

Section 1.

Letter of Invitation

Ref: UNDP/AFG/CFP/2020/ 0000006902- Legal Aid Grants for CSOs/NGOs in Afghanistan

Dear Sir / Madam:

The United Nations Development Programme (UNDP) hereby invites you to submit a Proposal to this Call for Proposal (CFP) for the above-referenced subject.

This CFP includes the following documents:

- Section 1: This Letter of Invitation
- Section 2: Call for Proposal (CFP)
- Section 3: Terms of Reference
- Section 4: Cache with supporting documents requested
- Section 5: Proposal Submission Template
- Section 6: Declaration of Impartiality and Confidentiality

- Annex-1: UNDP General Terms and Conditions for Contracts
- Annex-2: Instruction Manual for E-Tendering
- Annex-3: E-Tendering FAQ

Call for Proposal (CFP) from qualified CSOs/NGOs **for Legal Aid Grants for CSOs/NGOs in Afghanistan**, should be submitted to UNDP Afghanistan in accordance with the Section-2 (CFP) through designated email.

Any Responsible Party Agreement (RPA)/Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions indicated herein. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP in this link:

<http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html>

Please be advised that UNDP is not bound to accept any Proposal, nor award a RPA, contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP's vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. **In the event that** you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link:

<http://www.undp.org/content/undp/en/home/operations/procurement/protestandsanctions/>

UNDP encourages every prospective bidder to prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this CFP.

United Nation Development Programme

Country Office for Afghanistan

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link : http://www.un.org/depts/ptd/pdf/conduct_english.pdf



No hard copy or email submissions shall be accepted by UNDP.

Also, please remember the following dates:

Proposal submission deadline: PLEASE REFER TO E-TENDERING SYSTEM.

Kindly go through this invitation letter and other documents attached here to this CFP. Should you have any questions or require any clarification, please feel free to email your questions/clarifications to the procurement officer at procurement.af@undp.org or call at phone number: +93790426786. The subject of the email should be CFP Ref. No. UNDP/AFG/CFP/2020/ 0000006902

UNDP looks forward to receiving your proposal and thanks you in advance for your interest in UNDP procurement opportunities.

Yours sincerely

Head of SCMO

Section-2:

Call for Proposal from CSOs/NGOs

Ref. No.: UNDP/AFG/CFP/2020/ 0000006902
Subject: Legal Aid Grants for CSOs/NGOs in Afghanistan
Project: Access to Quality Justice Services (AQJS)

a. Background Information and Rationale, Project Description

Detailed objective and related outputs and deliverables are provided in the Terms of Reference – Section - 3

b. PROPOSAL

Please refer to Section 5 - PROPOSAL SUBMISSION TEMPLATE for details.

c. ELIGIBILITY and QUALIFICATION CRITERIA AND QUALIFICATION CRITERIA

- I. Eligibility Criteria: All proposals will be evaluated against the eligibility criteria in order to get qualified for details technical evaluation process:
 - a. Minimum 5 years of relevant experience as an independent organization or an NGO based in Afghanistan with a focus on Legal Aid and Legal Support to indigent persons. Experience in completion of at-least 2 projects in relevant field of assignment with value of at least US\$100,000
 - b. Average financial turnover of at-least US\$ 50,000 during last 2 years
 - c. Cleared to operate as CSO/NGO by the relevant authority and having valid license
- II. The key personnel positions and requirements are mandatory for this assignment. The proposer must submit detailed CVs of these personnel as part of their proposal submission.
- III. The office should be operational in area where they are applying for,

d. EVALUATION CRITERIA & METHODOLOGY

I. Proposals will be evaluated based on the following criteria:

- 1) Sound technical proposal that includes innovative and replicable inclusion mechanisms to maximize the value transfer to the beneficiaries.
- 2) High impact interventions directly targeting and responding to the needs established in the TOR.
- 3) Size of budget requested commensurate with the organization's proven administrative and financial management capacity.
- 4) Participatory monitoring and evaluation that will contribute to building a sense of ownership among the beneficiaries to promote the sustainability of the interventions.

Summary of Technical Proposal Evaluation Forms		Points Obtainable
1.	Bidder's qualification, capacity and experience	300
2.	Proposed Methodology, Approach and Implementation Plan	400
3.	Qualifications and Experience of Key Personnel	300
	Total	1000

Section 1. Bidder's qualification, capacity and experience		Points obtainable
1.1	Reputation of Organization and Staff Credibility / Reliability / Industry Standing	20
1.2	<ul style="list-style-type: none"> General Organizational Capability which is likely to affect implementation (20 Points) Management structure (20 Points), Financial stability (Applicants to submit financial audit reports for the past three years (20 Points) Project financing capacity, project management controls extent to which any work would be subcontracted (20) 	80
1.3	Specialized knowledge and experience on similar engagements successfully completed on Legal Aid – and more value for money i.e. more than 850 cases that can be administered each year per grant of USD 100,000	100
1.4	Quality assurance procedures and risk mitigation measures	30
1.5	Relevance of: <ul style="list-style-type: none"> Experience working with UN/ major multilateral/ or bilateral programmes (20) Experience on Projects in Legal Aid services across Afghanistan (25) Experience in working in Afghanistan, current operation presence in Afghanistan and capacity to network extensively with local stakeholders as demonstrated by previous project experience (25) 	70
Total Section 1		300

Section 2. Approach, Methodology and Implementation		Points obtainable
2.1	<p>Understanding of the requirement: Have the important aspects of the task been addressed in sufficient detail? Are the different components of the project adequately weighted relative to one another?</p> <p>-detailed and sufficient understanding (30-60 points)</p> <p>-not full/satisfactory (0-30 points)</p> <p>-not provided (0 points)</p>	60
2.2	<p>Description of the Offeror's approach and methodology for meeting or exceeding the requirements of the Terms of Reference</p> <p>Offeror's approach and methodology exceeding the requirement (60-80 points)</p> <p>The contractor will be expected to propose the most appropriate methodology to meet the results. The following principles will however guide the process:</p> <ol style="list-style-type: none"> 1. The proposal meets all minimum required criteria stated under this CFP 2. Provides maximum value for each grant proposal 3. Includes one of the categories for geographical implementation 4. Proposes additional 3 pro bono cases for each of the defense lawyers – proposed under each grant proposal. 	80
2.3	Details on how the different service elements shall be organized, controlled and delivered	60
2.4	Description of available performance monitoring, evaluation mechanisms, reporting mechanism and tools; how they shall be adopted and used for a specific requirement	60
2.5	Assessment of the implementation plan proposed including whether the activities are properly sequenced and if these are logical and realistic	60
2.6	Demonstration of ability to plan, integrate and effectively implement sustainability measures in the execution of the contract	40
27	If applicable: extent to which any work would be distributed within the Joint Venture / Consortium (as this carries additional risks which may affect project implementation, but when properly done offers a chance to access specialized skills.)	40
Total Section 2		400

Section 3. Management Structure and Key Personnel			Points obtainable
3.1	Composition and structure of the team proposed. Are the proposed roles of the management and the team of key personnel suitable for the provision of the necessary services? Are the team of Defense Lawyers suggested with minimum qualifications?		60
3.2	Qualifications of key personnel proposed		
3.2 a	Project Manager / Team Leader (1 CV required)		80
	- Academic Qualification	30	
	- Experience relevant to the assignment	40	
	- Language Qualifications	10	
3.2 b	Admin / Finance (1 CV required)		60
	- Academic Qualification	20	
	- Experience relevant to the assignment	30	
	- Language Qualifications	10	
3.2 d	Team of Defense Lawyers (List of Defense Lawyer Names and summary of their qualifications to be provided in description format)		100
	- <u>Senior Defense Lawyers</u> : At least seven years of relevant professional experience in dealing with Misdemeanor / Felony, EAW cases, Family matters, and Juvenile matters.	50	
	- <u>Defense Lawyers</u> : At least four years of relevant professional experience in dealing with Misdemeanor / Felony, EAW cases, Family matters, and Juvenile matters.	50	
Total Section 3			300

Applicants must provide Curriculum vitae (CV) of the key members of the proposed core project team. The CVs must include names, qualification, details of relevant experience, and capability and capacity to undertake the activities required in these TOR.

II. Evaluation methodology: Quality Based under Fixed Budget Selection (QB-FBS)

QB-FBS methodology implies that all proposals have the same maximum overall price (which cannot exceed a known fixed budget amount), focusing the selection on the quality of the proposal and the CSO/ NGO proposed approach and methodology. CSO/NGO have to provide their best technical proposal and financial breakdown (within the budget) in one file (clearly stating proposed overheads). Evaluation of all technical proposals shall be carried out, in accordance with above outlined evaluation criteria, and the institution which obtains the highest technical score shall be selected. NGO/CSOs exceeding the established fixed budget in their financial proposals will be rejected.

Proposals have to translate community needs into implementable activities by the NGOs/CSOs. Under QB-FBS, assessment focuses on maximizing transfer of value to the beneficiary user within a given budget.

Under QB-FBS, assessment of best value for money focuses on maximizing transfer of value to the beneficiary user. For these reasons, it is important that the ratio between the NGO/CSO operational cost (including capital and recurring cost) versus the implementation activity/output shall be assessed.

III. EXPECTED OUTPUTS/DELIVERABLES, INDICATIVE TIMELINE & SCHEDULE OF PAYMENT

Proposals amounts should be with maximum amount of **USD 100,000** within the each category stated in TOR.

The amount requested in the proposal should be commensurate with the organization's administrative and financial management capabilities.

The NGO/CSO will be required to provide all deliverables listed below to UNDP for review and approval before payment.

Deliverable	Cumulative timeframe	Duration of activity	Performance conditionality	Payment (%)
Inception of the Legal Aid System: Identification of Defense Lawyers jointly with UNDP AQJS project within the independent organisation and / or NGO for Legal Aid service delivery.	1 month	1 Month	List of Defense Lawyers in each contractor's office prepared in collaboration with UNDP and approved by UNDP.	10% (conditional)
Delivery of Legal Aid services	11 months	Each quarter	Submission of narrative, financial and monitoring reports in accordance with UNDP Format.	Q 1 – 20% Q 2 – 20% Q 3 – 20% (conditional)

Submission of Annual Report – including details of pending cases, if any. ¹	1 month	1 month	Submission of Annual Report and the status of cases and their closure / completion.	30% (conditional)
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IV. Budget size, Payment schedule and duration

The proposal amount should not exceed below amounts for each category:

categories	Provinces (Geographical Coverage)	Budget Ceiling (USD)
category -A	Nangarhar, Kunar and Laghman	100,000
category -B	Helmand, Kandahar, Khost and Paktya	100,000
category -C	Herat, Badghis , Faryab, Ghor and Daikundi	100,000

Proposers should submit separate technical and financial proposal for each category.

The payments will be made upon completion of following milestones and deliverables for each category.

UNDP Shall not be paying for administrative office expenses of the CSO/NGO for operational purposes.

I. SELECTION PROCESS:

The UNDP will review proposals through a five-step process:

- (i) Determination of eligibility;
- (ii) Technical review of eligible proposals;
- (iii) Scoring and ranking of the eligible proposals based on the assessment criteria outlined in the previous section to identify highest ranking proposal;
- (iv) Round of clarification (if necessary) with the highest scored proposal; and
- (v) Responsible Party Agreement (RPA) signature

Selection procedure for the award of categories:

- Each Applicant must submit separate proposals for each **category**. The Applicant may submit proposals for any one or more than one **category**.

¹ Should there be any pending cases at the end of year 1 – UNDP will decide on the modality of transfer of those cases either to MOJ – LAD (if the Legal Aid System with LAD is set up) or for the renewal of contract if any.

- Each **category** will be awarded to different CSO/NGO based on ranking result of the evaluation process.
- All CSO/NGOs are requested to identify their first **category** choice in their proposal.
- First ranked CSO/NGO (after evaluation) will be awarded with their first choice of **category**.
- NGO/CSO ranked second will be awarded with their first-choice **category** if it is not in contradiction with first ranked NGO/CSO. In case of contradiction of choice with 1st ranked CSO/NGO, the 2nd ranked NGO/CSO will be awarded with their 2nd choice.
- NGO/CSO ranked 3rd will be awarded with their first choice **category** if it is not in contradiction with 1st or 2nd ranked NGOs/CSOs. In case of contradiction of choice, the 3rd ranked NGO/CSO will be awarded with their 3rd choice.

II. SUBMISSION PROCESS

Applicants shall bear all costs related to proposal preparation and submission.

A completed Call for Proposal (CFP) with requested attachments must be submitted through E-Tendering System: United Nations Development Programme E-Tendering online system <https://etendering.partneragencies.org>

Detailed instruction on E-Tendering System can be found in below link:

<https://www.undp.org/content/dam/afghanistan/docs/Other/Procurement/eTendering%20Instructions%20Manual%20for%20Bidders%20Release.pdf>

Deadlines

Proposal Submission deadline: PLEASE REFER TO E-TENDERING SYSTEM FOR PRECISE DEADLINE FOR SUBMISSION OF PROPOSAL

Questions submission deadline: All invited CSOs/NGOs are requested to put forward their questions related to TOR 7 days before closing date of tender. **Please submit your queries to procurement.af@undp.org with subject line of UNDP/AFG/CFP/2020/0000006902**

Required Documents to be submitted as part of the Proposal:

- Technical Proposal (separate for each category),
- Financial Proposal (separate for each category) as per allocated budget. Cost breakdown for each deliverable should be provided),
- Proposal submission template including financial proposal template,
- Choice on 1st, 2nd, and 3rd selection of categories,
- 2019/2018 Audit Reports of organization,
- At-least 3 reference letters from national and/or international partners,
- Documentary evidence for legal status in Afghanistan, including certificate of registration and organization's charter,
- Signed and stamped DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY,

- CVs of required personnel and proposed team structure,
- Any other documents requested in CACHE Section-4 of this CFP
- Signed and stamped DECLARATION OF IMPARTIALITY AND CONFIDENTIALITY (Section 6)

IMPORTANT ADDITIONAL INFORMATION

UNDP implements a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical practices, and obstruction. UNDP is committed to preventing, identifying and addressing all acts of fraud and corrupt practices against UNDP as well as third parties involved in UNDP activities. (See

http://www.undp.org/content/dam/undp/library/corporate/Transparency/UNDP_Anti_Fraud_Policy_English_FINAL_june_2011.pdf and <http://www.undp.org/content/undp/en/home/operations/procurement/protestandsanctions/> for full description of the policies)

In responding to this Call for Proposals, UNDP requires all Proposers to conduct themselves in a professional, objective and impartial manner, and they must at all times hold UNDP's interests paramount. Proposers must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. All Proposers found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Proposers, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:

- * Are or have been associated in the past, with a firm or any of its affiliates which have been engaged UNDP to provide services for the preparation of the design, Terms of Reference, cost analysis/estimation, and other documents to be used in this competitive selection process;
- * Were involved in the preparation and/or design of the programme/project related to the services requested under this Call for Proposals; or
- * Are found to be in conflict for any other reason, as may be established by, or at the discretion of, UNDP.

In the event of any uncertainty in the interpretation of what is potentially a conflict of interest, proposers must disclose the condition to UNDP and seek UNDP's confirmation on whether or not such conflict exists.

LOTFA TRUST FUND: COMMUNITY POLICING – PEM IN KABUL CITY
Legal Aid Grants for CSOs/NGOs in Afghanistan

A. BACKGROUND INFORMATION AND RATIONALE, PROJECT DESCRIPTION

UNDP in Afghanistan

UNDP has been working in Afghanistan since 1966 in close partnership with government, civil society and other national and international partners. UNDP focus is helping Afghanistan build and share solutions to the challenges of Environment, Livelihoods, Gender, Rule of Law, Governance and Health. UNDP advocates for change and connects the Afghan government, NGOs, civil society and other partners to the knowledge and resources they need to help the Afghan people build a better life.

Access to Quality Justice Services (AQJS) Project:

Access to justice and judicial systems improves trust of the society in public institutions. Countries with higher levels of trust in justice systems are perceived to have greater government accountability. Despite several gains made in justice sector reforms in Afghanistan since 2001, challenges remain in promoting respect for women and girls, the delivery of justice services, especially to vulnerable populations, and the increasing but still sometimes limited capacity of Afghan justice institutions. The judicial process has been elusive for Afghan women, who are often stuck between religious and secular law, and constitutional rights and cultural constraints. Many women are forced to use informal systems when they try to report violent crimes to formal authorities. Afghan citizens trust in the court system is steadily declining with the percentage of Afghans accessing traditional / customary / informal dispute resolution mechanisms steadily increasing. Though the government has made effort through its National Justice and Judicial Reform Plan (NJJRP) to improve access to and quality of formal judicial system, it is still known for its high cost, inaccessible, lengthy process, whereas informal justice mechanisms are expeditious and often less expensive.

The Afghanistan Access to Quality Justice Services (AQJS) project will provide support to address the above-mentioned problems to both institutional (supply) and citizen engagement (demand) sides, specifically women and girls. Under the leadership of the Afghan Government institutions, the project's expected outcome is to increase the access to quality justice for all and reduce the "justice gap" in Afghanistan with detailed objectives as follows; (i) increase access to justice for all through effective, accountable and gender-responsive justice & judicial institutions (ii) increase legal awareness of Afghan men and women (iii) strengthen linkages between formal and traditional/ customary / informal dispute resolution and (iv) strengthen justice institutions' capacity to effectively implement the NJJRP. Consequently, Afghan men, women and girls can equally experience improved access to quality justice services and that would increase trust in Justice systems which is, in a longer-term, a key element to support economic development in the country. The project will coordinate and collaborate with the larger justice sector reforms strategy for Afghanistan implemented by the Justice Sector Support Programme (JSSP) of USAID and US / INL as well as the national initiatives under the National Justice and Judicial Reforms Plan (NJJRP, 2017-21). Additionally, the project will work under the larger comprehensive security sector reforms for human security approach defined under the new Law and Order Trust Fund for Afghanistan – Multi Partner Trust Fund's Justice window and will collaborate with the security and anti-corruption projects. The project will be implemented under the leadership and overall guidance of the Office of the Second Vice President, Ministry of Justice, Supreme Court, Attorney General's Office, Independent Commission for the Oversight

of the Implementation of the Constitution as well as the Ministry of Women Affairs. The project will also partner with civil society, media and grassroots organisations. The project will deliver its expected results through the following two Outputs:

Output 1: Afghan citizens, especially women and girls, have improved access to quality justice services.

Output 2: Afghan national reforms in the justice sector supported and the cooperation of key actors enhanced.

Under Output 1, Activity Result 1.1. of the project aims to deliver “Access to Quality Legal Aid services for indigent and vulnerable groups – specifically women and girls and victims of SGBV cases improved.” One of the approaches to improve the Legal Aid services availability for indigent and vulnerable groups of people in Afghanistan is through the administration of grants to NGOs / independent organizations like AIBA and / or NGOs who can provide extensive support to indigent and vulnerable groups for access to legal services.

B. SPECIFIC OBJECTIVES

The contractor i.e. an independent registered organization and / or registered NGO with operational presence – even in the remote areas including districts and villages, outside Kabul province, will provide legal assistance to the most indigent and vulnerable populations in Afghanistan in accordance with the scope and activity description under this ToR.

C. SCOPE

Each independent registered organization and / or registered NGOs is expected to provide legal aid services to indigent and vulnerable groups of people in the most remote areas of Afghanistan in accordance with the Activity Description below.

In the provision of the legal aid services, criminal cases for all indigent persons and civil cases for children and women victims of gender-based violence must remain the focus, in accordance with the provision of the Legal Aid regulation 2019 as well as the Constitution and the Advocates Act of Afghanistan.

D. DESCRIPTION OF ACTIVITY:

The relevant consideration in administering the Legal Aid services, by each grantee must include but not limited to the following:

- UNDP will administer 3 separate grants to 3 different independent organizations and/or NGOs, for 1 year only through 3 separate contracts.
- Each contractor will be awarded USD 100,000 per year.
- Each contractor must administer a minimum of 850 legal aid cases per year. Special consideration will be provided to organizations that demonstrate a higher value for money i.e. can submit proposals for undertaking more than 850 cases in USD 100,000.
- Of the number of cases proposed per annum, each grantee must ensure the following distribution - criminal cases including misdemeanor and felony cases (50%), ERAW cases (25%) as well as Family matters and Juvenile matters (25%). Special attention to be paid for ERAW and SGBV cases as a result

of the COVID lockdown in Afghanistan.

- At least 30 – 35% of the beneficiaries of the total beneficiaries of the 850 cases must be women and children.
- At least 50% cases should be registered from the district level.
- Each bidder must include at least 3 provinces (one of the identified categories) in its proposal from the following groups stipulated i.e. each grantee must choose to provide legal aid services in any one of the following three category of provinces stipulated:

CATEGORY A: Nangarhar, Kunar and Laghman

CATEGORY B: Helmand, Kandahar, Khost and Paktya

CATEGORY C: Herat, Badghis , Faryab, Ghor and Daikundi

- Each bidder must include the mandatory 3 pro bono cases for each of the Senior Defense Lawyer and the Defense Lawyer within the organization who will who will be working on the legal aid cases – “in addition” to the minimum required 850 cases that can be costed to the grant i.e. 850 cases can be costed to USD 100,000 and an additional 3 pro bono cases per defense lawyer per year must be included additionally in the grant proposal.
- Each bidder must also propose an outreach mechanism wherein the organization will also spread knowledge and information on Legal Aid services, in the most remote areas, within the selected category of the geographical implementation of the grant.

E. APPROACH AND METHODOLOGY

Methodology:

The contractor will be expected to propose the most appropriate methodology to meet the results desired from the list of activities outlined above. The following principles will however guide the process:

1. Identification of the indigent persons eligible to receive legal aid services – must be a collaborative approach with LAD – MoJ i.e. the organisation must provide the details of the beneficiaries along with cases details in a report to UNDP and MOJ – LAD on a monthly basis, through a format provided by UNDP Afghanistan once the contracts are awarded.
2. The contractor must demonstrate maximum value through their proposals.
3. The contractor must ensure the use of ALAAN Database for all cases administered through UNDP administered contract for Legal Aid Services.
4. All necessary conditions under this TOR and CFP must be met
5. A pro bono approach from all defence lawyers under each contractor organisation in accordance with the Advocates Act of Afghanistan.
6. The contractor must adhere to the provisions of the Legal Aid Regulation of 2019.

The contractor will assume all responsibilities for management and monitoring of the delivery of all activities for the duration of the contract. In addition, the contractor shall work closely with the appointed focal points for the AQJS project at UNDP i.e. National Legal Aid Coordinator, Regional Legal Aid Coordinator for the regular oversight of the activity delivery and coordination with the MoJ. The contractor shall work closely with the appointed focal points for the AQJS project for monitoring and

F. DELIVERABLES AND SCHEDULES/EXPECTED OUTPUTS

The independent organization and/ or NGO will provide monthly, quarterly and annual reports on the processes, progress and results of the legal aid services provided. Payment shall be based on receipt and acceptance of legal aid services reports found to be satisfactory as per the AQJS project staff.

Monthly Reports:

The contractor will provide drafted monthly narrative and financial reports to UNDP-AQJS to be shared with MOJ-LAD as well. The monthly legal aid services reports should be issue-focused and must conform to the format.

The monthly reports should be sent in last week of the month.

All reports shall be submitted in soft copies in English and in Dari language along with the supportive documents.

Annual Report:

The annual report will cover the summary of monthly progress reports, financial report and success stories. Annual report should be submitted within 4 weeks of completion of the reporting period. Review and finalization of annual reports will follow the process similar to what is described above for monthly reports. All reports shall be submitted in soft copies in English and in Dari languages along with the supportive documents.

Beneficiary Data and Case Data:

The contractor will also regularly share the details of the beneficiaries and cases being supported with UNDP as well as upload them onto the ALAAN database.

Indicative implementation schedule:

Months	1	2	3	4	5	6	7	8	9	10	11	12
Inception												
Legal Aid Cases (min 850)												
Reporting												

Deliverables and schedule of payment:

Deliverable	Cumulative timeframe	Duration of activity	Performance conditionality	Payment (%)
Inception of the Legal Aid System: Identification of Defense Lawyers jointly with UNDP AQJS project within the independent organisation and / or NGO for Legal Aid service delivery.	1 month	1 Month	List of Defense Lawyers in each contractor's office prepared in collaboration with UNDP and approved by UNDP.	10% (conditional)
Delivery of Legal Aid services	11 months	Each quarter	Submission of narrative, financial and monitoring reports in accordance with UNDP Format.	Q 1 – 20% Q 2 – 20% Q 3 – 20% (conditional)
Submission of Annual Report – including details of pending cases, if any. ²	1 month	1 month	Submission of Annual Report and the status of cases and their closure / completion.	30% (conditional)

G. KEY PERFORMANCE INDICATORS AND SERVICE LEVEL

Minimum acceptable performance:

- **100% of the activities completed.**

Failure to achieve this minimum standard may result in the payment to the contractor for those activities being fully or partially withheld by UNDP.

Verification:

The contractor will submit a monitoring plan which will track progress of all activities.

UNDP reserves the right to perform unscheduled on-site inspections and verification of any documents and activities being undertaken. UNDP reserves the right to engage an independent third-party for the purposes of verification of project performance and audit, UNDP reserves the right to undertake punitive measures in the event of transgressions such as fraudulent reporting – both narrative and financial, including but not limited to withholding of payments.

² Should there be any pending cases at the end of year 1 – UNDP will decide on the modality of transfer of those cases either to MOJ – LAD (if the Legal Aid System with LAD is set up) or for the renewal of contract if any.

H. GOVERNANCE AND ACCOUNTABILITY

The selected contractor shall work under the supervision of the UNDP AQJS Project Manager and all other focal points as identified above. Quality Assurance and compliance with UNDP Corporate Standards will be ensured through the regular oversight from the Programme Management Specialist (Justice).

The AQJS Project Manager shall coordinate between the contractor and UNDP and other counterparts for the purposes of this project. Reporting is expected to on a monthly basis in addition to the specific reports.

Liaison with other authorities shall be as indicated in the description of specific activities and assisted by UNDP with specific reference to the MoJ – LAD.

The contractor will be responsible for ensuring all aspects of the project including, but not limited, implementation, including work premises, facilities, logistics, security, professional indemnity insurance, materials and services.

I. FACILITIES TO BE PROVIDED BY UNDP

UNDP will facilitate coordination with the MoJ – LAD.

J. EXPECTED DURATION OF THE CONTRACT/ASSIGNMENT

The activities are envisaged to have cumulative duration of 12 months. The assignment must be completed within a total duration of 12 months from signature of contract. The final report i.e. narrative and financial report needs to be submitted within 30 days after the closure of the project. Activities will be implemented simultaneously where sequencing and conditionality is required. In the event of any Legal Aid cases pending by the end of 12 months – a suitable arrangement will be identified jointly with UNDP to ensure that beneficiaries receive the required support.

K. DUTY STATION

The activities are expected to be implemented in any of the three Categories of Provinces identified in TOR. Description of Activities.

UNDP Afghanistan is based in Kabul and all related coordination, collaboration and reporting actives will be located in Kabul, as appropriate and by agreement of the parties. UNDP staff will travel to the relevant provincial offices of the contractors where the activities are being implemented.

L. PROFESSIONAL QUALIFICATIONS OF THE SUCCESSFUL CONTRACTOR AND ITS KEY PERSONNEL

Qualifications of Key Personnel:

The following key personnel positions and requirements are considered mandatory for this assignment. The proposer must submit detailed CVs of key personnel as part of their proposal submission:

Position	General Qualifications and Experience
Key Professional Staff	
Project Manager / Team Leader (Maximum 1 position)	<p><u>Academic Qualifications:</u></p> <ul style="list-style-type: none"> Minimum completed Bachelor's degree from an accredited college or university in relevant field of work <p><u>Years of experience:</u></p> <ul style="list-style-type: none"> Minimum of 7 years of professional experience in the field of Legal Aid and Legal Awareness in Afghanistan. At least 4 years of experience in a project management / team lead function for Legal Aid / Justice and Judicial Services Technical Support and management in Afghanistan. Experience in at least two (2) projects as an expert in the field of Legal Aid and Legal Awareness in Afghanistan. <p><u>Language:</u></p> <ul style="list-style-type: none"> Fluency in Dari and Pashto required Strong proficiency in oral and written English is required for reporting purposes.
Admin / Finance (1 CV required)	<p><u>Academic Qualifications:</u></p> <ul style="list-style-type: none"> Minimum completed Bachelor's degree from an accredited college or university. <p><u>Years of experience:</u></p> <ul style="list-style-type: none"> Minimum of 7 years of professional experience as Admin / Finance Officer At least 4 years of experience in financial management of grants by international donors such as USAID / DFID and /or other UN organizations. Experience in at least two (2) projects as an expert in the field of financial management for Legal Aid services in Afghanistan.
Senior Defense Lawyers (Narrative description of the pool of lawyers available)	At least seven years of relevant professional experience in dealing with Misdemeanor / Felony, EAW cases, Family matters, and Juvenile matters.
Defense Lawyers (Narrative description of the pool of lawyers available)	At least seven years of relevant professional experience in dealing with Misdemeanor / Felony, EAW cases, Family matters, and Juvenile matters.

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Position	General Qualifications and Experience
pool of lawyers available)	

Note: Unless full-time engagement of staff is proposed, a full elaboration of part-time engagements must be provided, including an annotated schedule of inputs from each expert by activity, and a detailed description of how the combination of expertise of all positions will fulfil the overall and specific requirements of the requested services and results for the project.

Topic	Areas of Inquiry/ Supporting documentation	Response
1. Proscribed organizations	<p>1. Is the CSO/NGO listed in the UN's list of proscribed organizations, UNDP Vendor Sanctions List, or indicted by the International Criminal Court?</p> <p>2. Is the CSO/NGO banned by any other institution? If, yes, please provide information regarding the institution and reasons.</p>	
2. Legal status	<p>1. Does the CSO/NGO have a legal status to operate in the programme country, and is it compliant with legal requirements of the country's legal identity and registration? <u>Please provide copies.</u></p> <p>2. Does the CSO/NGO have a bank account? (Please Submit proof indicating latest date)</p>	
3. Certification/ Accreditation	<p>1. Is the CSO/NGO certified in accordance with any international or local standards (e.g., ISO), such as in:</p> <ul style="list-style-type: none"> • Leadership and Managerial Skills • Project Management • Financial Management • Organizational standards and procedures • Other 	
4. Date of Establishment and Organizational Background	<p>1. When was the CSO/NGO established?</p> <p>2. How has the CSO/NGO evolved since its establishment? (no more than 2 paragraphs)</p> <p>3. Who are your main donor/ partners?</p> <p>4. Please provide a list of all entities that the CSO/NGO may have an affiliation with.</p> <p>5. In which geographical areas (cities / provinces) of the country do you have capacity to operate? Please provide a</p>	

	<p><i>complete list and indicate the size of the offices in each location.</i></p> <p><i>6. In how many countries do you have capacity to operate in? Please provide a list.</i></p>	
5. Mandate and constituency	<p><i>1. What is the CSO/NGO's primary advocacy / purpose for existence?</i></p> <p><i>2. What is the CSO/NGO's mandate, vision, and purpose? (no more than 2 paragraphs)</i></p> <p><i>3. Is the CSO/NGO officially designated to represent any specific constituency?</i></p>	
6. Areas of Expertise	<p><i>1. Does the CSO/NGO have expertise in any of the key areas identified above in TOR? please provide evidence</i></p> <p><i>2. What other areas of expertise does the CSO/NGO have?</i></p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p>	
1. Financial Position and Sustainability	<p><i>1. What was the CSO/NGO's total financial delivery in the preceding 2 years? Please provide a financial statement for the last 2 years.</i></p> <p><i>2. What is the CSO/NGO's actual and projected inflow of financial resources for the current and the following year?</i></p> <p><i>3. Please provide a list of projects with brief description, duration, location and budget for the past 3 years</i></p> <p><i>4. What was the budget of the largest project handled over the last two years?</i></p>	
2. Public Transparency	<p><i>1. What documents are publicly available?</i></p>	

	2. How can these documents be accessed? (Please provide links if web-based).	
3. Consortium	<p>1. Do you have the capacity to manage a consortium?</p> <p>2. Do you currently, or have you in the past managed a consortium? If yes, provide a list with total financial budgets involved.</p> <p>3. Do you have a formal alliance with other CSOs/NGOs? If yes, please identify and provide details.</p>	

Capacity Assessment Checklist (CACHE) For CSO/NGO

Topic	Areas of Inquiry Please Attach Supporting Documentation for Each Question	Response
1. Funding Sources	<p>1. Who are the CSO/NGO's key donors?</p> <p>2. How much percentage share was contributed by each donor during the last 2 years?</p> <p>3. How many projects has each donor funded since the CSO/NGO's inception?</p> <p>4. How much cumulative financial contribution was provided for each project by each donor?</p> <p>5. How is the CSO/NGO's management cost funded?</p>	
2. Audit	<p>1. Did the CSO/NGO have an audit within the last two years?</p> <p>2. Are the audits conducted by an officially accredited independent entity? If yes, provide name.</p>	
3. Leadership and Governance Capacities	<p>1. What is the structure of the CSO/NGO's governing body? Please provide Organogram.</p> <p>2. Does the CSO/NGO have a formal oversight mechanism in place?</p>	

	<p>3. Does the CSO/NGO have formally established internal procedures in the area of:</p> <ul style="list-style-type: none"> • Project Planning and Budgeting • Financial Management and Internal Control Framework • Procurement • Human Resources • Reporting • Monitoring and Evaluation • Asset and Inventory Management • Other <p>Please provide evidence</p> <p>4. What is the CSO/NGO's mechanism for handling legal affairs?</p> <p>5. Ability to work (prepare proposals) and report in English</p>	
4. Personnel Capacities	<p>1. What are the positions in the CSO/NGO that are empowered to make key corporate decisions? Please provide CVs of these staff.</p> <p>2. Which positions in the CSO/NGO lead the areas of project management, finance, procurement, and human resources? Please provide CVs of these staff.</p>	
5. Infrastructure and Equipment Capacities	<p>1. Where does the CSO/NGO have an official presence? Please provide details on duration and type of presence (e.g. field offices, laboratories, equipment, software, technical data bases, etc.)</p> <p>2. What resources and mechanisms are available by the CSO/NGO for transporting people and materials?</p>	
6. Quality Assurance	<p>Please provide references who may be contacted for feedback on the CSO/NGO's performance regarding:</p> <ul style="list-style-type: none"> • Delivery compared to original planning • Expenditure compared to budget • Timeliness of implementation 	

	<ul style="list-style-type: none"> • Timeliness and quality of reports • Quality of Results 	
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Selection of Category:

categories	Provinces (Geographical Coverage)	Budget Ceiling (USD)	Choice (1st, 2 nd , 3 rd)
category -A	Nangarhar, Kunar and Laghman	100,000	
category -B	Helmand, Kandahar, Khost and Paktya	100,000	
category -C	Herat, Badghis , Faryab, Ghor and Daikundi	100,000	

PROPOSAL SUBMISSION TEMPLATE

I. Basic Information:

- Country where the project will be implemented:
- Sector:
- Project Name:
- Final Beneficiaries:
- Organization Name and Contact Information:
- Funding Requested:
- Execution period:
- Proposal validity period: 60 days after closing date of tender
- Proposal is submitted for Category-

II. Proposal Objectives and Justification

This subheading should facilitate a clear understanding of the objectives and the problem the proposal aims to address.

III. Proposed Methodology, Approach, quality assurance plan and Implementation Plan –

This section should demonstrate the NGO/CSO's response to the Terms of Reference by identifying the specific components proposed, how the outputs / delivery shall be addressed, as specified; providing a detailed description of the essential performance characteristics as well as expected outputs and expected results of the proposal. Expected results should include concrete statements of expected and recognizable development results.

Provide the total amount of funding requested to achieve the expected outputs by main component. Indicate the local counterpart contribution.

Indicative Budget (in USD) (the detailed budget should be submitted separately, using the budget template provided)

Type of Expense	Number of Months	Cost per Month (USD)	Total (USD)	Local Counterpart Contribution	TOTAL (USD)

Overhead:					
Other Costs:					
Equipment:					
TOTAL (USD)					

Direct Administrative costs, including both Human resource & operation cost, cannot exceed 10% of the total proposal budget. Furthermore, indirect overhead cost for HQ office can't exceed 5% of the total proposal budget on a condition that detailed cost assumptions are provided".

The following expenditures are eligible for financing:

- (i) Relevant HR costs
- (ii) Conference/workshop facilities
- (iii) Travel costs and per diem, only within the country if needed eg; trainees and monitoring visits
- (iv) Training expenses such as workshops and consultations
- (v) Costs/fees for monitoring, evaluation
- (vi) Products and commodities related to project,
- (vii) Operational cost

IV. Organizational profile and Structure for implementation of Project Proposal

This subheading should provide relevant information on the nature of the responsible party (civil society organization applying for funding) including evidence of its existence and legal representation, its track record in areas pertinent to the project proposal activities/components and ability to undertake and effectively manage the project, prior works with UNDP or other development agencies, etc.

V. Major issues

This subheading should identify key risks to executing the project proposal and achieving its objectives, as well as how the applicant proposes to mitigate such risks.

Section- 6

**DECLARATION OF
IMPARTIALITY AND CONFIDENTIALITY**

In responding to this (Subjected) Call for Proposals, UNDP requires all Proposers to conduct themselves in a professional, objective and impartial manner, and they must at all times hold UNDP's interests paramount. Proposers must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. All Proposers found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Proposers, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this solicitation process, if they:

- * Are or have been associated in the past, with a firm or any of its affiliates which have been engaged UNDP to provide services for the preparation of the design, Terms of Reference, cost analysis/estimation, and other documents to be used in this competitive selection process;
- * Were involved in the preparation and/or design of the programme/project related to the services requested under this Call for Proposals; or
- * Are found to be in conflict for any other reason, as may be established by, or at the discretion of, UNDP.

In the event of any uncertainty in the interpretation of what is potentially a conflict of interest, proposers must disclose the condition to UNDP and seek UNDP's confirmation on whether or not such conflict exists.

We understand that any willful misstatement described above may lead to our disqualification, before or during our engagement.

Name	Organization Name	Position/Organization	Signature	Date

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