



## Enhancing Access to Justice through Institutional Reform (A2J) Project

### Call for Expression of Interest (EOI) Individual National Consultant (ROSTER)

Date of Publication: 22 March 2020



Empowered lives.  
Resilient nations.

- A. Title: National Consultants  
B. Type of contract: Individual consultancy  
C. Duration: On call  
D. Deadline: 07 April 2020, 17:00 hrs.

| Thematic/Academic branches                             | Thematic Expert Areas  |
|--|--|
| 01. Law review, drafting, legal reform                 | Law drafting, review, research federal, provincial and local laws and policies, Pro-bono services, Criminal and Civil Codes, Law & Development, Develop Guidelines; Implementation of fundamental rights   |
| 02. Legal Aid and access to justice                    | Providing legal aid and pro-bono services, support clinical legal education, Develop Knowledge product on Legal Aid, SoP for legal aid provider, Develop tools and materials on legal awareness; Conduct research on access to justice of women and marginalized communities in justice systems, implementation of legal aid systems and mechanisms, mediation, psycho-social counseling         |
| 03. Capacity development                               | Develop Training Manual, guidelines Resource Books/ Materials, facilitate Training, Workshops, Seminar, Interaction. Capacity development of Judicial committees, lawyers, government officials, CSOs  |
| 04. Gender Equality and Social Inclusion (GESI)        | Develop and update database for NBA on pro-bono legal aid services, review existing laws /Regulations /policies/plans through GESI perspectives, Provide Technical support to formulate laws / regulations/ policies/plans through GESI lens Support to develop Training Manual with incorporating GESI related issues, support to develop Resource Materials with incorporating GESI components |
| 05. Law and Development; and Business and Human Rights | Research on Business and Human Rights related policies and laws, Develop training manuals, guidelines, and other related materials on business and human rights; facilitation of workshops, training, law and development; arbitration   |
| 06. Governance and accountability                      | Research, review, developing accountability guidelines, facilitation of training workshop on governance and accountability   |
| 07. Information Technology                             | Software application, Mobile application, Computer networking  |
| 08. Translation/ Interpretation                        | Legal documents, Non legal documents, Simultaneously translation   |

|                               |  |
|-------------------------------|--|
| 09. Monitoring and Evaluation | Monitoring and evaluation of the Project activities, develop M&E framework, facilitation on the M&E issues |
|-------------------------------|--|

## 1. Background

UNDP Nepal is working with the Ministry of Law, Justice and Parliamentary Affairs (MoJPA), Office of Attorney General (OAG), Nepal Bar Association (NBA), other government agencies, national human rights institutions, and civil society organizations to enhance access to justice through Institutional Reform Project, 2018-2020 (the Project). The Project builds on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme (2013-2017) and continues to focus on the reform of the legal aid system, supporting national efforts in 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.

To enable women and vulnerable groups to access justice, the Project will support the MoJPA to lead reforms in the legal aid system in Nepal towards the implementation of the Integrated Legal Aid System which aims to coordinate and regulate accessible socio and legal aid service provision throughout Nepal by further enabling women and vulnerable groups to enjoy their right to legal aid services.

The Project continues to be engaged in the reform of the criminal and civil justice systems by providing necessary support for the execution of the Costed Action Plan for the implementation of the newly adopted codes. Developing guidelines on implementation of codes and providing specialized trainings to judges, prosecutors, police officers, lawyers, judicial committee members and other justice sector officials will be a focus of the Project.

Further, the Project also aims to create a discourse on Law and Development particularly focusing on its inter-relation so as to create a development friendly laws and policies for the inclusive economic development of the country. Fostering United Nations Guiding Principle on Business and Human Rights at different level and sector through dissemination and dialogues is another focused area of the Project.

For this purpose, the Project is seeking to develop a roster of experts/consultants with expertise in focus areas of the Project for the period till December 2020. Eligible Nepali experts/consultants are encouraged to apply by submitting their detailed CVs along with expression interest. The Project reserves the right to shortlist the expert/consultant and call for their services when required for the Project focus areas/activities:

## 2. Main Deliverables

Deliverables will be based on the nature of the assignment. In general, following will be the deliverables; specific deliverable will be agreed while contracting for the assignment, with deadlines stipulated in the assignment ToR and/or contract:

**For research/review/study /translation**

- a) Inception reports
- b) Draft report

- c) Final report

**For Training/workshop facilitation**

- a) Program schedule  
b) Training material (power point, note, papers etc.)  
c) Event completion report

**All deliverables will be drafted in both Nepali and/or English language**

### **3. Institutional arrangements**

The individual consultant will report to the Head of the unit assigned to; who will oversee and coordinate the consultant's work.

### **4. Duration of the work**

The selected consultants that shall be put on the roster of individual **National Consultants** and may be contacted for an assignment that can be undertaken for **not longer than six months**.

### **5. Duty station**

Individual National Consultants shall be called for assignments with A2J Project or other implementing partners of NIM Project of Nepal

### **6. Profile required**

**Experience:**

- At least five years of progressive relevant professional experience for Master Degree and 7 years with bachelors' degree
- Proven experience in research and facilitating workshops, running training, conducting reviews and research including but not limited to laws, rules and regulations, codes of conduct, mediation, arbitration, IT or related field.
- Familiarity with the justice sector actors and issues of access to justice;
- Experience with international organization would be an advantage;
- Priority will be given to the candidate from women and marginalized group

**Computer skills:**

- Experience in the usage of computers and office software packages (MS Word, Excel, etc.);
- Knowledge of handling web-based management systems.

**Language skills:**

Fluency in oral and written in English and Nepali is essential.

### **7. Qualifications**

**Education:**

University degree in law, human rights, social sciences, gender studies or relevant fields



**Language Requirements:**

Fluency (both verbal and written) in English and required. Proficiency in local ethnic language will be an added advantage.

**8. Scope of cost proposal and schedule of payments**

The consultant will be paid in an installment basis upon the submission of deliverables. While submitting the EOI proposal, the consultant needs to submit the separate daily rate quotation which include all VAT at and taxes.

**9. Submissions****9.1. Technical proposal**

- a) Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b) **Personal CV or P11**, indicating all past relevant experience, as well as the contact details (email and telephone number) of the Candidate and **at least three (3) professional references**;

**10. Criteria for Contract Award**

- a) ☐ **Highest Combined Score (based on the 70% technical offer and 30% financial price offer weight distribution)**
- b) ☒ **Full acceptance of the General Terms and Conditions (GTC).** This is mandatory criteria and cannot be deleted regardless of the nature of services required. Non acceptance of the GTC may be grounds for the rejection of the Proposal.

**11. Technical Evaluation criteria 70 points (70%)**

| Criteria  | Weight      | Max. Point |
|---|-------------|------------|
| Educational Qualification   | 10 %        | 10         |
| Progressive relevant professional experience;   | 25%         | 25         |
| Proven experience in thematic area selected theme   | 15%         | 15         |
| Excellent analytical and communication (spoken, written and presentation) skills;   | 20%         | 20         |
| Experience in the usage of computers and office software packages (MS Word, Excel, etc.); Knowledge of handling web-based management systems.               | 10%         | 10         |
| Previous experience with international organizations and/or donor-funded projects; added advantage; Knowledge of the UN system and its method of operations | 10%         | 10         |
| Fluency in English and Nepali language is (all required)  | 10%         | 10         |
| <b>TOTAL</b>  | <b>100%</b> | <b>100</b> |

#### **12. Financial Proposal (30%)**

To be computed as a ratio of the Proposal's offer to the lowest price among the proposals received by A2J Project

The financial proposal will be opened only for submissions that passed the minimum technical score of 70% (70 points) of the obtainable score of 100 points in the evaluation of the technical proposals.

#### **13. Validity of Expression of Interest (EOI)**

This EOI is valid until December 2020.

#### **14. 12. Documents to be submitted**

01. Updated CV or P11 (P11 form can be downloaded from .....)
02. PAN/VAT registration
03. Signed Letter of Confirmation of Interest and Availability

#### **15. 14. General Term and Conditions**

General terms and conditions of consultancy services are mentioned in Annex II



**Basant Adhikari**  
**National Project Manager**

**Letter of Confirmation of Interest and Availability**

**VENDOR RESPONSE FORM**

**To:** National Project Director/Manager, Enhancing Access to Justice through Institutional Reform (A2J) Project

**From:** Mr./Ms. ....

**Subject:** Application for the provision of Consultancy Services

**Thematic Area:**

**Expertise of  
Consultant:**

**Email address:**

**Contract address:**

**Time and  
Duration of  
Availability:**

**Submission of documents**

- 01) Updated CV or P11
- 02) VAT/PAN registration copy

I declare that I am not engaged in the regular services of Government of Nepal. I am a freelance consultant.

I confirm that my technical proposal fully meets the prerequisites and I am available on the stated time for consultancy engagement for stated theme and area of expertise.

Signed by: \_\_\_\_\_

Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_





## **GENERAL TERMS & CONDITIONS**

### **Article 1: Independent Relationship**

1.1 Nothing contained in the contract shall be construed as establishing or creating between A2J PROJECT and the Consultant the relationship of master and servant or principal and agent, it being understood that the Consultant is an independent person vis-à-vis A2J PROJECT.

### **Article 2: Consultant General Responsibilities**

2.1 The Consultant shall carry out tracking and editing with due diligence and efficiency and in conformity with the highest standards of professional and ethical competence and integrity.

2.2 The Consultant shall be responsible for the professional and technical work carried out by his in the implementation.

### **Article 3: Workmen's compensation and other insurance**

3.1 The Consultant shall make his own arrangements regarding insurance for medical expenses and for accident, death and permanent disability for the period of this contract. All costs involved will be borne by the consultant

### **Article 4: Source of instruction**

4.1 The Consultant shall neither seek nor accept instructions from any authority other than A2J PROJECT and UNDP's authorized agent in connection with the work.

### **Article 5: Prohibition on conflicting activities**

5.1 The Consultant shall ensure that he will not directly/indirectly engage in any activity that would conflict with those of A2J PROJECT in respect of this project.

### **Article 6: Officials not to benefit**

6.1 The Consultant warrants that no UNDP or A2J PROJECT official has been or will be admitted by him to any direct/indirect benefit arising from this contract.

### **Article 7: Assignment**

7.1 The Consultant shall not assign, transfer, pledge or make other disposition or any other parts thereof or rights, claims or obligations under this contract, without prior written approval of A2J PROJECT.



**Article 8: Records, Accounts, information and Audit**

8.1 The **Consultant** shall maintain accurate and systematic records and accounts in respect of the work to be performed under this contract.

8.2 The **Consultant** shall furnish, compile or make available at all times to A2J PROJECT and UNDP any records or information, oral or written, which A2J PROJECT may reasonably request for in respect of the work to be performed.

**Article 9: Language**

9.1 Unless otherwise specified in this contract, English language shall be used by the **Consultant** in all written communications to A2J PROJECT with respect to the services rendered and with respect to all documents procured or prepared pertaining to such services.

**Article 10: Equipment of Property**

10.1 Equipment or property furnished to the **Consultant** with funds supplied or reimbursed by A2J PROJECT or its agent shall be the property of A2J PROJECT and such equipment shall be returned to the duly authorized official of A2J PROJECT upon completion of the services, conclusion of this contract or upon termination thereof or when no longer required by the **Consultant**. Such equipment or property when returned to A2J PROJECT shall be in the same condition as when delivered to the **Consultant**, subject to normal wear and tear. The **Consultant** shall in any event, be liable to A2J PROJECT for the loss of or damage to such equipment or property through his fault or negligence.

**Article 11: Confidential Nature of Documents**

11.1 All maps, drawings, photographs, mosaics, plans, reports, recommendations, estimates, documents and all other data compiled by or received by the **Consultant** under this contract be the property of A2J PROJECT, shall be treated by him/her as confidential and shall be delivered only to the duly authorized officials on completion of work under this contract. Under no circumstances shall the contents of such documents or data be made known to any unauthorized person without written approval of A2J PROJECT and UNDP. Subject to the provision of this article, the **Consultant** may retain a copy of the document (s) produced by him for his record.

**Article 12: Amendments**

12.1 The terms and conditions of this contract may amend only in writing signed by both parties to this contract or their duly authorized representatives.

**Article 13: Obligation to Inform A2J PROJECT of changes in conditions**

13.1 The **Consultant** shall promptly and fully notify A2J PROJECT in writing of any conditions which interferes, or threatens to interfere, with successful carrying out of the services under this contract. Such notice shall not however relieve the **Consultant** of his obligations to continue to provide services under this contract. On receipt of such notice, A2J PROJECT shall take such action as in its sole discretion it considers to be appropriate or necessary under the circumstances







## Terms of Reference Individual Consultant (Roster)



|                            |   |   |
|----------------------------|---|---|
| <b>Project Title</b>       | : | <b>Enhancing Access to Justice through Institutional Reform Project</b> |
| <b>Title of Post/Level</b> | : | <b>Individual Consultant</b>  |
| <b>Duty Station</b>        | : | <b>Kathmandu</b>  |

### Background

UNDP Nepal is working with the Ministry of Law, Justice and Parliamentary Affairs (MoLPA), Office of Attorney General (OAG), Nepal Bar Association (NBA), other government agencies, national human rights institutions, and civil society organizations to enhance access to justice through Institutional Reform Project, 2018-2020 (the Project). The Project builds on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme (2013-2017) and continues to focus on the reform of the legal aid system, supporting national efforts in 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.

To enable women and vulnerable groups to access justice, the Project will support the MoLPA to lead reforms in the legal aid system in Nepal towards the implementation of the Integrated Legal Aid System which aims to coordinate and regulate accessible socio and legal aid service provision throughout Nepal by further enabling women and vulnerable groups to enjoy their right to legal aid services.

The Project continues to be engaged in the reform of the criminal and civil justice systems by providing necessary support for the execution of the Costed Action Plan for the implementation of the newly adopted codes. Developing guidelines on implementation of codes and providing specialized trainings to judges, prosecutors, police officers, lawyers, judicial committee members and other justice sector officials will be a focus of the Project.

Further, the Project also aims to create a discourse on Law and Development particularly focusing on its inter-relation so as to create a development friendly laws and policies for the inclusive economic development of the country. Fostering United Nations Guiding Principle on Business and Human Rights at different level and sector through dissemination and dialogues is another focused area of the Project.

For this purpose, the Project is seeking to develop a roster of experts/consultants with expertise in focus areas of the Project for the period till December 2020. Eligible Nepali experts/consultants are encouraged to apply by submitting their detailed CVs along with expression of interest. The Project reserves the right

to shortlist the expert/consultant and call for their services when required for the Project focus areas/activities:

### Objective

The objective behind this call is to create a comprehensive roster of the expert/consultant from among the interested applicants for different issues that Project is undertaking. The Project will hire the appropriate expert/ consultant as and when necessary for the implementation of the Project activities.

### Scope

The Project is working on various issues aiming to ensure and enhance access to justice through institutional reform. The key areas include; implementation of the integrated legal aid policy through legal and institutional reform, building capacity of the concerned officials and institutions for enacting necessary legislation and implementation of the fundamental rights guaranteed by the constitution, implementation of new codes, strengthening judicial committees at the local level and creating conducive and enabling environment for inclusive economic development through development friendly legislation and responsible business conduct.

The detail scope/areas of the Project are as follows: -

| Thematic/Academic branches                      | Thematic Expert Areas  |
|---|--|
| 01. Law review, drafting, legal reform          | Law drafting, review, research federal, provincial and local laws and policies, Pro-bono services, Criminal and Civil Codes, Law & Development, Develop Guidelines; implementation of fundamental rights   |
| 02. Legal Aid and access to justice             | Providing legal aid and pro-bono services, support clinical legal education, Develop Knowledge product on Legal Aid, SoP for legal aid provider, Develop tools and materials on legal awareness; Conduct research on access to justice of women and marginalized communities in justice systems, implementation of legal aid systems and mechanisms, mediation, psycho-social counseling |
| 03. Capacity development                        | Develop Training Manual, guidelines Resource Books/ Materials, facilitate Training, Workshops, Seminar, Interaction. Capacity development of Judicial committees, lawyers, government officials, CSOs  |
| 04. Gender Equality and Social Inclusion (GESI) | Develop and update database for NBA on pro-bono legal aid services, review existing laws /Regulations /policies/plans through GESI perspectives, Provide Technical support to formulate laws / regulations/ policies/plans through GESI lens Support to develop  |



|  |  |
|--|--|
|  | Training Manual with incorporating GESI related issues, support to develop Resource Materials with incorporating GESI components   |
| 05. Law and Development; and Business and Human Rights | Research on Business and Human Rights related policies and laws, Develop training manuals, guidelines, and other related materials on business and human rights; facilitation of workshops, training, law and development; arbitration |
| 06. Governance and accountability                      | Research, review, developing accountability guidelines, facilitation of training workshop on governance and accountability   |
| 07. Information Technology                             | Software application, Mobile application, Computer networking  |
| 08. Translation/ Interpretation                        | Legal documents, Non legal documents, Simultaneously translation   |
| 09. Monitoring and Evaluation                          | Monitoring and evaluation of the Project activities, develop M&E framework, facilitation on the M&E issues   |

#### **Activities:**

The Project aims to create a roster of the expert/consultant basically for carrying out the following (but not limited to) activities: -

- Conducting review, research/studies
- Facilitation and conducting trainings/seminars
- Drafting laws, rules, regulations, SoP, guidelines, code of conduct etc.
- Translation and interpretation services
- Providing IT services
- Monitoring and evaluation

#### **Required Skills and Experience**

##### **Education:**

- Master's degree in law, human rights, social science, gender studies or relevant fields (Bachelor's degree with more than 10 years of relevant professional experience will also be considered as appropriately).

##### **Experience:**

- At least five years of progressive relevant professional experience;
- Proven experience in research and facilitating workshops, running training, conducting reviews and research including but not limited to laws, rules and regulations, codes of conduct, mediation, arbitration, IT or related field.
- Familiarity with the justice sector actors and issues of access to justice;
- Experience with international organization would be an advantage;

*Priority will be given to the candidate from women and marginalized group.*

**Computer skills:**

- Experience in the usage of computers and office software packages (MS Word, Excel, etc.);
- Knowledge of handling web-based management systems.

**Language skills:**

- Fluency in oral and written in English and Nepali is essential.

**Competencies required:**

- Leadership
- Problem solving
- Analysis
- Formulation of legal frameworks
- Formulation of policy interventions
- Facilitation and coordination
- having VAT Registration (in case service above 100000)

**Key deliverables/ Final Product**

For each assignment, the expert/consultant is required to deliver the following products, within the deadlines stipulated in the assignment ToR and/or contract:

- a) Inception reports
- b) Research/event reports (if research/study)
- c) Training modules
- d) Training/Seminar report
- e) Software product (if development of software and website)
- f) Final report

All deliverables will be submitted in both Nepali and English language, if required.

**Overall governance and management of the assignment**

Interested candidates should submit their CV's together with financial proposal (daily fee), indicating for which thematic area they are applying.

The A2J Project will take care of the overall governance and the timely delivery of the assignment.

**Confidentiality and data ownership**

All data and information received from A2J Project for the purpose of this assignment or obtained while performing assignment of the project are to be treated confidentially and are only to be used in connection with the execution of the Terms of Reference. All intellectual property rights arising from the execution of these Terms of Reference are assigned to A2J Project. The contents of written materials obtained and used in this assignment may not be disclosed to any third parties without the expressed written authorization of the A2J Project.

