

**RE-INVITATION OF  
INDIVIDUAL CONSULTANT PROCUREMENT NOTICE  
National Consultant to suggest and prepare legal requirements (Framework and  
Operational Structure) for TVET Fund**

Reference No.: UNDP/PN/19/2019 (RE-BID)

Date: 04 July 2019

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**Country: NEPAL**

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

**Project/Unit name:** Support to Knowledge and Lifelong Learning Skills (SKILLS) Programme

**No. of Consultants:** 1 (one)

**Period of assignment/services (if applicable):** 25 days from the date of contract (till 31 August 2019)

Proposal should be submitted by email to [procurement.np@undp.org](mailto:procurement.np@undp.org) not later than **1730 hours (Nepal Standard Time) on 11 July 2019** mentioning reference No. **UNDP/PN/19/2019 (RE-BID) – National Consultant to suggest and prepare legal requirements (Framework and Operational Structure) for TVET Fund** for SKILLS Programme.

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## **1. BACKGROUND**

The Support to Knowledge and Life-Long Learning Skills (SKILLS) Programme is a joint policy project running under the National Implementation Modality of UNDP following a bilateral agreement with the Government of Nepal/Ministry of Education, Science & Technology (MoEST) on April 6, 2015. This programme has been designed to suggest pragmatic policy reform initiatives, develop integrated National TVET management information system (MIS), enhance private sector engagement in TVET and come up with policy on entrepreneurship and keeping women in the workforce. It also aims to help increase quality assurance and knowledge networking and governance of TVET programmes and services in Nepal.

The planned outcomes of the project are: (a) Develop an integrated TVET Policy and contribute to policy design that can help bring about good governance in the entire TVET sector, (b) To run Technical and Vocational Education and Training (TVET) programmes by consolidating all the resources under TVET Fund, (c) To link technical education and vocational training with higher education, (d) Strengthen TVET-MIS, monitoring and evaluation system, and (e) Support to carry out province-level skill mapping and develop local-level TVET strategic plan.

TVET programmes are being delivered by central level agencies of 12 different federal line ministries. However, there is neither uniformity in the type and duration of the training nor proper coordination to select training programmes and location. The lack of coordination not only leads to mismanagement of resources but also creates confusion among the target people (both trainees and employers) regarding quality and relevancy of the training programmes being delivered. Establishment of TVET Fund was first envisioned by TVET Policy, 2012 as a probable solution to mitigate the duplication and redundancies in the training programmes. Moreover, it was also highlighted by several study reports. However, the mechanism to be put in place for TVET Fund has not been institutionalized yet. So there is a dire need of legal requirements, including structure and operational framework, to establish TVET Fund. MoEST/SKILLS Project therefore planned to support to prepare essential legal requirements to establish a TVET Fund at the federal level and make it functional based on the stakeholders' experiences, national and international practices and constitutional as well as other legal framework.

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

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

## 3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

### I. Academic Qualifications:

- Completion of Master's Degree (PhD will be preferable) in public policy, law, TVET related subjects, education or any other relevant area from a reputed university.

### II. Years of experience:

- At least 10 years of relevant work experience in the area of TVET research, policy, strategy, legal framework, including professional programmes and services in Nepal or elsewhere;
- Strong background in research, legal, education and thorough knowledge of Nepal's TVET development initiatives, policies, programmes and mechanism of services are deemed essential for this position;
- Knowledge and experience of working with Government ministries, private sector, business & industries and development agencies/partners will add value;
- Good knowledge of statistical tools and analytical skills;
- Advanced computer application skills, data management, reporting and presentation skills are essential for the functions of the job;

### Competencies:

- Ability of sharing of knowledge and experience, and actively works towards continued personal learning and development;
- Good practical knowledge of inter-disciplinary TVET development issues;

- Ability to go beyond established procedures and models, propose new approaches which expand the range of the project;
- Capacity to build strong relationships with government line agencies, development partners and stakeholders, focuses on impact and results and responds positively to critical feedback;
- Consistently approaches work with energy and a positive, constructive attitude;
- Ability to accept diverse views and opinions;
- Proven networking, team building, organizational and communication skills;
- Respect cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Ability to work in a multi-cultural team environment with a positive attitude;
- Fluency in written and spoken Nepali and English. Very good report writing ability in English to ensure that no subsequent editing will be required.

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

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

- Offeror's Letter to UNDP Confirming Interest and Availability for the Individual Contractor (IC) Assignment
- A cover letter with a brief presentation of your consultancy explaining your suitability for the work;
- A brief methodology on how you will approach and conduct the work

**Note:**

- a) Applicants of 62 years or more require full medical examination and statement of fitness to work to engage in the consultancy
- b) The candidate has to be an independent consultant (If the candidate is engaged with any organization, the organization employing the candidate will be issued with a Reimbursable Loan Agreement (RLA) to release the employee for the consultancy with UNDP.)
- c) Due to sheer number of applicants, the procurement unit will contact only competitively selected consultant.

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

#### 5. FINANCIAL PROPOSAL

- **Lump sum contracts**

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

## 6. EVALUATION

Individual consultants will be evaluated based on the following methodologies:

### Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

\* Technical Criteria weight; 70%

\* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 49 point would be considered for the Financial Evaluation

<b>Criteria</b>	<b>Weight</b>	<b>Max. Point</b>
<u>Technical</u>		
<ul style="list-style-type: none"> <li><b>Criteria A – Qualification:</b> Completion of Master's Degree (PhD will be preferable) in public policy, law, TVET related subjects, education or any other relevant area from a reputed university</li> </ul>	10%	10
<ul style="list-style-type: none"> <li><b>Criteria B – Experience:</b> At least 10 years of relevant work experience in the area of TVET research, policy, strategy, legal framework, including professional programmes and services in Nepal or elsewhere</li> </ul>	10%	10
<ul style="list-style-type: none"> <li><b>Criteria C:</b> Strong background in research, legal, education and thorough knowledge of Nepal's TVET development initiatives, policies, programmes and mechanism of services are deemed essential for this position</li> </ul>	20%	20
<ul style="list-style-type: none"> <li><b>Criteria D:</b> Good practical knowledge of inter-disciplinary TVET development issues; &amp; good knowledge of statistical tools and analytical skills</li> </ul>	10%	10
<ul style="list-style-type: none"> <li><b>Criteria E:</b> Capacity to build strong relationships with government line agencies, development partners and stakeholders, focuses on impact and results and responds positively to critical feedback</li> </ul>	20%	20
<u>Financial</u>	30%	30

Contract will be awarded to the technically qualified consultant who obtains the highest combined scores (financial and technical). The points for the Financial Proposal will be allocated as per the following formula:

$$\frac{\text{Lowest Bid Offered} *}{\text{Bid of the Consultant}} \times 30$$

\* "Lowest Bid Offered" refers to the lowest price offered by Offerors scoring at least 70% points in technical evaluation.

## **ANNEX**

**ANNEX 1- TERMS OF REFERENCES (TOR)**

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



**Government of Nepal, Ministry of Education, Science and Technology**

**United Nations Development Programme**

**Support to Knowledge and Lifelong Learning Skills (SKILLS)  
Programme**



*Empowered lives.  
Resilient nations.*

## I. Position Information

**Title:** Consultancy Services to suggest and prepare legal requirements (Framework and Operational Structure) for TVET Fund

**Purpose:** The consultant will draft legal requirements, including framework and structure to establish and operationalize TVET Fund in Nepal.

**Reports to:** National Programme Director through National Project Manager

**Duty Station:** Lalitpur, Nepal

**Duration of Assignment:** 25days from the date of contract (till 31 August 2019)

**Expected Places of Travel:** Within and outside Kathmandu Valley

### Provision of Support Services:

Office space Yes ☒ No ☐

Equipment (laptop etc.) Yes ☐ No ☒

Secretarial Services Yes ☐ No ☒

Other Assisting staff/s Yes ☐ No ☒

Signature of the Budget Owner: .....

## II. Background Information

The Support to Knowledge and Life-Long Learning Skills (SKILLS) Programme is a joint policy project running under the National Implementation Modality of UNDP following a bilateral agreement with the Government of Nepal/Ministry of Education, Science & Technology (MoEST) on April 6, 2015. This programme has been designed to suggest pragmatic policy reform initiatives, develop integrated National TVET management information system (MIS), enhance private sector engagement in TVET and come up with policy on entrepreneurship and keeping

women in the work force. It also aims to help increase quality assurance and knowledge networking and governance of TVET programmes and services in Nepal.

The planned outcomes of the project are: (a) Develop an integrated TVET Policy and contribute to policy design that can help bring about good governance in the entire TVET sector, (b) To run Technical and Vocational Education and Training (TVET) programmes by consolidating all the resources under TVET Fund, (c) To link technical education and vocational training with higher education, (d) Strengthen TVET-MIS, monitoring and evaluation system, and (e) Support to carry out province-level skill mapping and develop local-level TVET strategic plan.

TVET programmes are being delivered by central level agencies of 12 different federal line ministries. However, there is neither uniformity in the type and duration of the training nor proper coordination of select training programmes and location. The lack of coordination not only leads to mismanagement of resources but also creates confusion among the target people (both trainees and employers) regarding quality and relevancy of the training programmes being delivered. Establishment of TVET Fund was first envisioned by TVET Policy, 2012 as a probable solution to mitigate the duplication and redundancies in the training programmes. Moreover, it was also highlighted by several study reports. However, the mechanism to be put in place for TVET Fund has not been institutionalized yet. So there is a dire need of legal requirements, including structure and operational framework, to establish TVET Fund. MoEST/SKILLS Project therefore planned to support to prepare essential legal requirements to establish a TVET Fund at the federal level and make it functional based on the stakeholders' experiences, national and international practices and constitutional as well as other legal framework.

### **III. Purpose and Objectives of the Assignment**

The purpose of this assignment is to provide technical support to the Ministry of Education, Science and Technology to establish and operationalize TVET Fund. The immediate objective of the assignment is to draft legal requirements to establish a TVET Fund at the federal level.

### **IV. Job Description**

In the course of achieving this objective, the consultant will suggest the structure as well as prepare necessary legal requirements for the establishment of TVET Fund at the federal level. The scope of this assignment is as follows:

- a) Review sufficient relevant literatures best on constitutional provisions and national and international practices, National TVET Policy and Strategy and other related legal documents;
- b) Analyse government's programmes on TVET and review the Prime minister Employment Generation Programme and other related programmes of line ministries;
- c) Analyse institutional capacity, organizational set-up, financial and administrative systems of Government of Nepal, National Planning Commission, National Natural Resources and Fiscal Commission, Ministry of Finance and other federal line ministries associated with TVET;
- d) Carry out consultations with government agencies, business and industries, development partners, informal service sector, professional organizations and other concerned TVET stakeholders;
- e) Prepare draft report suggesting structure, fund flow and required legal arrangements essential to establish and operationalize TVET Fund at the federal level;
- f) Share the draft report with relevant stakeholders and incorporate their feedback;
- g) Finalize and submit the report to MoEST.

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

At the end of the assignment, the consultant will deliver final report suggesting the structure, fund flow and required legal arrangements essential to establish and operationalize TVET Fund at the federal level.

## VI. Consultant Inputs and Time frame

The assignment will be of 25days duration, with implementation possibly intermittent over a longer period. The work will, however, be conducted as soon as possible. Final report of this assignment is to be submitted no later than 31 August 2019. Proposed tasks to be accomplished within the time frame for the assignments are as follows:

SN	Activity	Number of Days
1	Preparation and submission of concept paper and a detail workplan of the assignment;	1 day
2	Review of relevant literatures and national/international practices;	2 days
3	Analyse institutional capacity, organizational set-up, financial and administrative systems of Government of Nepal, National Natural Resources and Fiscal Commission, Ministry of Finance and other federal line ministries associated with TVET;	3 days
4	Meetings, consultations, including desk review of documents with related government officials of aforementioned commissions, line ministries, policy makers, experts, private sector and professional organizations;	7 days
5	Preparation of draft report;	8 days
6	Sharing of draft report, obtaining feedback from relevant stakeholders and revising the report as per the suggestions received.	3 days
7	Submission of final report	1day
	<b>Total</b>	<b>25days</b>

### Mode of Payment to the Expert\*:

Upon submission and approval of Concept Paper and Detail Work-plan	30%
Upon preparation and submission of draft report and sharing it with related stakeholders	40%
Upon finalization and submission of report **	30%

*\*Tax/vat will apply as per the rules of Government of Nepal.*

*\*\* This instalment will be released after incorporating the feedback received in the meeting of the external and internal stakeholders.*

### Recruitment Qualification and Competencies:

#### Education



Completion of Master's Degree (PhD will be preferable) in public policy, law, TVET related subjects, education or any other relevant area from a reputed university.

### **Language Proficiency**

Fluency in written and spoken Nepali and English. Very good report writing ability in English to ensure that no subsequent editing will be required.

### **Competencies**

- Ability of sharing of knowledge and experience, and actively works towards continued personal learning and development;
- Good practical knowledge of inter-disciplinary TVET development issues;
- Ability to go beyond established procedures and models, propose new approaches which expand the range of the project;
- Capacity to build strong relationships with government line agencies, development partners and stakeholders, focuses on impact and results and responds positively to critical feedback;
- Consistently approaches work with energy and a positive, constructive attitude;
- Ability to accept diverse views and opinions;
- Proven networking, team building, organizational and communication skills;
- Respect cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Ability to work in a multi-cultural team environment with a positive attitude;

### **Experience:**

- At least 10 years of relevant work experience in the area of TVET research, policy, strategy, legal framework, including professional programmes and services in Nepal or elsewhere;
- Strong background in research, legal, education and thorough knowledge of Nepal's TVET development initiatives, policies, programmes and mechanism of services are deemed essential for this position;
- Knowledge and experience of working with Government ministries, private sector, business & industries and development agencies/partners will add value;
- Good knowledge of statistical tools and analytical skills;
- Advanced computer application skills, data management, reporting and presentation skills are essential for the functions of the job;

### **Language:**

- Fluency in written and spoken English and Nepali.

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

**UNDP/PN/19/2019 (RE-BID) : National Consultant to suggest and prepare legal requirements  
(Framework and Operational Structure) for TVET Fund**

Date \_\_\_\_\_

United Nations Development Programme  
UN House  
Pulchowk,  
Lalitpur, Nepal

Dear Sir/Madam:

I hereby declare that:

I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of **National Consultant to suggest and prepare legal requirements (Framework and Operational Structure) for TVET Fund** under the **Support to Knowledge and Lifelong Learning Skills (SKILLS) Programme**.

I have also read, understood and hereby accept UNDP's General Conditions of Contract for the Services of the Individual Contractors;

- A) I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV which I have duly signed and attached hereto as Annex 1;
- B) In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3.
- C) I hereby propose to complete the services based on the following payment rate:

☐ A total lump sum of *[state amount in words and in numbers, indicating exact currency]*, payable in the manner described in the Terms of Reference.

- D) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;
- E) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;

- F) This offer shall remain valid for a total period of \_\_\_\_\_ days [*minimum of 90 days*] after the submission deadline;
- G) I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office [*disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists*];
- H) If I am selected for this assignment, I shall [*please check the appropriate box*]:

- ☐ Sign an Individual Contract with UNDP;
- ☐ Request my employer [*state name of company/organization/institution*] to sign with UNDP a Reimbursable Loan Agreement (RLA), for and on my behalf. The contact person and details of my employer for this purpose are as follows:
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- I) I hereby confirm that [*check all that applies*]:

- ☐ At the time of this submission, I have no active Individual Contract or any form of engagement with any Business Unit of UNDP;
- ☐ I am currently engaged with UNDP and/or other entities for the following work:

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

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

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

- J) I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.
- K) **If you are a former staff member of the United Nations recently separated, please add this section to your letter:** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

L) I also fully understand that, if I am engaged as an Individual Contractor, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as a staff member.

M) Are any of your relatives employed by UNDP, any other UN organization or any other public international organization?

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

Name	Relationship	Name of International Organization

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

YES ☐ NO ☐

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

YES ☐ NO ☐ If answer is "yes", WHEN?

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

Full Name	Full Address	Business or Occupation

R) Have you been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?

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

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

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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

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

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

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

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

<b>Cost Components</b>	<b>Quantity</b>	<b>Unit Cost (NPR)</b>	<b>Total for the Contract Duration (NPR)</b>
<b>I. Personnel Costs</b>			
Professional Fees	25 days		
Life Insurance			
Medical Insurance			
Communications	N/A		
Land Transportation	N/A		
Others (pls. specify)			
<b>II. Travel<sup>2</sup> Expenses to Join duty station</b>			
Round Trip Airfares to and from duty station	N/A		
Living Allowance	N/A		
Travel Insurance	N/A		
Terminal Expenses	N/A		
Others (pls. specify)	N/A		
<b>III. Duty Travel**</b>			
Round Trip Airfares	N/A		
Living Allowance	N/A		
Travel Insurance	N/A		
Terminal Expenses	N/A		
Others (pls. specify)	N/A		
<b>Total</b>			
<b>Field visits outside duty station</b>			<b>Applicable travel cost for field missions outside duty station, if any will be borne by SKILLS Programme.</b>

**\*\*Note:** UNDP will provide the travel cost and DSA as per UNDP's rules upon the travel approval of CDRMP PM if individual consultant requires to travel out of Kathmandu Valley.

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

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

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

<b>Deliverables</b>	<b>Percentage of Total Price (Weight for payment)</b>	<b>Amount in NPR</b>
Upon submission and approval of Concept Paper and Detail Work-plan	30%	
Upon preparation and submission of draft report and sharing it with related stakeholders	40%	
Upon finalization and submission of report	30%	
Total	100%	NPR.....

*\*Basis for payment tranches*