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ETHIOPIA

## TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTOR (IC)

### GENERAL INFORMATION

<b>Services/Work Description:</b>	Recruitment of Short-Term Consultant for the Federal Supreme Court (Judicial Affairs Advisory Council)
<b>Project/Program Title:</b>	Support to Judicial Reform in Ethiopia
<b>Post Title:</b>	National Consultant – Judicial Reform
<b>Consultant Level:</b>	<b>Level B</b> (Specialist)
<b>Duty Station:</b>	Addis Ababa
<b>Duration:</b>	12 months
<b>Expected Start Date:</b>	Immediately after Signing the Contract

### I. BACKGROUND / PROJECT DESCRIPTION

Since November 2019 the Federal Supreme Court (FSC) is undertaking reform activities with the aim of restoring public trust. It has developed a three years' reform project plan, established a Judicial Affairs Advisory Council (JAAC) and revised laws pertinent to judicial reform.

The Judicial Affairs Advisory Council (JAAC) was re-established in 2018 by the Federal Supreme Court to advise federal judiciary in its pursuit of a comprehensive judicial reform. The JAAC revised two legislations that are crucial for judicial reform. The draft revised laws on the Federal Courts Structure and Jurisdiction, and on the Judicial Administration Council are submitted to the Parliament. In 2020, the Federal Supreme Court plans to strengthen the JAAC with additional members and cluster it into subcommittees that will be working on identifying and finding solution for procedural and substantive bottlenecks of the judicial system.

United Nations Development Programme (UNDP) collaborates with the Federal Supreme Court in strengthening the judiciary and providing support to the implementation of the three years' reform project plan for Federal Courts, through the 'Support to Judicial Reform in Ethiopia' Project. Provision of technical support to judicial reform initiatives is one of the areas of focus of this Project. As part of implementation of the project, upon request from Federal Supreme Court (FSC), UNDP is recruiting a consultant that will support the work of the JAAC.

### II. SCOPE OF THE WORK

The Consultant will be responsible for providing technical support to the Judicial Affairs Advisory Council and the subcommittees as needed. He/She will be responsible for closely following up the works of the JAAC and report back to the leadership of the FSC on progress made. The scope of work includes:

- Provide research and technical assistance in the development of the normative framework that should guide the subcommittees of the JAAC;
- Provide operational assistance to subcommittees through improved coordination and facilitation of work streams;
- Provide input and assistance in the design of annual plans and activity programs, in preparing and soliciting budgets and associated resources, in the implementation of general

and specific program components, and in providing regular reports (on operations, progresses and challenges);

- Support the implementation of the activities of the subcommittees in relation to their respective mandate;
- Support the implementation of specific program components as relating to judicial reform;
- Assist the reform program manager in the day-to-day operation of reform program pillars;
- Conduct assessment of laws, institutional set-ups, performances and competence of the federal judiciary;
- Prepare monthly reports on activities of the subcommittees including progress update, challenges and suggested remedies, and projected activities for next reporting period;
- Discharge any other task as may be assigned by the leadership of the FSC.

### III. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration to Complete	Review and Approvals Required
i.	Guideline on Bail and Custody Time Limit;	30 Working Days	FSC President and Vice President
ii.	Guideline for Sentencing Juvenile Offenders;	60 working Days	
iii.	Court Guideline on Evidence Evaluation	60 working Days	
iv.	Internal Court Guideline for Administrative Cases;	30 Working Days	
v.	Directive for Mediation Procedures	30 Working Days	
vi.	Directive on Mediation Fee	30 Working Days	
vii.	Mediators Code of Conduct	30 Working Days	
viii.	Practice Note on Preliminary Disposition of Cases that Lack Cause of Action	30 Working Days	
ix.	Guideline on Trial Management	30 Working Days	
x.	Guideline for Media Reporting	30 Working Days	

### IV. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)

#### **a. Education:**

- LLB, LLM degree in Law or related field.

#### **b. Experience:**

- At least five years for LLM or 8 years for LLB professional work experience in law rendering services, in research, teaching or consultancy setting
- Experience in multi-stakeholder facilitation and consensus building;
- Experience in legislative drafting and in undertaking legal or judicial reform work;
- Experience in revising legal documents including analyses, and reports.

#### **c. Language:**

- Fluency in English and Amharic. Knowledge of other local languages is an added value.

#### **d. Functional Competencies:**

- Promotes a knowledge sharing and learning culture;
- In-depth knowledge on issues of governance in general and rule of law and justice in particular;
- Ability to effectively engage with senior officials and advocate and provide policy advice;
- Development and Operational Effectiveness
- Result oriented: ability to apply results-based management and reporting;

- Ability to analyze emerging trends, institutional and governance issues and present practical and actionable proposals and recommendations;
- Ability to provide evidence-based professional advice and to develop strategic policy options and proposals;
- Ability to effectively engage and maintain partnerships with key stakeholders;
- Management and Leadership
- Focuses on impact and results for the client and responds positively to feedback and guidance;
- Understands and applies appropriate team roles effectively and shows conflict resolution skills;
- Consistently approaches work with energy and positive and constructive attitudes;
- Demonstrates strong oral and written communication skills;
- Builds strong relationships with clients and external partners and actors;
- Remains calm, in control and diplomatic even under pressure;
- Demonstrates ability to manage complexities and to deliver under pressure.

**e. Core Competencies:**

- Demonstrates integrity by modelling the UN’s values and ethical standards
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favouritism;
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

**V. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS**

The IC will be based at the office of the President of the Supreme Court and will be expected to closely work with the JAAC, the reform coordinator and regularly liaise with relevant senior officials, UNDP and other stakeholders. Functionally, s/he will be reporting to the President of the FSC, occasionally liaising with the Governance Team within UNDP.

**VI. LOGISTICS AND ADMINISTRATIVE SUPPORT TO PROSPECT IC**

The FSC will provide the IC with office space and necessary equipment.

**VII. DURATION OF THE WORK<sup>1</sup>**

The engagement of the IC will be for twelve months.

**VIII. CRITERIA FOR SELECTING THE BEST OFFER**

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly; Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:

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<sup>1</sup> *The IC modality is expected to be used only for short-term consultancy engagements. If the duration of the IC for the same TOR exceeds twelve (12) months, the duration must be justified and be subjected to the approval of the Director of the Regional Bureau, or a different contract modality must be considered. This policy applies regardless of the delegated procurement authority of the Head of the Business Unit.*

- a. Technical Criteria weight is **70%**
- b. Financial Criteria weight is **30%**

<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	<b>100</b>
<b>Academic qualifications</b>		<b>20</b>
<b>Relevant work experience</b>		<b>30</b>
<b>Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization &amp; completeness of the proposal</b>		<b>20</b>
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	<b>30</b>
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

#### **IX. PAYMENT MILESTONES AND AUTHORITY**

The prospective consultant will indicate the cost of services for one month in ETB **all-inclusive<sup>2</sup> lump-sum contract amount** when applying for this consultancy. Only after approving authority confirms the successful completion of the tasks stipulated on the ToR for TA for Judicial Reform. The qualified consultant shall receive his/her lump sum service fees on monthly basis upon certification of the completed tasks satisfactorily.

#### **X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL**

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, a prospect Individual Contractor (IC) is given a proposed Table of Contents. Therefore, prospective Consultant Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

#### **TECHNICAL PROPOSAL COVER PAGES**

Cover Page

Cover Letter

#### **SECTION I. TECHNICAL PROPOSAL SUBMISSION FORM**

- 1.1 Letter of Motivation
- 1.2 Proposed Methodology
- 1.3 Past Experience in Similar Consultancy and/or Projects
- 1.4 Implementation Timelines
- 1.5 List of Personal Referees
- 1.6 Bank Reference

#### **SECTION II. ANNEXES**

Annex a. Duly Signed Offeror's Letter to UNDP Confirming Interest and Availability (use the template hereto)

Annex b. Duly Signed Personal CV's

#### **XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS**

The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.

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<sup>2</sup> The term "All inclusive" implies that all costs (professional fees, travel costs, living allowances, communications, consumables, etc.) that could possibly be incurred by the Contractor are already factored into the final amounts submitted in the proposal