



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

National Consultant – Access to Justice Expert

Reference No.: UNDP/PN/13/2020

Date: 03 February 2020

Country: NEPAL

Description of the assignment: The 'Enhancing Access to Justice through Institutional Reform Project (the Project) was built on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme. Project's implementation began in July 2018. The Project's main focuses are on: (the reform of the legal aid system, supporting national efforts of reform and coordination in the justice sector; implementation of constitutional provisions on fundamental rights through legislative reform; implementation of the newly adopted criminal and civil legislations, and in particular on enhancing the access to justice at the local level. This focus translates into four key project outputs:

- i) National Legal Aid System strengthened;
- ii) Capacity of Judicial Committees strengthened at the Local Level to deliver justice developed;
- iii) National capacity for drafting and implementation of laws strengthened;
- iv) Justice sector strengthened for inclusive economic development

The Government of Norway has been the key donor behind the A2J Project, supporting it financially since its inception. Norway contributes to three out of the four project outputs apart from the output related to the capacity building of the Judicial Committees. Over one and half years of implementation, the Project has achieved several results, such as:

- the long awaited National (Integrated) Legal Aid Policy has been adopted by the cabinet and project has provided technical inputs in its formulation; ;
- supported in drafting numbers of laws on fundamental rights enshrined in the Constitution of Nepal and support provided to the province government to draft over 15 bills;
- law software developed to support a database of 300 digitized laws for easy access by the public;
- reporting system developed on the legal aid services;
- pro bono legal aid system developed;
- capacity building of the judicial committees initiated through the introduction of necessary frameworks, standards and procedures, initiatives i.e. advocacy/awareness promoting the role and function of businesses in human rights, dissemination of the newly adopted laws called civil and criminal codes and procedures.

Further, the Project worked with Ministry of Law, Justice and Parliamentary Affairs (MOLJAPA) to bring together District Legal Aid Committee officials and established a regular reporting and monitoring system.

The Project also rolled out several initiatives to disseminate new legal codes namely civil code, criminal code, civil and criminal procedures and sentencing act in the justice community. Similarly, project has firmly placed Nepal on the map of Business and Human Rights in South Asia by bringing together businesspeople, trade unions and law society in province and national level dialogues.

As the Project comes to an end in 31 December 2020, UNDP is planning to commission a final evaluation to identify and document achievements, challenges, lessons learned and best practices. The findings of this evaluation will provide guidance for the way forward in the areas of access to justice and rule of law in Nepal. Thus, the evaluation report is expected to include specific recommendations for future interventions.

Project name: Access to Justice (A2J)

Period of assignment/services (if applicable): 30 days

Proposal should be submitted by email to procurement.np@undp.org not later than **1730 hours (Nepal Standard Time) of 17 February 2020 mentioning reference No. UNDP/PN/13/2020 – Access to Justice Expert.**

Any request for clarification must be sent in writing, or by standard electronic communication to the e-mail: query.procurement.np@undp.org mentioning Procurement Notice Ref: **UNDP/PN/13/2020: Access to Justice Expert, on or before 09 February 2020.** The procurement unit will respond in writing, including an explanation of the query without identifying the source of inquiry, to all consultants or via bulletin published on the UNDP website: <http://www.np.undp.org/content/nepal/en/home/operations/procurement.html>. Inquiries received after the above date and time shall not be entertained.

1. BACKGROUND

A2J Project, built on achievements of ROLHR was launched in 07/2018, focus on: reform of legal aid system, supporting national efforts of reform and coordination in justice sector; implementation of constitutional provisions on fundamental rights through legislative reform; implementation of new criminal and civil legislations, and enhancing access to justice (A2J) at local level. 4 Outputs : National Legal Aid System strengthened; Judicial Committees Capacity at Local Level developed to deliver justice; National capacity for drafting and implementation of laws strengthened; Justice sector strengthened for inclusive economic development

Norway is key donor, contributes to 3 out of 4 outputs beside output related to capacity building of judicial committee. Project results : National (Integrated) Legal Aid Policy adopted by cabinet; 17 laws drafted on fundamental rights enshrined in Constitution of Nepal and supported to province government to draft over 15 bills; Law software developed to support a database of 300 digitized laws for easy access by public; reporting system on legal aid services and pro bono legal aid system developed; awareness among 16,000 people; capacity building of judicial committees through introduction of necessary frameworks, standards and procedures, initiatives i.e. advocacy/awareness promoting role and function of businesses in human rights, dissemination of new laws civil and criminal codes and procedures.

Project worked with MOLJAPA bringing together 42 District Legal Aid Committee officials and established regular reporting and monitoring system. Data collected in 2019 will be instrumental for establishing Secretariat for Legal Aid Council to ensure vulnerable communities have access to free legal aid services.

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

For detailed information, please refer to Annex 1

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- Advanced university degree in law, human rights, social sciences, and/or other relevant subject;

II. Years of experience:

- At least seven years of experience in legal aid and rule of law project
- Ability to meet tight deadlines; experience in conducting evaluations and thorough understanding of gender and social inclusion issues in Nepal would be an asset

III. Competencies:

- Demonstrated excellent analytical skills and English report writing skills
- Good knowledge of computer applications especially MS Office;
- Fluency in English and Nepali, both written and oral, at professional level is essential

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.

2. Financial proposal

3. 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 (including travel, per diems, and number of anticipated working days).

Travel;

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their 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

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

| Criteria | Weight | Max. Point |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------|
| <u>Technical</u> | | |
| • <i>Criteria A</i> Education Advanced university degree in law, human rights or other relevant field (15) | 15% | 15 |
| • <i>Criteria B</i> At least seven years of experience in legal aid and rule of law, excellent analytical and English report writing skills (20) | 20% | 20 |
| • <i>Criteria C</i> Proven experience engaging evaluation(s) of multi-partner project (20) | 20% | 20 |
| • <i>Criteria D</i> Excellent analytical and English report writing skills (15) | 15% | 15 |
| <u>Financial</u> | 30% | 30 |

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

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

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

ANNEX

ANNEX 1- TERMS OF REFERENCES (TOR)

ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

Terms of Reference

| I. Position Information | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Job Title: National Expert on Access to Justice Position Number: 1 Project name: Enhancing Access to Justice through Institutional Reform Project (A2J) Direct Reports to: Portfolio Manager, UNDP Secondary Supervisor : National Programme Manager, A2J | Grade Level: N/A Duty Station: Kathmandu, with travel to A2J Project assigned districts Contract Type: Short -term Contract (Non-extendable) Duration and Type of Assignment: 30 Working Days |

| II. Background Information |
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| <p>The 'Enhancing Access to Justice through Institutional Reform Project (the Project) was built on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme. Project's implementation began in July 2018. The Project's main focus is on: (the reform of the legal aid system, supporting national efforts of reform and coordination in the justice sector; implementation of constitutional provisions on fundamental rights through legislative reform; implementation of the newly adopted criminal and civil legislations, and in particular on enhancing the access to justice at the local level. This focus translates into four key project outputs:</p> <ul style="list-style-type: none"> v) National Legal Aid System strengthened; vi) Capacity of Judicial Committees at the Local Level to deliver justice developed; vii) National capacity for drafting and implementation of laws strengthened; viii) Justice sector strengthened for inclusive economic development <p>The Government of Norway has been the key donor behind the A2J Project, supporting it financially since its inception. Norway contributes to three out of the four project outputs apart from the output related to the capacity building of the judicial committee. Over one and half years of implementation, the Project has achieved several results, such as:</p> <ul style="list-style-type: none"> - with technical inputs of Project, the long awaited National (Integrated) Legal Aid Policy has been adopted by the cabinet; - 17 laws have been drafted on fundamental rights enshrined in the Constitution of Nepal and support provided to the province government to draft over 15 bills; - Law software has been developed to support a database of 300 digitized laws for easy access by the public; - reporting system developed on the legal aid services; pro bono legal aid system developed; awareness among 16,000 people; - capacity building of the judicial committees through the introduction of necessary frameworks, standards and procedures, initiatives i.e. advocacy/awareness promoting the role and function of businesses in human rights, dissemination of the newly adopted laws called civil and criminal codes and procedures. |

Further, the Project worked with Ministry of Law, Justice and Parliamentary Affairs (MOLJAPA) to bring together District Legal Aid Committee officials from 42 districts and established a regular reporting and monitoring system. The data collected in 2019 will be instrumental for establishment of Secretariat for Legal Aid Council to ensure that vulnerable communities have access to free legal aid services.

The Project also rolled out several initiatives to disseminate new legal codes namely civil code, criminal code, civil and criminal procedures and sentencing act in the justice community. Similarly, project has firmly placed Nepal on the map of Business and Human Rights in South Asia by bringing together business people, trade unions and law society in province and national level dialogues.

As the Project comes to an end in 31 December 2020, UNDP is planning to commission a final evaluation to identify and document achievements, challenges, lessons learned and best practices. The findings of this evaluation will provide guidance for the way forward in the areas of access to justice and rule of law in Nepal. Thus, the evaluation report is expected to include specific recommendations for future interventions.

The overall objective of the evaluation is as per follows:

- To assess the approaches and interventions adopted by the project towards achieving the outputs in line with the Theory of Change;
- To assess and analyse the results achieved against the project outputs and indicators as specified in the project monitoring and evaluation framework, UNDAF and CPD;
- To ascertain the relevance, effectiveness, efficiency and sustainability of the project interventions; and
- To identify and document lessons learned and provide recommendation for remaining period of the project 2020 and the potential areas and approaches of interventions for future intervention;

III. Functions/Key Results Expected

The overall responsibilities of assignment are to:

- Support evaluation team leader for the overall evaluation process
- Ensure that national context is taken into consideration during evaluation process
- Carry out tasks as assigned by the evaluation team leader and co-lead the process
- Facilitate discussion with field and partners following the tools and methodologies designed for the evaluation by team
- Contribute in document review through analysis and drafting work
- Contribute to maintain overall quality of the outputs and final report ensuring the triangulation of the findings, obtain strong evidence for the analysis of information from multiple sources.

1. Contribute to the evaluation team in contextualization during the process

- Provide technical support to the evaluation lead and coordinate with the relevant stakeholders for analysis of the outcome, outputs and partnership strategy for the project evaluation
- Support evaluation adhering to the Code-of-Conduct of UNDP Evaluation maintaining confidentiality
- Co/ facilitate frequent meetings/interactions with the project partners and actors, as needed, for synergy during evaluation process.

| |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2. Participate in co/ leading evaluation process following tools and procedures within the timeline</p> <ul style="list-style-type: none"> • Conduct document review for project's better understanding particularly to better define the context of project interventions • Support in analysis of the progress, issues and challenges to draw information for the evaluation team • Provide necessary support to the International Team Leader to ensure the overall quality and timely submission of the evaluation report to the UNDP • Conduct evaluation using the tools, guidelines and methodologies developed by the evaluation team leader |
| <p>3. Ensure quality check and GESI assessment (GESI) in evaluation process and findings</p> <ul style="list-style-type: none"> • Conduct evaluation in manner that gender equality and social inclusion, transparency and youth issues are analysed and reported clearly • Provide context appropriate GESI mainstreaming recommendation to the Project and UNDP |
| <p>4. Prepare final evaluation report</p> <ul style="list-style-type: none"> • Support to prepare the evidence based -report maintaining consistency and quality • Support in contextualization during the process of analysis of progress achieved, challenges faced and lessons learned for triangulation of findings • Support to draft selected chapters of the evaluation report as assigned by the Team Leader • Coordinate with UNDP, evaluation team and Project for extracting highlights of the project initiatives on capacity development being implemented by different actors at the province level. |
| <p>Impact of Functions</p> <ul style="list-style-type: none"> • Contribution in an evaluation inception report during the evaluation design, evaluation process implementation and drafting an outline of the evaluation report. • Support for draft Evaluation Report to be shared with UNDP, MOLIPA and donors for feedback and quality assurance • Contribute during evaluation debriefing meeting conducted with UNDP, MOLIPA, development partners and key stakeholders where the main findings will be shared • Incorporate comments and changes by the reviewer in response to the draft report • Support during the entire process until final evaluation report is produced. Ensure that the recommendations are contextual, structured, specific and forward looking. |
| <p>V. Description of Competency at Level Required</p> |
| <p>Corporate Competencies:</p> <ul style="list-style-type: none"> • Sound knowledge of results-based management (especially results-oriented monitoring and evaluation) • Excellent analytical skills and knowledge of politics would be added benefit • Demonstrates integrity by modelling UN values and ethical standards; • Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability • Excellent inter-personal and upfront communication skills; <p>Functional Competencies:</p> <ul style="list-style-type: none"> • Previous work experience in evaluations (preferably with prior experience in evaluating Human rights, rule of law, justice related projects) • Demonstrates strong analytical skills; • Has experience working with Monitoring and Evaluation tools; |

- Identifies and communicates relevant information for a variety of audiences for explaining UNDP's mandate;
- Demonstrates good knowledge of information technology and applies it in work assignments;
- Assesses project performance to identify success factors and incorporates best practices into project work;

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

UNDP/PN/13/2020: National Consultant – Access to Justice Expert

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 – Access to Justice Expert** under the **Access to Justice (A2J) Project**

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

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

- E) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;
- F) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;
- G) This offer shall remain valid for a total period of _____ days *[minimum of 90 days]* after the submission deadline;

H) I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office *[disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists];*

I) If I am selected for this assignment, I shall *[please check the appropriate box]:*

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

J) I hereby confirm that *[check all that applies]:*

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

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

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

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

K) I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

L) ***If you are a former staff member of the United Nations recently separated, please add this section to your letter:*** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

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

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

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

| Name | Relationship | Name of International Organization |
|------|--------------|------------------------------------|
| | | |
| | | |
| | | |

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

YES ☐ NO ☐

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

YES ☐ NO ☐ If answer is "yes", WHEN?

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

| Full Name | Full Address | Business or Occupation |
|-----------|--------------|------------------------|
| | | |
| | | |
| | | |
| | | |

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

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

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

DATE: _____

SIGNATURE: _____

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

Annexes *[please check all that applies]:*

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

BREAKDOWN OF COSTS¹
SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL

A) Breakdown of Cost by Components:

| Cost Components | Quantity | Unit Cost (NPR) | Total Rate for the Contract Duration |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------|
| I. Personnel Costs | | | |
| Professional Fees | 30 days | | |
| Life Insurance | | | |
| Medical Insurance | | | |
| Communications | | | |
| Land Transportation | | | |
| Others (pls. specify) | | | |
| | | | |
| II. Travel² Expenses to Join duty station | | | |
| Round Trip Airfares to and from duty station | | | |
| Living Allowance | | | |
| Travel Insurance | | | |
| Terminal Expenses | | | |
| Others (pls. specify) | | | |
| | | | |
| III. Duty Travel | | | |
| Round Trip Airfares | | | |
| Living Allowance | | | |
| Travel Insurance | | | |
| Terminal Expenses | | | |
| Others (pls. specify) | | | |
| Total | | | |
| IV. Field visits outside duty station | Applicable travel cost and DSA will be borne by UNDP for field missions, outside duty station, if any, as per UNDP rules & regulations. | | |

B) Breakdown of Cost by Deliverables*

| Deliverables | Percentage of Total Price (Weight for payment) | Amount |
|---------------------------------------|------------------------------------------------|------------------|
| Approval of Inception Report | 20% | |
| Submission of draft evaluation report | 50% | |
| Submission of Final Report | 30% | |
| Total | 100% | NPR |

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

² Travel expenses are not required if the consultant will be working from home.

**Basis for payment tranches*