

Terms of Reference

National or International consultants: National Consultant

Description of the assignment (Title of consultancy): Long Term Agreement for a Legal Specialist consultant for Construction projects

Project Title: Lebanon Host Communities Support Project

Period of assignment/services: Two years with an option to extend for One year based on the performance of the first two years

Is this a LTA (yes/no): Yes

1. Background

Eight years into the Syrian crisis, Lebanon remains at the forefront of one of the worst humanitarian crises of our time and has shown exceptional commitment and solidarity to the people displaced by the war in Syria. With the protracted nature of the crisis, refugees are living in poverty, accumulating debt and making tough choices to reduce costs, with negative consequences for quality of shelter, access to health, clean water and education opportunities. Furthermore, areas with the highest concentration of refugees, North Lebanon and the Bekaa valley, are among the poorest and most underserved regions of Lebanon. Even before the crisis, social services, infrastructure and livelihood opportunities were inadequate. Now, increased refugee populations are putting enormous pressure on Lebanon's infrastructure such as transport, water and irrigation, wastewater and solid waste education and health care systems, livelihood and jobs competition, with critical consequences for Lebanon's natural and environmental resources.

In parallel, the protracted nature of displacement in Lebanon has impacted different segments of the population differently, due to their particular vulnerabilities, coping capacities and susceptibility to threats. Socio-economic vulnerabilities, exacerbated by the protracted emergency, are worse amongst female-headed households, and even higher for those living in families with disabilities, who are also less food secure, have worse diets, adopt severe coping strategies more often, and have higher poverty levels.

The Lebanon Host Communities Support Project (LHSP) is developed within the framework of the interventions conducted by the UNDP in partnership with the Ministry of Social Affairs (MoSA), Ministry of Interior and Municipalities (MoIM), CDR and other entities, local governments and civil society organizations, to implement activities aimed at enhancing social stability and promoting development as part of a national strategy to respond to the crisis. LHSP is fully integrated in the framework of the LCRP 2017-2020 (Social Stability and Livelihood Sectors) and in alignment with the Capital Investment Program (Cedre) and Lebanon Economic Vision (McKenzie).

Based on a clear Theory of Change and strategy, four outputs are envisioned in the forthcoming phase:

- Output 1: Capacity of local stakeholders strengthened to assess and respond to the needs of the community in the design and delivery of interventions in a conflict-sensitive and participatory manner.
- Output 2: Competition for basic services reduced in vulnerable communities.
- Output 3: Income generation for vulnerable Lebanese and Syrian refugees created through intensive labour activities supporting rapid employment schemes.
- Output 4: Jobs opportunities increased particularly for vulnerable women, disabled persons and youth.

From 2014 to 2019 LHSP's portfolio included more than 500 projects (infrastructure, livelihood), 13 donors and a budget of around 170 million USD, being the major response of UNDP Lebanon to the impact of the crisis in the country. To monitor LHSP implementation and report to partners and donor, LHSP installed an IM tool for tracking activities and financial status, providing data analysis that generate inputs for LHSP and LCRP.

Under the supervision of the CTA of LHSP and in close coordination with the LHSP Head of the Engineering Unit and the Area Managers, the Legal Advisor consultant will have the responsibility to advise LHSP about the legal procedure of the projects' execution.

2. Scope of work, responsibilities and description of the proposed analytical work

The selected consultant shall be responsible – for each project – of the following tasks:

- For each construction/infrastructure/agriculture project given to the consultant, the latter shall prepare the check list of the local legal papers, needed permits, which governmental institution approval is needed to start the project. The consultant should specify the estimated time frame for the beneficiary to provide those papers.
- The consultant should follow up with the concerned entities (beneficiary at the field level, governmental institution etc...) to make sure that the papers are delivered on time and the procedures of this issue is being applied by the concerned parties.
- For each project, the consultant will review, study the specified papers provided as per deliverable one and give UNDP the recommendations if the project is feasible and to proceed with the implementation. If yes, what are the conditions to be imposed on the beneficiary to proceed with this project
- To identify, organize and systematize all the needed established legal and construction/infrastructure permit according to the current national law for the different type of projects.
- For new projects identified and to be implemented through LHSP, the consultant should support the beneficiaries in getting all legal and construction permit.
- When needed for any project, the consultant might be asked to do visit to the site, beneficiary, governmental institute, UNDP regional offices (Tripoli, Tyre, Chtoura and Hazmieh)
- When requested, the consultant might need to bring in person the local legal papers of the projects from the governmental institute. The permits is not included in the legal papers.

- In coordination with UNDP, the consultant will be requested to advise on construction/infrastructure projects' letters signed between LHSP and the beneficiary (municipality). This letter should include but not limited to: time frame to provide the needed permits and approval from the governmental institutes, the requested scope of work from the municipality etc...

3. Expected Outputs and deliverables

- Deliverable 1: For each project construction/infrastructure/agriculture given to the consultant, the latter shall prepare the check list of the local legal papers, needed permits, which governmental institution approval is needed to start the project. The consultant should specify the estimated time frame for the beneficiary to provide those papers.
- Deliverable 2: The consultant should follow up with the concerned entities (beneficiary at the field level, governmental institution etc...) to make sure that the papers are delivered on time and the procedures of this issue is being applied by the concerned parties. The consultant is expected to submit a report for this deliverable
- Deliverable 3: For each project, the consultant will review, study the specified papers provided as per deliverable one and give LHSP the recommendations if the project is feasible and to proceed with the implementation. If yes, what are the conditions to be imposed on the beneficiary to proceed with this project. The consultant is expected to submit a report for this deliverable
- Deliverable 4: To identify, organize, systematize and to keep up to date all the needed established legal and construction/infrastructure permit papers according to the current national law for the different type of projects mentioned or not in the list attached. The consultant is expected to submit a report for this deliverable
- Deliverable 5: For new projects identified and to be implemented through LHSP, the consultant should support the beneficiaries in getting all legal and construction permit.
- Deliverable 6: when needed for any project, the consultant might be asked to do visit to the site, beneficiary, governmental institute, UNDP regional offices (Tripoli, Tyre, Chtoura and Hazmieh) . The consultant is expected to submit a report for this deliverable
- Deliverable 7: When requested, the consultant might need to bring in person the local legal papers of the projects from the governmental institute. The permits is not included in the legal papers.
- Deliverable 8: In coordination with UNDP, the consultant will be requested to advise on construction/infrastructure projects' letters signed between LHSP and the beneficiary (municipality). This letter should include but not limited to: time frame to provide the needed permits and approval from the governmental institutes, the requested scope of work from the municipality etc...

The below is a simplified table for deliverable:

Deliverables/ Outputs	Estimated Working days	Estimated Duration to Complete	Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i>
Deliverable 1	4	10 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 2	2	10 Calendar days after finalizing deliverable 1	The Engineering Unit of LHSP
Deliverable 3	7	15 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 4	4	10 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 5	1	3 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 6 using UNDP transportation	2	7 Calendar days after noticing the consultant to do deliverable 5	The Engineering Unit of LHSP
Deliverable 6 using the consultant car	2	7 Calendar days after noticing the consultant to do deliverable 5	The Engineering Unit of LHSP
Deliverable 7	4	10 days after instructing the consultant to start this task.	The Engineering Unit of LHSP
Deliverable 8	2	7 days after instructing the consultant to start this task.	The Engineering Unit of LHSP

For projects related to agriculture roads and utilities (water, sewages, storm, embedded electrical cables etc..), please find below a table of deliverables:

Deliverables/ Outputs	Estimated Working days	Estimated Duration to Complete	Review and Approvals Required <i>(Indicate designation of person who will review output and confirm acceptance)</i>
Deliverable 1	4	10 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
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Deliverable 4	4	10 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 5	1	3 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 6 using UNDP transportation	2	7 Calendar days after noticing the consultant to do deliverable 5	The Engineering Unit of LHSP
Deliverable 6 using the consultant car	2	7 Calendar days after noticing the consultant to do deliverable 5	The Engineering Unit of LHSP
Deliverable 7	4	10 days after instructing the consultant to start this task.	The Engineering Unit of LHSP
Deliverable 8	2	7 days after instructing the consultant to start this task.	The Engineering Unit of LHSP

4. LIQUIDATED DAMAGES/ PENALTIES

If the consultant fails to handover the deliverables as per the schedule of delivery, a penalty of 0.5% per day for each day of delay until 10% of the contract value will be applied. After the full penalty is reached UNDP might consider terminating the signed PO with the surveyor. The deliverable is considered handed over once the consultant receives the final approval from UNDP. If the comments of UNDP sent on deliverables were not answered, UNDP will not consider the deliverables as handed over to UNDP; therefore, liquidated damages will be applied until the consultant completes the task and answers all UNDP comments.

5. Institutional arrangements

The Legal Advisor consultant will work under the supervision of the CTA of LHSP and in close coordination with the Head of the Engineering Unit and the Area Managers.

6. Duration of work

Two years and extendable for one year upon good performance in the first two years

7. Duty station

UNDP LHSP office in Beirut, with periodical field visit to the areas' offices and projects' sites.

8. Requirements for experience and qualifications

I. Academic Qualifications:

A Bachelor's degree in Law and must be registered in the syndicate of lawyers **(This criterion is mandatory, the individual that does not submit the registration certificate of the syndicate will be automatically disqualified).**

II. Years of experience:

A minimum of 7 years of relevant experience in Lebanese law

III. Technical experience:

- Experience on law rules and regulations and disputes regarding public and municipality public works
- Experience in drafting contracts formalities and concerned document
- Experience with public institutions
- Experience in researching and writing legal documents
- Experience in dispute and negotiation resolution system

IV. Competencies:

Strong organizational, interpersonal, communication and problem solving skills;
Ability to plan and prioritize own workload;
Ability to work under pressure;
Computer literate;
Ability to assume responsibility and to coordinate with others;
Effective oral and written communication skills;
Attention to detail and ability to handle tasks accurately;
Work part of a team;

V. Languages requirements

Fluent in Arabic and English, French as an asset

9. Payment Terms

The payment will be based on the below schedule:

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Deliverable 4	4	10 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 5	1	3 Calendar days from UNDP confirmation/Po issuance date	The Engineering Unit of LHSP
Deliverable 6 using UNDP	2	7 Calendar days after noticing the	The Engineering Unit of LHSP

transportation		consultant to do deliverable 5	
Deliverable 6 using the consultant car	2	7 Calendar days after noticing the consultant to do deliverable 5	The Engineering Unit of LHSP
Deliverable 7	4	10 days after instructing the consultant to start this task.	The Engineering Unit of LHSP
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10. Criteria for selection of the best offers

This section should indicate all the criteria which shall serve as basis for evaluating offers, which may be done in either of the following manner:

- a) Combined Scoring method – where the qualifications and methodology will be weighted a max. of 70%, and combined with the price offer which will be weighted a max of 30%; using the following evaluation criteria

Criteria	Weight	Max. Point
Technical Competence	70%	100
Criteria A: Academic Qualifications <ul style="list-style-type: none">○ Bachelor's degree in law or equivalent: 15 points○ Master's degree or higher: 20 points		20
Criteria B: Experience <ul style="list-style-type: none">○ 7 years of experience= 10 points; 10 years of experience or higher= 15 points○ Experience on law rules and regulations and disputes regarding public and municipality public works = 5 points○ Experience in drafting contracts formalities and concerned document = 5 points○ Experience with public institutions = 10 points○ Experience in researching and writing legal documents = 5 points○ Experience in dispute and negotiation resolution system = 5 points		45
Criteria C: Methodology		35
Financial (Lower Offer/Offer*100)	30%	100
Total Score	Technical Score * 0.7 + Financial Score * 0.3	

Weight per Technical Competence	
Weak: below 70%	The individual consultant/contractor has demonstrated a WEAK capacity for the analyzed competence
Satisfactory: 70-75%	The individual consultant/contractor has demonstrated a SATISFACTORY capacity for the analyzed competence
Good: 76-85%	The individual consultant/contractor has demonstrated a GOOD capacity for the analyzed competence
Very Good: 86-95%	The individual consultant/contractor has demonstrated a VERY GOOD capacity for the analyzed competence
Outstanding: 96-100%	The individual consultant/contractor has demonstrated an OUTSTANDING capacity for the analyzed competence.