  |
| Total Liabilities (TL) |  |  |  |
| Current Assets (CA) |  |  |  |
| Current Liabilities (CL) |  |  |  |
|  | *Information from Income Statement* | | |
| Total / Gross Revenue (TR) |  |  |  |
| Profits Before Taxes (PBT) |  |  |  |
| Net Profit |  |  |  |
| Current Ratio |  |  |  |

**Attached are copies of the audited financial statements (balance sheets, including all related notes, and income statements) for the years required above complying with the following condition:**

* 1. Must reflect the financial situation of the Bidder or party to a JV, and not sister or parent companies;
  2. Historic financial statements must be audited by a certified public accountant;
  3. Historic financial statements must correspond to accounting periods already completed and audited. No statements for partial periods shall be accepted.

## **Form E:** Format ofTechnical Proposal

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bidder: | [Insert Name of Bidder] | Date: | Select date |
| RFP reference: | [Insert RFP Reference Number] | | |

The Bidder’s proposal should be organized to follow this format of Technical Proposal. Where the bidder is presented with a requirement or asked to use a specific approach, the bidder must not only state its acceptance, but also describe how it intends to comply with the requirements. Where a descriptive response is requested, failure to provide the same will be viewed as non-responsive.

**SECTION 1: Bidder’s qualification, capacity and expertise**

* 1. Brief description of the organization, including the year and country of incorporation, and types of activities undertaken.
  2. General organizational capability which is likely to affect implementation: management structure, financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted (if so, provide details).
  3. Relevance of specialized knowledge and experience on similar engagements done in the region/country.
  4. Quality assurance procedures and risk mitigation measures.
  5. Organization’s commitment to sustainability.

**SECTION 2: Proposed Methodology, Approach and Implementation Plan**

This section should demonstrate the bidder’s responsiveness to the TOR by identifying the specific components proposed, addressing the requirements, providing a detailed description of the essential performance characteristics proposed and demonstrating how the proposed approach and methodology meets or exceeds the requirements. All important aspects should be addressed in sufficient detail and different components of the project should be adequately weighted relative to one another.

* 1. A detailed description of the approach and methodology for how the Bidder will achieve the Terms of Reference of the project, keeping in mind the appropriateness to local conditions and project environment. Details how the different service elements shall be organized, controlled and delivered.
  2. The methodology shall also include details of the Bidder’s internal technical and quality assurance review mechanisms.
  3. Explain whether any work would be subcontracted, to whom, how much percentage of the work, the rationale for such, and the roles of the proposed sub-contractors and how everyone will function as a team.
  4. Description of available performance monitoring and evaluation mechanisms and tools; how they shall be adopted and used for a specific requirement.
  5. Implementation plan including a Gantt Chart or Project Schedule indicating the detailed sequence of activities that will be undertaken and their corresponding timing.
  6. Demonstrate how you plan to integrate sustainability measures in the execution of the contract.
  7. Any other comments or information regarding the project approach and methodology that will be adopted.

**SECTION 2A: Bidder’s Comments and Suggestions on the Terms of Reference**

Provide comments and suggestions on the Terms of Reference, or additional services that will be rendered beyond the requirements of the TOR, if any.

**SECTION 3: Management Structure and Key Personnel**

* 1. Describe the overall management approach toward planning and implementing the project. Include an organization chart for the management of the project describing the relationship of key positions and designations. Provide a spreadsheet to show the activities of each personnel and the time allocated for his/her involvement.
  2. Provide CVs for key personnel that will be provided to support the implementation of this project using the format below. CVs should demonstrate qualifications in areas relevant to the Scope of Services.

**Format for CV of Proposed Key Personnel**

|  |  |
| --- | --- |
| Name of Personnel | [Insert] |
| Position for this assignment | [Insert] |
| Nationality | [Insert] |
| Language proficiency | [Insert] |
| Education/ Qualifications | *[Summarize college/university and other specialized education of personnel member, giving names of schools, dates attended, and degrees/qualifications obtained.]* |
| [Insert] |
| Professional certifications | *[Provide details of professional certifications relevant to the scope of services]* |
| * Name of institution: [Insert] * Date of certification: [Insert] |
| Employment Record/ Experience | *[List all positions held by personnel (starting with present position, list in reverse order), giving dates, names of employing organization, title of position held and location of employment. For experience in last five years, detail the type of activities performed, degree of responsibilities, location of assignments and any other information or professional experience considered pertinent for this assignment.]* |
| [Insert] |
| References | *[Provide names, addresses, phone and email contact information for two (2) references]* |
| Reference 1:  [Insert]  Reference 2:  [Insert] |

I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe my qualifications, my experiences, and other relevant information about myself.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Personnel Date (Day/Month/Year)

## **Form F:** Financial Proposal Submission Form

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bidder: | [Insert Name of Bidder] | Date: | Select date |
| RFP reference: | [Insert RFP Reference Number] | | |

We, the undersigned, offer to provide the services for [Insert Title of services] in accordance with your Request for Proposal No. [Insert RFP Reference Number] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

Our attached Financial Proposal is for the sum of [Insert amount in words and figures].

Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.

We understand you are not bound to accept any Proposal you receive.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*Stamp with official stamp of the Bidder*]

## **Form G:** Financial ProposalForm

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bidder: | [Insert Name of Bidder] | Date: | Select date |
| RFP reference: | [Insert RFP Reference Number] | | |

The Bidder is required to prepare the Financial Proposal following the below format and submit it in an envelope separate from the Technical Proposal as indicated in the Instruction to Bidders. Any Financial information provided in the Technical Proposal shall lead to Bidder’s disqualification.

The Financial Proposal should align with the requirements in the Terms of Reference and the Bidder’s Technical Proposal.

**Currency of the proposal:** [Insert Currency]

**Table 1: Summary of Overall Prices**

|  |  |
| --- | --- |
|  | **Amount(s)** |
| **Professional Fees** (from Table 2) |  |
| **Other Costs** (from Table 3) |  |
| **Total Amount of Financial Proposal** |  |

**Table 1: Summary of Overall Prices**

|  |  |
| --- | --- |
|  | **Amount(s)** |
| **Professional Fees** (from Table 2) |  |
| **Other Costs** (from Table 3) |  |
| **Total Amount of Financial Proposal** |  |

**Table 2: Breakdown of Professional Fees**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name** | **Position** | **Fee Rate** | **No. of Days/months/ hours** | **Total Amount** |
| *A* | *B* | *C=A+B* |
| In-Country |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| Home Based |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| **Subtotal Professional Fees:** | | | |  |

**Table 3: Breakdown of Other Costs**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Description** | **UOM** | **Quantity** | **Unit Price** | **Total Amount** |
| International flights | Trip |  |  |  |
| Subsistence allowance | Day |  |  |  |
| Miscellaneous travel expenses | Trip |  |  |  |
| Local transportation costs | Lump Sum |  |  |  |
| Out-of-Pocket Expenses |  |  |  |  |
| Other Costs: (please specify) |  |  |  |  |
| **Subtotal Other Costs:** | | | |  |

**Table 4: Breakdown of Price per Activity**

|  |  |  |  |
| --- | --- | --- | --- |
| **SN** | **Deliverables/Outputs** | **Payment** | **Breakdown of Price per Activity** |
| D1 | * A workplan on delivery of the project outputs * Detailed Work Plan and Proposed scope of work for this assignment * Desk Review of relevant Laws, Regulations, Policies and regulatory guidelines of IDLG and other relevant documents of line Ministries. * Submission of reporting format (template) for evaluation of each assignment. * Produce Inception Report * Legal gap analysis with different options for the administrative functions and roles and responsibilities of the sub-national actors * Methodology for conducting the impact assessment * Presentation of the legal gap analysis with different options and the methodology for the impact assessment before IDLG and Steering Committee Consultative meetings with IDLG, IARCSC, and MoF, MoJ carried out etc. | 30% |  |
| D2 | * Surveys, interviews, expert opinions, focus group discussions conducted both at the central and local level, such as the PGOs, DGOs, municipalities, line departments and CSOs, as per the methodology. * Meeting with IDLG, LoGo/UNDP to confirm data accuracy and reliability of the data collected regarding the local Administration Law. * Submit and present the findings of the impact assessment to the Steering Committee for feed back * Meetings with IDLG, and UNDP and other line ministries on drafting of the Local Administration Law. * Submit the Draft of the Local Administration Law based on the feedback received | 50% |  |
| D3 | * Carry out final consultative meetings with stakeholders for final feedback on the draft Law * Submit the final draft of the Law * Submit a final report of the assignment, including lessons learned and a roadmap for the implementation of the Law | 20 % |  |
|  | **GRAND TOTAL** | **100%** |  |

1. Non-performance, as decided by UNDP, shall include all contracts where (a) non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted. [↑](#footnote-ref-1)
2. Islamic Republic of Afghanistan: Citizen Centered Governance: A Roadmap for Subnational Reform. [↑](#footnote-ref-2)
3. The structural and functional analysis of the IDLG will start a couple of months before the commencement of this assignment. It is assumed that some of preliminary findings will be available by March/April 2019. [↑](#footnote-ref-3)
4. Such as in the field of creation of incentive funds. [↑](#footnote-ref-4)