



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 1 August 2018

Country: Botswana

Description of the assignment: Disability Strategy Specialist

Project name: "Support to the Fulfilment of Human Rights, Access to Justice and Empowerment of Women and Youth Project" (2018 – 2021)

Period of assignment/services (if applicable):

Proposal should be submitted at the following address: PO Box 54 Gaborone, Botswana or by email procurement.bw@undp.org later than **5:00pm Botswana Time on the 06th August 2018**.

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail indicated above. enquiries.bw@undp.org will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants.

1. BACKGROUND

At the 38th session of the Human Rights Council, on 28 June 2018, the Government of Botswana reported to the Human Rights Council that it has taken a decision to accede to the Convention on the Rights of Persons with Disabilities (CRPD). Botswana also plans to ratify the African Union Protocol on Disabilities (AU Protocol) which was adopted at the African Union Summit in Addis Ababa, Ethiopia, on 29 January 2018.

While conventions do not automatically form part of the law of Botswana, accession to the CRPD and the AU Protocol will provide the normative framework to guide the development of an holistic and comprehensive National Disability Framework (NDF) in Botswana. The NDF will consist of a national disability strategy, national disability policy and Disability Law.

Botswana does not have a National Disability Strategy or a Disability Law. The Government of Botswana has reviewed the National Policy on Care for Persons with Disabilities (1996). The revised National Disability Policy was tabled in Parliament in 2016 but was not approved. It was subsequently further revised and the revised version is expected to be approved by Parliament in 2018.

The Government of Botswana wants to ensure that it is ready to implement the CRPD and AU Protocol upon ratification, or as soon as possible thereafter, noting that States Parties undertake:

4(1)(a) To adopt all **appropriate legislative, administrative and other measures** for the implementation of the rights recognized in the present Convention;

4(1)(b) To take all appropriate measures, including legislation, to **modify or abolish existing laws, regulations, customs and practices** that constitute discrimination against persons with disabilities;

4(3) In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall **closely consult with and actively involve persons with disabilities**, including children with disabilities, through their representative organizations.

The National Development Plan 11 sets out government priorities regarding disabilities. The priorities are primarily welfare-based rather than rights-based, and include initiatives such as cash transfers, allowances and restructuring rehabilitation to improve coordination and access, a database of people with disabilities and an inclusive education policy. It is understood that with the accession to the CRPD and the AU Protocol by the Government of Botswana, passage of a Disability Law and approval of a Disability Policy and Disability Strategy will become national priorities in addition to those listed in NDP 11. Botswana has also committed to the Sustainable Development Goals including SDG16.7, ensuring responsive, inclusive, participatory and representative decision making at all levels. The CRPD and SDGs are mutually reinforcing; all references to 'equality' and the principles of inclusion that underpin the SDGs ('leave no one behind') apply to people with disabilities.

The Government of Botswana created the Disability Unit in the Office of the President in 2010, recognizing the importance of the issue of disability and the need for whole of government coordination on the issue. The Disability Unit is the secretariat for the National Coordinating

Committee on Disability (NCCD), which provides oversight of disability policy in Botswana. NCCD processes are consultative and inclusive of people with disabilities.

A review of the legal framework of Botswana for people with disabilities (PwDs) conducted in 2011, identified the following barriers for PwDs in Botswana:

- Negative societal attitudes towards PwDs which impede efforts towards successful mainstreaming of disability issues;
- Inaccessible built environment restricts PwD's access to public spaces, education and employment opportunities and other services;
- Disability issues were (at that time) not a priority in government policy and programming initiatives;
- Disability issues were not part of the mandate or core business of many government ministries and departments;
- The belief that PwDs are unproductive prevents their inclusion in the design of citizen economic empowerment programmes.

The National Disability Framework is intended to address these issues. The development of the National Disability Framework will be coordinated by Disability Office at the Office of the President as secretariat for the National Coordinating Committee on Disability, in close consultation with PwDs. A consultation plan will be developed which will include consultations on the Draft Framework documents and verification and endorsement of the Draft Framework documents by the National Coordinating Committee and PwDs. Government will meet with key stakeholders including civil society disabled persons' organisations on the plans to ratify the CRPD and the AU Protocol and to seek input into the draft Disability Strategy prior to endorsement by the National Coordinating Committee.

UNDP and the Government of Botswana have signed the "Support to the Fulfilment of Human Rights, Access to Justice and Empowerment of Women and Youth Project" (2018 – 2021) ("the Project"). Under the auspices of this Project, the Government of Botswana has requested support from UNDP to develop a National Disability Strategy and Disability Law, conduct consultations and convene an international conference on Disability in 2019.

Accordingly, UNDP is procuring the services of a Disability Strategy Specialist to support the Government of Botswana to develop a National Disability Strategy. The National Disability Strategy will be developed in September 2018 with consultations to be held between September and October 2018. The initial draft of the National Disability Strategy will be developed in a participatory process at a 3 day retreat in mid-September 2018 with input from 18 ministries, parastatals, the NCCD, UN agencies and the University of Botswana. The Strategy will be informed by several key existing documents including the *Review of Legal Instruments, Policies, Strategies and Programmes for the Integration of Issues for People with Disabilities* (2011) and *Situation Analysis of Disability Rights in the Context of Botswana* (2016) and a situational analysis completed for the draft Rehabilitation Strategy process.

The Consultant will report to the Human Rights Specialist, UNDP and the Coordinator of the Office of the President (Disability Unit).

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

Deliverables

In close collaboration with the Human Rights Specialist (UNDP) and Coordinator Disability Unit, Office of the President, the consultant will provide the required technical expertise to lead and inform Strategy development and associated consultations, and draft the National Disability Strategy.

The **deliverables** are:

1. A situational analysis (drawing upon an existing situational analysis);
2. Leading consultation processes to develop a Disability Strategy at the Strategy workshop;
3. Three presentations at the Disability Strategy Retreat (including the situation analysis);
4. A draft Disability Strategy that is consistent with the specifications below and the quality is acceptable to the National Coordinating Committee on Disabilities;
5. Succinct report summarizing the consultative processes undertaken, key issues arising and how they were resolved, recommendations and annexing the consultation attendance lists, presentations and zero draft Strategy.

The **milestones** are:

1. Situational analysis and Strategy development retreat consultations are complete and draft Disability Strategy submitted to NCCD for endorsement (September 2018); and
2. Feedback from consultations is included in the draft and the final Disability Strategy is submitted to NCCD for approval (October 2018).

Specifications: the Disability Strategy must:

- have a 5 year duration
- provide the enabling framework for the implementation of the revised Disability Policy and domestication of the CRPD and the AU Protocol into the policy and law of Botswana and the mainstreaming of disability issues into Government programmes, policies and strategies;
- include a cost / benefit analysis;
- include a detailed 3 year implementation plan / action plan;
- include a budget;
- include a monitoring and evaluation plan that is linked with national and international monitoring and evaluation frameworks (including integrating SDG targets);
- ensure linkages with Vision 2036 and NDP11 (and their performance monitoring frameworks);
- be appropriate to the local context in Botswana; and
- be written in plain English.

Specific tasks to achieve the deliverables will include:

1. Provide input into a draft programme for the Disability Strategy Retreat;
2. Conduct a desk review (including documents provided and independent literature review) and draft a situational analysis to inform the Strategy development process;
3. Lead and provide technical advice at the three day Disability Strategy Retreat in Botswana (mid-September 2018);
4. Prepare and deliver three presentations (for example, overview of the CRPD and AU Protocol; situational analysis and international approaches to Disability Strategies, or as agreed with the

organizing committee) at the Disability Strategy Retreat / national consultations to inform strategy development;

5. Build consensus at the Disability Strategy Retreat including around understandings of disability, roles and responsibilities of ministries and coordination mechanisms and areas for strategic focus;
6. Draft the national Disability Strategy based on input received at the Disability Strategy Retreat;
7. Submit the draft Strategy for endorsement by the NCCD (September 2018);
8. Revise the draft Strategy to reflect input received at consultative meetings and feedback from NCCD (final due to NCCD for approval October 2018);
9. Recommend any consequential revisions that may be required to the National Disability Policy in the future to reflect the National Disability Framework and to ensure it is well-aligned.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Minimum Master's degree or equivalent in public policy, law, regulation, economics or a related field is required. Advanced qualifications in human rights law or disability law or policy will be highly regarded.

II. Required experience:

- Minimum 10 years' experience in the field of disability law and / or disability policy including both 'developed' and 'developing' country contexts;
- Demonstrated expert knowledge of the CRPD and knowledge of regional and international disability instruments;
- Demonstrated experience in designing and implementing strategies, structures, systems and procedures for legislation, regulation or related processes in the disability field;
- Demonstrated experience in designing consultation processes on disability or related issues;
- Demonstrated experience in writing strategic documents or guidance materials (e.g., strategies, manuals, standard operating procedures, guidelines) in plain English;
- Excellent written and oral communication skills.

III. Competencies:

Core Competencies:

- Uses substantive mastery of technical content to build consensus and motivate performance;
- Ability to lead effectively, using mentoring as well as conflict resolution skills;
- Demonstrates openness to change and ability to manage uncertainties and complexities;
- Remains calm, in control and good humored even under pressure;

- Demonstrates excellent oral and written communication skills.

Technical Competencies:

- Expertise in disability law and policy;
- Ability to effectively lead strategic planning processes;
- Ability to draft documents in plain English;
- Fluency in written and spoken English.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

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

1. Technical Proposal:

- (i) How the work will be conducted; and
- (ii) Explaining why they are the most suitable for the work.

The technical proposal must meet the specifications in the TOR and correlate the bidder's experience and expertise with the proposed approach.

The technical proposal must indicate availability to complete the work in July / August / September 2018. While there can be some flexibility around the dates, the work is required to be completed in the timeframes specified in the TOR.

2. Financial proposal

3. Personal CV including past *relevant* experience and at least 3 references.

5. FINANCIAL PROPOSAL

The financial proposal shall specify a total lump sum amount, and payment terms for the deliverables (i.e., whether payments will fall in installments or upon completion of the entire contract). Payments are based on delivery of the services specified in the TOR. The financial proposal must include a breakdown any lump sum amount (eg travel, fees, per diems, and number of anticipated working days).

Travel and subsistence costs

All envisaged travel costs and subsistence costs must be included in the financial proposal. This includes all travel to join the duty station/repatriation travel. In general, UNDP will not accept travel costs exceeding those of an economy class ticket. UNDP will reimburse upon arrival of the consultant in country. Should the IC wish to travel on a higher class, he/she should do so using his/her own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed. Local travel costs (transfer to and from airport and travel within Botswana for purposes of completing the assignment) should not be included in the financial proposal.

6. EVALUATION

Individual consultants will be evaluated based on the following methodology:

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 70% points are considered for the Financial Evaluation

Evaluation criteria – responsive / compliant / acceptable	Evaluation
Qualifications Minimum Master's degree or equivalent in public policy, law, regulation, economics or a related field is required. Advanced qualifications in human rights / disability law or policy will be highly regarded.	Yes/No
Experience Minimum 10 years' experience in the field of disability law and / or disability policy including both 'developed' and 'developing' country contexts.	Yes/No
Proposal Complete Consultancy package submitted (CV, references, technical and financial proposals)	Yes/No

Criteria	Weight	Max. Point
<u>Technical</u>		
Demonstrated experience in writing, designing and implementing strategies, structures, systems and procedures for legislation, regulation or related processes in the disability field.	30%	30
Demonstrated expert knowledge of the CRPD and knowledge of regional and international disability instruments.	20%	20
Demonstrated experience in designing consultation processes on disability issues.	10%	10
Excellent written and oral communication skills.	10%	10
<u>Financial</u>	30%	30

ANNEX

ANNEX 1- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS