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INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

2020/UNDP-MMR/PN/056

Date: 29 May 2020

Country:	Myanmar
Description of the assignment:	Team Leader for Mid Term Evaluation of Strengthening Accountability and Rule of Law (SARL)
Type of Contract:	Individual Contract (International)
Duty Station:	Home based, Yangon and Project field sites if there is a possibility to travel to Myanmar
Period of assignment/services:	30 June 2020 to 30 September 2020 (40 working days)

Proposal should be submitted to (either bids.mm@undp.org or UNDP Jobs site <http://jobs.undp.org> no later than **16 June 2020, 24:00 hr (COB, YANGON)**. Email submission should state procurement notice number (**2020/UNDP-MMR/PN/056**) in the subject line.

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail to mmr.procurement@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.

BACKGROUND

The UNDP Country Programme (CPD 2018-2022) support the implementation of the 2030 Agenda and Sustainable Development Goals within the framework of addressing the challenges of multiple transitions in Myanmar. The current Country Programme is built on the achievements of the previous programme but represents a shift towards more integrated programming at the national and sub-national levels and support to United Nations-wide initiatives to better address the interlinkages between peacebuilding and social cohesion, governance, environment and natural resources management, resilience, urbanization and balanced and inclusive growth. This integrated approach is designed to break silos and strengthen horizontal linkages across state and non-state actors as well as vertical linkages across administrations at district, township, state and union level through area based programmes.

The UNDP Country Programme is firmly aligned with the Myanmar Sustainable Development Plan (MSDP) and it focuses on delivery of the following two outcomes:

- (i) **Peace and Governance:** People in Myanmar live in a more peaceful and inclusive society, governed by



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more democratic and accountable institutions, and benefit from strengthened human rights and rule of law protection; and

- (ii) **Planet and Prosperity:** Myanmar becomes more resilient to climate and disaster risk with efficient environmental governance and sustainable use of natural resources.

Under outcome Peace and Governance, the Strengthening Accountability and Rule of Law (SARL) overall goal is to strengthen accountability and the rule of law for increased trust in state institutions at a critical time in Myanmar's transition. Building on the clear initiative of all three branches of the state to promote transparency and accountability, while recognizing the challenges involved in countering corruption, strengthening parliamentary oversight, and promoting adherence to principles of administrative justice and rule of law, the project helps to strengthen institutional frameworks and capacities for good governance. The project also empowers rights holders and engages them in accountability mechanisms.

For Myanmar to continue making progress in democratic governance based on the rule of law, all three branches of government will need to be strengthened, as well as the systems that enable the three branches to work together and to act as checks and balances on each other. It also requires the justice sector institutions – most notably the Union Attorney General's Office, the police and the Judiciary – to increase their ability to coordinate better and properly redress injustices. For Myanmar's progress towards democratic governance to be inclusive and sustainable, people's experiences must also improve when seeking out essential government services, whether they are administrative in nature or involve the prosecution of criminal offences. The key challenges that need addressing are discussed below for the Executive and Legislative branches of government, and the justice sector more broadly.

The project is organized into three intervention areas: (1) Anti-Corruption, (2) Parliamentary oversight and Member of Parliament representation, (3) Rule of law and human rights. The project therefore has the following three mutually reinforcing outputs:

- ☐ Output 1: Access to public services becomes more fair, transparent and accountable through enhanced administrative systems and anti-corruption measures
- ☐ Output 2: Parliaments are better able to engage with and represent the rights and interests of the public
- ☐ Output 3: Justice sector strengthened to administer justice according to rule of law and human rights

Output 1 focuses on anti-corruption and integrity. SARL supports the Anti-Corruption Commission to lead a national effort to tackle corruption and to promote transparency and accountability. It also works with line ministries and other institutions to strengthen frameworks for improved ethics and integrity across all levels of public service and help ensure that administrative services are delivered in a fair, unbiased and non-discriminatory manner.

Output 2 focuses on parliamentary support, on which it coordinates with UNDP's Support to Effective & Responsive Institutions Project (SERIP). While SERIP concentrates on strengthening the law-making process in Union and Region & State parliaments, SARL strengthens oversight mechanisms through committee processes, and improves MPs' capacity to fully represent the interests of their constituents, especially when grievances

from the constituency level are raised.

Output 3 relates to work with the UAGO, the OSCU and the MNHRC to strengthen the application of rule of law and administrative justice principles, and to promote awareness and protection of human rights. Across these areas of intervention, people will be engaged to increase their role in accountability mechanisms, administrative review and oversight processes.

Overall, SARL adopts a multi-level approach, from Union and State/Region level to community level. At the Union and State/ Region level, the project seeks to strengthen their capacity and internal accountability mechanisms so that they serve as a check and balance on each other, as proscribed in the 2008 Constitution. At community level, the project creates awareness and promotes the protection of citizen's rights, among others through civil society partnerships.

Basic project information can also be included in table format as follows:

Project Identification		
Project Title:	Strengthening Accountability and Rule of Law (SARL)	
Project ID:	00107427	
Output IDs:	Output Name	Output Number
	Output 1: Anti-corruption	00107734
	Output 2: Parliamentary Oversight	00109039
	Output 3: Rule of Law and Human Rights	00109305
Linkages to Myanmar Sustainable Development Plan (MSDP), UNDP Country Programme Document (CPD) and Strategic Plan (SP)		
MSDP Goal and Strategy:	MSDP Goal 1: Peace, National Reconciliation, Security and Good Governance MSDP Strategy 1.3: Promote greater access to justice, individual rights and adherence to the rule of law - MSDP Strategic Outcome: Legal rights of individuals and the national interest protected - MSDP Strategic Outcome: Improved public trust and confidence in the justice system	
CPD Outcome/ Outputs:	CPD Outcome 1: People in Myanmar live in a more peaceful and inclusive society, governed by more democratic and accountable institutions, and benefit from strengthened human rights and rule of law protection CPD Output 1.1: Effective public institutions enabled to develop and implement evidence- based policies and systems that respond to the needs of the people CPD Output 1.2: Institutions at union and subnational levels enabled to develop effective systems and procedures for performing their representative and oversight	



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	functions CPD Output 1.4: People have improved access to responsive inclusive and accountable justice services and national human rights protection mechanisms in compliance with rule of law and international standards	
Project Output Statements:	Project Output 1: Access to public services become more fair, transparent and accountable through enhanced administrative systems and anti-corruption measures (GEN 2). Project Output 2: Parliaments are better able to engage with and represent the rights and interests of the public (GEN 2). Project Output 3: Justice sector strengthened to administer justice according to rule of law and human rights (GEN 2).	
UNDP SP Outcome:	SP Outcome 1: Advance poverty eradication in all its form & dimensions SP Outcome 2: Accelerate Structural Transformations for Sustainable Development	
UNDP SP Output Statement:	SP 1.2.3 Institutions and systems enabled to address awareness, prevention and enforcement of anti-corruption measures to maximize availability of resources for poverty eradication SP 2.2.2 Constitution-making, electoral and parliamentary processes and institutions strengthened to promote inclusion, transparency and accountability SP 2.2.3 Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination with a focus on women and other marginalised groups.	
Project Information		
Project Duration:	Start Date: 01.06.2018	End Date: 31.12.2022
Implementing Partner:	UNDP	
Responsible Parties:	Legal Clinic Myanmar (LCM), Thazin, International Legal Foundation (ILF)	
Grantees:	Humanity Institute, Shingnip, Spectrum, Ethnic Equality Initiative, Ahlin Bamaw, Loi Yang Bum, Kachin Baptist Convention	
Key Stakeholders:	The Myanmar Anti-Corruption Commission, the Union Parliament and targeted Region and State parliaments, the Union Attorney General’s Office, the Office of the Supreme Court of the Union, the Union Civil Service Board, and the Myanmar National Human Rights Commission.	
National Coverage:	Yes	
Regions/States covered:	Kachin, Rakhine, Yangon and Nay Pyi Taw	
Project Budget		



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Budget for Project Cycle:	US\$ 27,037,305
UNDP Contribution:	US\$ 2,670,449
Unfunded:	US\$ 17,557,629
Donor Contributions:	US\$ 6,809,227
Donor Contributions	
United Kingdom (DFID)	US\$ 1,708,211
UN Peacebuilding Fund	US\$ 1,139,807
Government of Japan	US\$ 717,048
Australia (DFAT)	US\$ 656,994
Norwegian Ministry of Foreign Affairs	US\$ 641,000
Government of Canada	US\$ 611,436
United Kingdom (FCO)	US\$ 568,700
Kingdom of the Netherlands	US\$ 507,457
Government of Australia (ACPIS)	US\$ 100,000
UNHCR	US\$ 88,574
UNDP Seoul Policy Centre	US\$ 70,000
Focal Point for the Project	
Project Manager:	Thomas Crick
Project Focal Points:	Wouter Thiebou, Kaspar Burger, Elzar Elimanov
Chief Technical Advisors:	Scott Ciment (Rule of Law)

Current Context

As COVID-19 spreads globally, it is a massive health, humanitarian, and development crisis. Due to the pandemic, Myanmar, especially the border regions: Kachin State, Shan State and Kayin State have terrible negative impact. Due to porous border, Myanmar received the immediate return of large influx of migrant workers from China and Thailand where the largest hotspots of outbreaks exist. E.g. according to MOHS data, more than 23,000 people returned to Myanmar from Thailand via Myawaddy from March 19 to 28.

While concerns have been raised about Myanmar's capacity to manage the coronavirus given its poor healthcare infrastructure, the country's displaced populations face even greater risks. Most are trapped in dangerously overcrowded camps with severely substandard health care and inadequate access to clean water, sanitation, and other essential services. Many displaced people have underlying medical conditions and chronic diseases, putting them at high risk of suffering serious effects from the virus.



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The impact of economic fluctuations related to the COVID-19 pandemic is likely to disproportionately harm poor and vulnerable households. With travel and border trade restrictions in place, the impact is in Myanmar's tourism-related services, agricultural exports to China, and in supply-chain disruptions to the manufacturing sector. Every day, people are losing jobs and income, with no way of knowing when normality will return. Myanmar's GDP growth is projected to slow to between 2 and 3 percent in the current fiscal year due to the COVID-19 pandemic, with the brunt of the outbreak's economic impact likely to be borne by poor and vulnerable households across the country according to recent world bank report.

UNDP SARL works with The Myanmar Anti-Corruption Commission, the Union Parliament and targeted Region and State parliaments, the Union Attorney General's Office, the Office of the Supreme Court of the Union, the Union Civil Service Board, and the Myanmar National Human Rights Commission etc. Because of the Covid-19 crisis, there is wide shift of their focus and priorities of these counterparts to the crisis response.

Given the current Covid-19 pandemic there is also an expectation that this will also impact and delays in UNDP programme and project implementation. However, UNDP Myanmar remains fully operational and is adapting the way it works and focused on COVID-19 response. UNDP is mobilizing all assets to respond to this unprecedented challenge. UNDP Myanmar have transitioned all critical operations to digital and virtual platforms, enabling teams to continue delivering effectively despite restrictions on movement and physical interaction. With the changing context, emerging needs and priorities UNDP Myanmar is also revisiting the Programme strategy and business processes to be more relevant to this crisis. UNDP Myanmar had conducted Programme and operational criticality exercise to review and identification of critical programme areas and activities that will continue and activities that will be postponed or canceled. Some activities are paused or downscaled and looking for opportunities to be redirected to new priorities.

UNDP globally has developed a COVID-19 response focused on three immediate priorities including health systems support, inclusive and integrated crises management and response, and social and economic impact needs assessments and response. The Myanmar Country Office is preparing its response plan building on these three priority areas and in line with the current requests and priorities of the Government of Myanmar, current Programme areas and in response to broader UN Country Team collaboration across a range of development areas. Rapid response funds are new core funds being made available by UNDP headquarters to respond to this crisis, while flexibility have also been provided to the county offices to repurpose existing core funds towards this response, if necessary. In this context, UNDP have also been advised by cost-sharing donor partners that funds can also be repurposed towards COVID response if required.

UNDP intends to fully leverage its existing programme, staff and technical capacities and most importantly partnerships at the union, state and regional levels and with the communities to roll out the response in terms of community engagement and awareness raising, strengthening local government's capacity plan, coordinate, budget and deliver essential services including to migrants and IDPs, and bolstering public health systems. With many of our partners, particularly in the local government, capacities are being enhanced to be able to work and manage remotely through online systems. UNDP is working closely with local partners that allows local solutions to COVID-19 humanitarian and development needs, to be designed together with local partners, and in coordination with the host government.

Some activities that have been identified include community and anti-stigmatization awareness, expansion of use of digital technologies, private sector engagement and corporate social responsibility, volunteerism and



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social cohesion, resilience and recovery, support to MSMEs as well as health systems support and socio-economic impact assessments at the sub-national levels.

UNDP Myanmar is also streamlining policies and procedures for greater agility, increasing our flexibility to receive and deliver private sector and other financing, and taking steps to initiate innovative approaches like next generation network of innovation and digital solutions across the country — a crucial institutional asset in responding to this complex, fast-moving crisis. Accelerator Lab will be sensing on-the-ground changes and sourcing local solutions for this crisis response.

Midterm Evaluations is expected to assess UNDP project performance in areas that are critical to ensuring sustained contribution to development results and the context of emerging development issues and changing priorities at the national levels. To this end, this evaluation also needs to review project strategy, focus areas, partnerships, programmatic approaches, cooperation modalities, or business models considering current crisis scenario.

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

For detailed information, please see Terms of Reference.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

For detailed information, please see Terms of Reference.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

The consultant should present an offer including the following documents.

- a) Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b) **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references;
- c) **Presentation of technical proposal**, for purposes of generating proposals whose contents are uniformly presented and to facilitate their comparative review, a Service Provider advised to use a proposed Table of Contents.
- d) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.



5. FINANCIAL PROPOSAL

Fees

Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

Travels

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP will not accept travel costs exceeding those of an economy class ticket. In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses will be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed. (Please see Template attached at Annex- 4)

6. EVALUATION

Upon the advertisement of the Procurement Notice, qualified Consultancy Firm/consultant is expected to submit both the Technical and Financial Proposals. Accordingly, the firm/consultant will be evaluated based on Cumulative Analysis as per the following conditions:

- Responsive/compliant/acceptable as per the Instruction to Bidders (ITB) of the Standard Bid Document (SBD), 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:
 - a. Technical Criteria weight is 70%
 - b. Financial Criteria weight is 30%

Technical Proposal Evaluation: Proposed methodology, approach and implementation plan	
To what degree does the Proposer understand the task?	4
Have the important aspects of the task been addressed in sufficient detail?	4
Is the scope of task well defined and does it correspond to the TOR?	4
Is the methodology well explained and meets the ToR requirements?	4
Is the presentation clear?	4



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Is the sequence of actions and the planning logical, realistic and promise efficient delivery of the task?		
Sub total	20	
Technical Proposal Evaluation: Education and qualifications		
advanced degree (Master's or preferably Ph.D.) in Law, Justice, Human Rights, Legal reform, international relations and/or related fields;	10	
a minimum of 10 years of demonstrated experience in leading Midterm reviews and/or evaluations of development projects and programs on democratic governance;	15	
at least 7 years of experience in the area of Rule of Law, Access to Justice and human rights;	10	
proven experience in data analysis as well as report writing	10	
excellent command of English in speaking and writings.	5	
Sub total	50	
Total	70	