

Term of Reference (ToR)

GENERAL INFORMATION

Services/Work Description: National Firm Level Consultancy to conduct assessment, and develop strategy document on Judicial Training

Project/Program Title: Support to Judicial Reform in Ethiopia

Duty Station: Addis Ababa, Ethiopia

Type of the Contract: Consulting Firm (Local Firm-Ethiopian Registered Firms)

Duration: 90 Days

Expected Start Date: Immediately after Signing the Contract

I. BACKGROUND / RATIONALE

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

The three years' reform plan has the objectives of: -

- i. Strengthening Judicial Independence and Accountability
- ii. Increasing access to justice and legal empowerment
- iii. Enhance Court Performance through effective and efficient service delivery

The existing judicial training for judges is widely used at entry level where on the job trainings are inconsistent and sometimes lacking. The entry level judicial training is given by the Legal and Justice Research and Training Institute (FLJRTI). The institute has the mandate to train judges as well as other experts in the justice sector such as public prosecutors. Assessments made in the past have identified lack of continuous and specialized training for judges as one of the gaps in the judiciary. The studies indicate that such trainings would enable judges to craft innovative and specific decisions that take into consideration the complexity and evolving nature of some sectors. Thus, introducing consistent, regular, continuous and specialized training programs are found to be one of the crucial mechanisms to achieve the objectives of the ongoing reform.

On the other hand, some scholars have the opinion that provision of judicial training by an institution that is not part of the judiciary affects the perception on the independence of the judiciary. Hence, assessment of the existing judicial trainings mechanism is necessary to explore the validity of such assumptions by looking into the impact of the existing judicial training mechanisms on judicial independence, evaluate their contribution for an effective and efficient judicial service and provide recommendations for entry, continuous and specialized training mechanisms. Based on the findings of the assessment, the FSC envisages a curriculum, a training strategy, training calendar as well as training manuals to be developed for entry, continuous and specialized trainings.

The United Nations Development Programme (UNDP) collaborates with the Federal Supreme Court in providing support to the implementation of the three years' reform project plan through the 'Support to Judicial Reform in Ethiopia Project'. As part of this support, in response to the request from the FSC, UNDP is recruiting a consulting firm to conduct assessment, develop strategy document and Judicial training manuals, as per the ToR.

II. OBJECTIVES OF THE SERVICE / WORK

The primary objective of this assignment is developing a strong and consistent judicial training mechanism by assessing the pros and cons of the existing judicial training mechanisms in light of the FSC reform objectives, international standards for judicial independence and judicial trainings.

Major changes in global as well as national economies, social structures and governance led to an increase in caseloads and emergence of more complex laws and legal issues. International practice shows that judicial education and training is an essential element of judicial independence, as it helps to ensure the competency of the judiciary. In an age that increasingly demands more judicial independence and understanding to solve the increasingly complex and sensitive issues society leaves to be settled by litigation, the need for judicial education is perceived as greater than ever. In addition, the value of judicial education can be related to specific outcomes, such as better managed and less costly litigation, as well as greater public confidence in the judiciary.

Recent changes in Ethiopia induced legal and institutional reforms across government portfolios. The federal judiciary with legal and institutional reforms envisions to regain public confidence. Such vision is to be achieved among others by building the capacity of judges to deliver innovative decisions without compromising judicial integrity. Therefore, this particular assignment aims at evaluating strengths and gaps of the existing judicial training mechanism, build on its strengths, fill gaps and develop a mechanism for consistent and regular continuous judicial education.

III. SCOPE OF THE SERVICE / WORK

The consulting firm will be responsible to: -

- Prepare an inception report covering detailed assessment methodology, workplan, and illustrative list of materials to be reviewed and stakeholders to be interviewed;
- Conduct an in-depth assessment of the existing judicial training mechanisms, identify strengths, weaknesses, gaps, impact on judicial integrity and quality decision making, provide recommendations for improvement;
- Conduct research on best practice from other countries on delivering training to judges;
- Present progress report and findings of the assessment for the leadership of federal courts and during consultation forums;
- Document and incorporate comments and feedbacks from federal courts leadership and consultation forums;
- Conduct needs assessment to determine training needs of federal judges;
- Develop curriculum document for entry, continuous and specialized training of judges;
- Develop entry, continuous and specialized training strategy;
- Develop/update training materials for entry, continuous and specialized trainings based on priority list to be provided by the Court leadership.

IV. EXPECTED OUTPUTS / DELIVERABLES

The firm will be expected to produce the following outputs during the period of the consultancy:

1. An inception report that outlines methodology, time frame, and illustrative list of materials to be reviewed and stakeholders to be interviewed
2. A comprehensive assessment report that shows:
 - Contemporary literature and practices on judicial training frameworks;
 - Trainings needs/gaps in the federal judiciary;
 - Evaluation of the existing federal judiciary training in Ethiopia including training requirements and structure; training need vis-à-vis curriculum development, training program content; training methods and delivery; and barriers to judicial training;
 - Analysis of the pros and cons of the existing judicial training system on judicial independence, judicial effectiveness and efficiency;
 - Recommendations for strengthen and expand judicial training including indicators for judicial trainings evaluation and model competency framework.

Subsequent to the assessment, based on the findings and recommendations, the following outputs are expected to be developed by the consultancy firm:

- i. A Curriculum document for entry, continuous and specialized training of judges
- ii. A training strategy and training schedule framework document for entry, continuous and specialized trainings.
- iii. Training schedule framework for entry, continuous and specialized training
- iv. Comprehensive new/updated training modules for entry, continuous and specialized trainings based on priority list to be provided by the Court leadership.

Unless otherwise provided, all deliverables shall be produced in Amharic. Deliverables shall be submitted in hard and soft copies

V. METHODOLOGY / APPROACH OF THE SERVICE (WORK)

The assignment is required to be undertaken by a consultancy firm that should have adequate knowledge and experience on the desired areas through empirical study.

The firm will be expected to carry out this assignment through:

- Assessment of existing national legal, policies and regulatory framework or standards applicable to judicial trainings;
- Assessment of international rules, principles and practices on judicial training frameworks and judicial training delivery;
- Assessment and mapping of actors and stakeholders as well as their needs in judicial trainings;
- Survey and collect relevant information and data on the type, relevance, regularity and effectiveness of judicial trainings provided so far;
- Consultation with concerned parties such as judges, FLJRTI, lawyers and stakeholders to collect opinions, identify gaps and strengths.

While this is indicative, it is anticipated that prospective firm is expected to design appropriate methodologies using their knowledge and experience to carry out the assignment at the required level.

VI. LOCATION, DURATION AND TIMEFRAME OF THE WORK /DELIVERABLES/OUTPUT

The overall consultancy period for all activities is 90 working days. The consultants have dual reporting responsibility to the FSC and UNDP. The Consultant shall send progress report to the FSC by the end of each 30 days. This consultancy assignment will be home-based and may require travel of the consultants for field work to regions for a validation meeting and/or Primary and secondary data collection.

No.	Deliverables	Location and Action to be Undertaken	Duration
1	Inception Report	Submission to FSC Office of the President	5 working days
2	Assessment Report with recommendation	"	25 working days
3	Curriculum document for entry, continuous and specialized training of judges	"	30 working days
4	An entry level, continuous and specialized training strategy	"	
5	Training schedule framework for entry, continuous and specialized training	"	
6	New/updated training modules for entry, continuous and specialized trainings	"	30 working days
Total Working Days			90

VII. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

- a. The assessment will be under the supervision of the president and vice president of the FSC. Progress reports shall be submitted to the Office of the President addressed to FSC Reform Coordinator.
- b. Progress reports shall be submitted monthly.

- c. The service provider shall liaise with the Federal High Court, Federal First Instance Court, the Federal Legal and Justice Research and training Institute, Law Schools, Regional States Supreme Courts and UNDP Ethiopia to gather information and guidance. Federal High Court, Federal First Instance Court, the Federal Legal and Justice Research and training Institute, Law Schools, Regional States Supreme Courts will participate as respondents to survey and resource institutions. UNDP Ethiopia will be involved in monitoring and evaluation of progress of the assignment and issuing payment accordingly.

VIII. PAYMENT MILESTONES AND AUTHORITY

The Prospective Service Provider will indicate the cost of services for each deliverable in ETB when applying for this consultancy. Payment will be issued after the approving authority confirms the successful completion of each deliverable as stipulated hereunder. The consultancy firm shall be paid the lump sum contract amount upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 st Installment	Upon submission, presentation and approval of inception report, demonstrating good understanding of the assignment, methodology, timeframe, deliverables – 5 days	FSC & UNDP	20%
2 nd Installment	Upon submission, presentation and approval of: <ul style="list-style-type: none"> - Curriculum document for entry, continuous and specialized training of judges; - An entry level, continuous and specialized training strategy - Training schedule framework for entry, continuous and specialized training. 	"	40%
3 rd Installment	Upon submission, presentation and approval of: <ul style="list-style-type: none"> - New/updated training modules for entry, continuous and specialized trainings. 	"	40 %

IX. MINIMUM ORGANIZATION AND CONSULTANCY TASK FORCE REQUIREMENTS

9.1 Minimum Organization Requirements

The prospective Service Provider is expected to meet the following minimum requirements:

- It must have at least seven years of practical experience in conducting research on the Ethiopian legal and justice system preferably with an in-depth engagement with the judiciary. The consultancy firm shall have a multi-disciplinary team with hands on experience relevant to the scope of work of this consultancy.
- Knowledge of relevant sectors and access to stakeholders and relevant information sources, especially of the federal judiciary.
- Experience working with the Justice and Legal Research and Training Institution, regional courts and judicial training institutions of other jurisdictions is beneficial.
- Capability to deploy strong analytical aptitude, communication and presentation expertise.
- Capability to deploy good communication expertise in Amharic and English.
- It shall demonstrate its capabilities, understanding of the TOR, and methodology of audit approach

The multi-disciplinary team should comprise members with the following educational qualifications; experience and competencies:

9.2 Team Leader/Principal Consultant

- At least Master's degree in Law with a professional experience of minimum of seven years in conducting studies on the Ethiopian legal and justice system and engagement in judicial training, curriculum development and adult-education material development.

9.3 Senior Expert

A Master's degree in law with a minimum of five years of proven experience of working with federal and regional judiciary.

9.4 Associate Consultants / Team Members

- A minimum of a bachelor degree with three years or more experience in the area of education planning and management, economics, public policy or related discipline.

10. Functional Competencies:

Interested firms are required to submit:

- A. Technical proposal;
- B. Financial proposal;

11. Core Competencies: -

The firm shall: -

- Exhibit professionalism;
- Demonstrate integrity by modelling judicial and UN's values and ethical standards;
- Promote the vision, mission, and strategic goals of the FSC and UNDP;
- Display cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treat all people fairly without favoritism;
- Fulfil all obligations to gender sensitivity and zero tolerance for sexual harassment.

X. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Consultancy Firm is expected to submit a Technical and Financial Proposals. Accordingly; the firm 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:
 - Technical Criteria weight is 70%
 - Financial Criteria weight is 30%

Summary of Technical Proposal Evaluation		Score Weight	Points Obtainable
1	Expertise of Firm / Organization	30%	300
2	Proposed Methodology, Approach and Implementation Plan	40%	400
3	Management Structure and Key Personnel	30%	300
	TOTAL	100%	1000
Technical Proposal Evaluation			
Expertise of the Firm / Organization		Points Obtainable	
1.1	Reputation of Organization and Staff / Credibility / Reliability / Industry Standing	50	
1.2	General Organizational Capability which is likely to affect implementation	90	
	- Financial Stability		
	- Loose consortium, Holding company or One firm		
	- Age/size of the firm		
	- Strength of the Project Management Support		
	- Project Financing Capacity		
	- Project Management Control		

1.3	Extent to which any work would be subcontracted (subcontracting carries additional risks which may affect project implementation, but properly done it offers a chance to access specialized skills.)	15
1.4	Quality assurance procedure, warranty	25
1.5	Relevance of:	120
	- Specialized Knowledge	
	- Experience on Similar Programme / Projects	
	- Experience on Projects in the Region	
	- Work for UNDP/ major multilateral/ or bilateral programmes	
	SUB TOTAL	300
	Proposed Methodology, Approach and Implementation Plan	
2.1	To what degree does the Proposer understand the task?	30
2.2	Have the important aspects of the task been addressed in sufficient detail?	25
2.3	Are the different components of the project adequately weighted relative to one another?	20
2.4	Is the proposal based on a survey of the project environment and was this data input properly used in the preparation of the proposal?	55
2.5	Is the conceptual framework adopted appropriate for the task?	65
2.6	Is the scope of task well defined and does it correspond to the TOR?	120
2.7	Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?	85
	SUB TOTAL	400
	Management Structure and Key Personnel	
3.1	Task/Project Manager / Team Leader /	
	General Qualification	
	Suitability for the Project	
	- International experience	25
	- Training experience	20
	- Professional experience in the area of specialization	45
	- Knowledge of region	30
	- Language qualification	20
	SUB TOTAL	140
3.2	Senior Expert	
	General Qualification	
	Suitability for the project	
	- International experience	15
	- Training experience	15
	- Professional experience in the area of specialization	45
	- Knowledge of the jurisdiction	25
	- Language qualification	20
	SUB TOTAL	120

3.3	Project Staff/ Associate Consultant	
	General Qualification	
	Suitability for the project	
	- International experience	5
	- Training experience	5
	- Professional experience in the area of specialization	10
	- Knowledge of the jurisdiction	10
	- Language qualification	10
	SUB TOTAL	40
	Aggregate	1000

XII. RECOMMENDED 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. Hence, your Technical Proposal document must have at least the preferred content as outlined in the respective RFP Proposal Submission Form.

XIII. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The consultants shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy or the Government 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. This assignment will be administrated by the United Nations Development Programme (UNDP), and all relevant UNDP rules, policies and procedures will apply.