



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date 24.03.2020

Consultancy Title: International Individual Consultancy in the domain of Rule of Law Expert.

Project name: Justice Modernization Programme and Accelerating the Ratification and Domestication of AU Treaties.

Description of the assignment: The role of the International Individual Consultancy (IC) is to prepare project document for Strengthening Democratic Governance for Development and b) Lead, supervise and implement the activities of the action plan of the justice modernization program in Sao Tome and Principe.

Duty station: Sao Tome, Sao Tome and Principe.

Period of assignment/services (if applicable): 8 months, preferably starting in May.

Proposal should be submitted by email to procurement.st@undp.org no later than 10 April 2020 at 5h30 PM. Any request for clarification must be sent in writing, or by standard electronic communication to the e-mail: nelma.rita@undp.org with cc/ antonia.daio@undp.org; aderito.santana@undp.org and wadson.cruz@undp.org. Procurement Unit 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

The Transformation Agenda 2030 for São Tomé and Príncipe is based on the country's "Vision São Tomé and Príncipe: The country we need to build". It aims to boost good governance and public sector reform, namely the justice sector reform.

The Justice Sector in São Tomé and Príncipe has been widely affected by many years of disbelief and inefficiency. This disbelief is due to its inefficiency, but also because it has been accused of violating the principle of separation of powers. Consequently, this disbelief affects external perception at a high impact level, represented by donors and international investors.

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Efforts are needed to increase access and trust in the justice sector, to promote the independence and integrity of the judiciary and to overhaul colonial era legislation, systems and practices in line with modern day international human rights standards and best practice.

The deposition of key Africa Union treaties on 27 June 2019 only goes to demonstrate the commitment of the Government of Sao Tome and Principe to enhance democracy and good governance under which human rights, reduction of corruption/promotion of transparency and accountability and advancement of women's rights will be realized. The key AU treaties include the African Charter on Human and People's Rights, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), African Youth Charter, African Charter on the Rights and Welfare of the Child, African Charter on Democracy, Elections and Governance, and AU Convention on Preventing and Combating Corruption.

In order to provide the country with a modern and functional justice system, the main living forces of the nation signed a High-Level Commitment for the Modernization of Justice, sponsored by the Secretary General of the United Nations. The High-Level Commitment seeks to ensure the political consensus that leads to a process of modernization of justice system and to strengthening confidence in democratic institutions and social cohesion. The modernization of the justice system is as a precondition for good functioning, efficiency and effectiveness, speed, transparency and security, for economic stability, investment attraction and universal access to Justice for the citizens of São Tomé and Príncipe.

Sao Tome and Principe UNDP is accompanying the efforts of the Sao Tome government in preparing a robust and holistic program for modernizing the justice sector. For the materialization of this program, UNDP is recruiting a Rule of Law Expert to i) be responsible for driving the implementation of a reform and modernization program for the justice sector in São Tomé and Principe and ii) lead the process of preparing and developing a project document which encompasses all the key issues of concern to the 6 treaties including women empowerment, fighting corruption, promoting human rights, enhancing democratic governance among others under the direct supervision of Assistant Resident Representative for Programme, who manage the Governance Portfolio and oversight of Resident

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Representative due to importance of this programme the Rule of Law Expert will be based in São Tomé with the primary function to provide strategic and technical advice to Justice Sector counterparts to advance justice sector modernization programme. The expert will be expected to work closely with other Justice Sector institutions namely the Office of the President of Supreme Court, the Office of the Attorney General, the Directorate of Police, the Bar Association of São Tomé and Príncipe and relevant Parliamentary stakeholders such as the Justice and Human Rights Committee and civil society actors.

2. OBJECTIVE, SCOPE OF WORK AND OUTPUT/EXPECTED DELIVERABLES

The Expert will:

- i) prepare a full project document for Strengthening Democratic Governance for Development in Sao Tome and Principe. The IC will carry out stakeholder consultations and generation of information for the preparation of the Project document. Specific tasks will include the following:
 - Identify the project baseline in terms of current policies, projects and stakeholders that are relevant to the project;
 - Coordinate consultations with government and non-government agencies, project stakeholders and potential project partners (with special focus on stakeholders engaged in governance and other baseline projects);
 - Organize and facilitate technical and consultative meetings with local government and community stakeholders to assist project definition;
 - Undertake institutional capacity assessment for institutions to be involved in the project implementation, and draft a capacity building strategy (including training) to ensure successful project implementation;
 - Propose, based on stakeholder consultations, a draft Results Framework (including Outcomes, Outputs, activities, Indicators and Risks/Assumptions), for the project. This will include:
 - Define project roles and responsibilities and propose suitable project management, implementation and reporting arrangements
 - Assist in the design of the project's Knowledge Management strategy
 - Develop sustainability and exit strategy for the project
 - Help build financing partnerships and mobilize co-financing resources
- ii) Provide high-level strategic technical advice to national justice counterparts, mainly the Minister of Justice and the Office of the President of Supreme Court. He/she

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will provide technical direction to the rule of law and access to justice output under the direction of the Governance Portfolio Manager and contribute to the development of programme formulation processes, work plans and input into monitoring and evaluation activities. He/she is expected to carry out the following functions:

- Provides high level technical advice to effectively influence and design a coordinated justice sector strategy;
- Provides high level technical advice and expertise to the Attorney General's Office and Office of President of Supreme Court on institutional strategic planning and capacity building, leading and implementing relevant areas of the UNDP Rule of Law and Access to Justice workplan;
- Provides strategic and technical direction to the UNDP Rule of Law and Access to Justice output;

Under general supervision of the UNDP ARR/P and the direct supervision of the Ministry of Justice, Public Administration and Human Rights (Monitoring Committee), the key deliverable of the assignment is:

- i) Completed Project document with all annexes as mentioned below within the first 60 working days after signing the contract.

The document should make full use of figures, diagrams and boxes to bring out key points and summarize materials emerging from the project preparation phase. The document will use the following outline:

- a) Context – including development challenges - threats/root causes/barriers analysis, institutional/sectoral/policy context, stakeholder analysis and gender analysis,
- b) Project Strategy (including theory of change, project rationale and policy conformity);
- c) Results and Partnerships (including Expected Results, Partnerships, Risks and Assumptions, Stakeholder engagement plan, Gender equality and empowering women, South-South and Triangular Cooperation if applicable, and Sustainability and Scaling Up);

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- d) Project Management (Cost efficiency and effectiveness, Project management)
- e) Project Results Framework
- f) Monitoring and Evaluation Plan and Budget;
- g) Governance and Management Arrangements (including Project Organogram);
- h) Total Budget and Work Plan;
- i) Legal Context;
- j) Risk Management;
- k) Mandatory Annexes:
 - Multi-year Work Plan
 - Terms of Reference for Project Board, Project Manager, Chief Technical
 - Advisor and other positions as appropriate
 - UNDP Social and Environmental Screening Template (SESP) and Environmental and Social Management Plan (ESMP) for moderate and high-risk projects
 - Stakeholder Engagement Plan
 - Gender Analysis and Action Plan in relation to the project
 - UNDP Risk Log
- ii) Leads, supervises and implements the activities of the action plan of the justice modernization program, providing technical assistance for the implementation of the strategic plans of the Attorney General's Office and the Supreme Court of Justice and other institutions provided for in the referred Action Plan.

Provides high level technical advice to effectively influence and design a coordinated justice sector strategy:

- Leads on UNDP efforts to influence and carry forward comprehensive justice sector reform in São Tomé and Príncipe engaging with the Attorney General's Office, Office of President of Supreme Court, Parliamentary Committees, Civil Society and other relevant actors;
- Conducts through and high-quality research and analysis of the justice sector, identifying priority reform areas;

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- Provides timely and context specific technical advice on emerging strategic policy issues including access to justice, legal aid and institutional performance;
- Designs and develop policy/options papers and proposals to enable justice sector reform;
- Proposes strategic approaches and priorities for reform implementation, including definition of baselines, performance indicators and monitoring and evaluation;
- Develops pilot initiatives for functional partnerships between justice sector institutions and non-governmental organizations, local media and the public;
- Effectively coordinates partnerships with other development partners, justice institutions on overall justice sector reform
- Provides high level technical advice and expertise to the Attorney General's Office and Office of President of Supreme Court on institutional strategic planning and capacity building, leading and implementing relevant areas of the UNDP Rule of Law and Access to Justice workplan:
- Leads, oversees and implements training and capacity development initiatives;
- Provides effective skills transfer and capacity development to the Attorney Generals' Office and the Office of President of Supreme Court on selected thematic areas through study tours, south- south cooperation, training and briefing sessions;
- Provides strategic advice and mentoring to Senior Level Justice officials as required.
- Provides strategic direction and technical direction and oversight to the UNDP Rule of Law and Access to Justice output:
- Prepares research documents and inputs to inform the direction of the new Country Programme Document (from 2021-2025) mainly for the thematic of Rule of Law and Access to Justice;
- Provides advice and coherence and connectivity between planned and ongoing justice sector reforms and other ongoing reforms in the area of democratic governance (ie. administrative reforms, parliamentary reforms, public administration reform, civic participation;

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- Proposes ways to ensure that UNDP rule of law and access to justice activities are better linked as part of efforts to bridge gaps in justice sector provision between formal and informal mechanisms, state/ regional and grassroots levels etc;
- Provides inputs into the development of regional and state justice strategies for the rule of law/ access to justice output;
- Contributes to annual work planning processes in a consultative manner;
- Ensures technical soundness of rule of law output activities and achievement of results;
- Ensures technical work undertaken across the output is in line with international good practice and adapted to the local context;
- Integrates and promotes a human rights-based approach to the rule of law and justice, ensuring the mainstreaming of initiatives for the promotion and protection of human rights and gender equality;
- Contributes to preparation of Terms of Reference and design for such events as training (curricula, courses, schedules), study tours, conferences and workshops, and to advise UNDP on the joint approval and sign-off of these documents;
- Contributes to the formulation/improvement of an effective monitoring and evaluation system of the output and reports on progress, including reporting to UNDP, development partners and national stakeholders on progress;
- Effectively coordinates with other UN agencies who work on justice issues (UNICEF, UNODC, UNFPA) to develop inter-agency synergies.

Duration of the contract:

The Rule of Law Expert will provide deliverables in the 8 months period until 31 of December 2020.

Institutional Arrangement:

UNDP will recruit and contract the Rule of Law Expert who will be selected through a competitive process and to undertake the assignment as described in this ToR. The Expert will report to the Project Manager, Accelerating the Ratification and Domestication of AU Treaties Project, and to the Assistant Resident Representative for Programme, who manage the Governance Portfolio. Resident Representative is matrix Manager due to importance of the assignment.

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Duty station:

The Chief Technical Adviser can be based in the Directorate of Justice Administration at the Ministry of Justice or based in the UNDP CO with same functions and attributions with daily displacement to the principal beneficiary. UNDP will provide transport to the field during the field mission to engage with the stakeholders in the proposed intervention areas in the country.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- a) Degree (MA) Social or Human Sciences, Law, International Relations/Affairs, Development Management, African studies, Community Development, Public Administration, or any related field is required.
- b) Technical skills in the fields of gender, anti-corruption, human rights or democratic governance.

II. Years of experience:

Have proven experience in rule of law enforcement, political and social sciences, peace and security, governance, human rights, proven research, politics or teaching in key areas of policy, governance, conflict, social, human rights and peace building problems.

Minimum 7 years of relevant professional experience in rule of law and access to justice, including at least three years in a senior position in a national or international development role in judicial system;

- Previous experience in drafting Prodocs within UNDP or another UN agency is highly desirable;
- Work experience in Sao Tome and Principe or African countries is an advantage;
- Demonstrated ability in analytical and report drafting work in concise format and of high quality and strong technical writing skills;
- Experience in assisting with designing sector wide approaches to justice reform, including experience developing a nationally owned justice strategy in a Portuguese speaking country;
- Excellent analytical and interpersonal skills including oral and written communication;

- Experience coordinating and liaising with government agencies and/or donors;
- Experience of working in a technical advisory role in a justice institution;
- Demonstrated programme management skills including results-based orientation, preparation of work plans, monitoring and evaluation is an advantage;

III. Language and communication competencies:

Highly developed communication skills, including ability to draft/edit texts and to articulate ideas in a clear, concise style to a variety of audiences, as well as facilitation skills;

Fluency in written and spoken Portuguese is mandatory. Excellent knowledge of English or French is required;

IV. Competencies

Corporate Competencies:

- Promotes UN's Values and ethical standards (tolerance, integrity, respect, results orientation, impartiality);
- Displays cultural, gender, religion, race, nationality and sensitivity and adaptability;
- Demonstrates integrity by modelling in the UN's values and ethical standards (Human Rights, peace, understanding between people and nations, tolerance, integrity, respect, results orientation, UNDP core ethics, impartiality);
- Promotes excellent teamwork, putting teamwork and team objectives before personal objectives;
- Demonstrates outstanding teamwork competencies by consulting widely, seeking views from all interested parties within and outside the team and listening attentively to them and shares joint responsibility with, and supports, team colleagues.

V. Functional Competencies

Job Knowledge/Technical Expertise:

- Possess expert knowledge of advanced concepts in rule of law and access to justice and a broad knowledge of related disciplines;

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- Applies knowledge to support UNDP's objectives and to further the mandate of the organization.

VI. Knowledge Management and Learning:

- Promotes knowledge management and a learning environment in the office through leadership and personal example, excellent knowledge of capacity building theory and the application of methodology, good understanding of capacity assessment methodologies, excellent ability to identify significant capacity building opportunities, ability to get capacity building, excellent ability to demonstrate national capacities building (mastery of the tools and their application);
- Display understanding of the relevant contemporary ICT tools and continuously act towards personal capacity building.

VII. Development and Operational Effectiveness:

- Ability to engage with high ranking UNDP Managers, Government Officials and international donor community and provide policy advisory services;
- Ability to identify opportunities, conceptualize and develop project reports;
- Ability to effectively lead strategic planning, and contribute to results-based management and reporting;
- Ability to implement new systems and affect staff behavioral/attitude change.

VIII. Management and Leadership:

- Consistently approaches work with energy and a positive, constructive attitude;
- Builds strong relationship with clients, focuses on impact and result for the client and responds positively to feedback, timely responses to queries;
- Demonstrates good oral and written communication skills;
- Demonstrates openness to change and ability to manage complexities;
- Demonstrates strong administrative skills and result oriented approach to work;
- Provides inspiration and leadership to project staff as well as all the partners.

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4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

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

1. Proposal:

- i. Personal CV or P11, indicating education background/professional qualifications, all experience, as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references;
- ii. Brief description of why the individual considers him/herself as the most suitable for the assignment and a methodology on how he/she will approach and complete the assignment;
- iii. Proposed methodology to undertake the assignment;
- iv. Fill annex 1 Offeror's Letter to UNDP attached;

2. Financial proposal indicating the fixed monthly salary of the all-inclusive contract.

5. FINANCIAL PROPOSAL

[The procuring UNDP entities will choose among one of these two mechanisms. The lump sum approach is the preferred method, as it clearly links deliverables and payments transferring any unforeseen risks for the completion of the deliverable to the consultant. Once the mechanism has been selected, the other one shall be deleted to avoid any misunderstanding]

- **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).

- **Contracts based on daily fee**

The financial proposal will specify the daily fee, travel expenses and per diems quoted in separate line items, and payments are made to the Individual Consultant based on the number of days worked.

Travel:

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station, as well as travels inside the country if applicable.

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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

[The procuring UNDP entities will choose among one of these two evaluation methods prior to submit the Individual Consultant Procurement Notice. Once the evaluation method has been selected the other one shall be deleted to avoid any misunderstanding]

Individual consultants will be evaluated based on the following methodologies:

1. Lowest price and technically compliant offer

When using this method, the award of a contract should be made to the individual consultant whose offer has been evaluated and determined as both:

- a) responsive/compliant/acceptable, and
- b) offering the lowest price/cost

“responsive/compliant/acceptable” can be defined as fully meeting the TOR provided.

2. 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 55 point would be considered for the Financial Evaluation

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Criteria	Weight	Max.point
Degree (MA) Social or Human Sciences, Law, International Relations/Affairs, Development Management, African studies, Community Development, Public Administration, or any related field is required.		5
Demonstrated ability in analytical and report drafting work in concise format and of high quality and strong technical writing skills, excellent coordination and leadership skills and demonstrated experience in designing development projects		15
<ul style="list-style-type: none"> Experience in assisting with designing sector wide approaches to justice reform, including experience developing a nationally owned justice strategy in a Portuguese speaking country; 		20
Minimum 7 years of relevant professional experience in rule of law and access to justice including at least three years in a senior position in a national or international development role in judicial or law reform		15
Overall methodology		15
Financial Proposal	30%	30
Total 100% 100	100%	100

UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and person with disabilities are equality encouraged to apply. All applicants will be treated with the strictest confidence.

ANNEX

ANNEX 1- OFFEROR'S LETTER TO UNDP CONFIRMING INTEREST AND AVAILABILITY

ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

ANNEX 3- BREAKDOWN OF COSTS SUPPORTING THE AL-INCLUSIVE FINANCIAL PROPOSAL

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