**INDIVIDUAL CONSULTANT PROCUREMENT NOTICE** 

 Date: 16 September 2020

**Country:** Botswana

**Description of the assignment:** **Technical Adviser – Law Reform Unit**

**Project name:** Support to the Fulfilment of Human Rights, Access to Justice and Empowerment of Youth and Women

**Project Number:** 00102697

**Period of assignment/services:** 120 days over 12 months

**Submission Requirements:** Proposals with reference should be submitted in a sealed envelope clearly labelled **‘Technical Adviser – Law Reform Unit’** should be submitted at the following address no later than **2 October 2020 at 12:30pm (Botswana Time)**

to: The Resident Representative

United Nations Development Programme

P.O. Box 54

Gaborone

or by email to: procurement.bw@undp.org

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mailed to enquiries.bw@undp.org UNDP Botswana 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 the inquiry to all prospective facilitators.

**NOTE:** *Consultancy firms/companies interested in applying for this assignment are free to do so provided they submit a CV of only one qualified consultant and present its bid in a manner that would allow for evaluation of the bid in accordance with the evaluation criteria specified in these solicitation documents. That is, the experience required is that of the individual whose CV would have been submitted by the company rather than that of the company. Further, if the submitted bid wins, the ensuing contract will be between the UNDP and the company/firm, not the individual*.

**1. BACKGROUND**

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| The Government of Botswana is seeking to build national law reform capacity to ensure law reform processes are nationally led and support the achievement of national strategic priorities. In 2010, Cabinet approved the establishment of a Law Reform Division at the Attorney General’s Chambers. In October 2017, Cabinet decided to proceed with the establishment of a Law Reform Unit under the Legislative Drafting Division at the Attorney General’s Chambers. The Law Reform Unit is essential for the realisation of Government’s large and complex law reform projects which underpin the National Development Plan 11 (NDP 11) and achievement of Sustainable Development Goals (SDGs) and, as such, its establishment is a Government priority.The Government of Botswana and UNDP is implementing the “Support to the Fulfillment of Human Rights, Access to Justice and Empowerment of Youth and Women Project” (2018-2021) (the Project). The objective of the Project is to provide advisory and technical support to the Government to strengthen and enhance its capacity to respect, protect and fulfil human rights, enhance the accessibility of the justice system and empower youth and women. The expected outcomes of the Project are more effective human rights mechanisms and domestication of human rights and a justice system that fosters inclusive growth and development and provides opportunities for youth and women to participate in this inclusive growth. The Project is guided by the Government’s national development priorities and goals as articulated in Vision 2036, NDP 11, SDGs, United Nations Sustainable Development Framework (UNSDF) (2017-2021) and the UNDP Country Programme Document (CPD) (2017-2021).Under the auspices of the Project, the Attorney General’s Chambers has requested UNDP to provide technical support to establish the Law Reform Unit. The establishment of a Law Reform Unit with capacity to conduct high quality, nationally-led law reform processes will contribute to:* Ensuring that Botswana’s laws are modern, complete and reflect Botswana’s unique legal context and national policy objectives;
* Improved capacities to plan for delivery, identify and resolve implementation challenges and account for the delivery of quality interventions to deepen democracy outcomes and strengthen governance institutions (UNSDF 2.4);
* Realisation of NDP11 and SDG 16 targets related to effective, accountable and transparent institutions and responsive, inclusive, participatory and representative decision-making; and
* Creating an enabling environment for sustainable economic growth through sound legal frameworks that are necessary to achieve a range of other NDP11 and SDG targets.

A Law Reform Strategy, with an implementation plan, was developed and adopted in March 2020. The Technical Adviser (Law Reform Unit) will spearhead the implementation of the Law Reform Strategy to establish the Law Reform Unit within the Legislative Drafting Division of the Attorney General’s Chambers. The Technical Adviser (Law Reform Unit) will also provide technical advice to build institutional and staff capacity and strengthen networks. The Technical Adviser (Law Reform Unit) will report to the Attorney General and the UNDP Resident Representative in close coordination with the UNDP Governance Specialist. The Technical Adviser will work 120 days over an 12 month period, on the basis of an agreed workplan and deliverables. The Technical Adviser will work on site in Botswana for a period of 30 days per quarter, over the 12 month period. |

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

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| 1. **Lead the implementation of the Law Reform Strategy while building the capacity of and mentoring staff to establish a functional Law Reform Unit at the Attorney General’s Chambers**
* Implement with staff the Law Reform Unit Work Plan as outlined in the approved Law Reform Strategy, consistent with the anticipated Legislative Programme;
* Coordinate with national, regional and international stakeholders and partners to ensure the Law Reform Unit Work Plan is technically rigorous, feasible and scalable;
* Develop an indicative budget with staff for implementation of the Law Reform Unit Work Plan;
* Set the strategic direction of the Unit with staff and identify priority areas for law reform, research and inform policy development;
* Ensure results-based management of the establishment of the Law Reform Unit, including developing with staff process plans to ensure that all outputs and activities in the Work Plan are achieved within the appropriate timeframe;
* Monitor implementation status, track progress, prepare relevant reports and briefings and mentor staff to do the same;
* Support staff preparation and submission of bi-annual progress reports; and
* Support evaluation and audit missions for the Project as required.
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| 1. **Provide high-level technical advice and capacity-building and mentorship to staff on Law Reform Processes to the Law Reform Unit and Legal Officers in Line Ministries**
* Build the technical capacity of staff in the Law Reform Unit to research, develop policy, consult and generate law reform proposals that are respected, reliable, technically rigorous and responsive;
* Provide expert technical advice on strengthening and streamlining law reform processes to the Law Reform Unit staff and legal officers in line ministries and other relevant stakeholders (including but not limited to the Parliamentary Law Reform Committee);
* Provide expert technical support to government implementation of the Regulatory Impact Assessment component of the Government of Botswana Better Regulation Strategy as required;
* Together with staff, develop and support the drafting of technical guidance materials and procedures for the Law Reform Unit, including but not limited to Law Reform Guidelines;
* Provide technical advice to the Attorney General’s Chambers on issues related to law reform including Legislative Drafting Guidelines (including legislative process, Botswana e-laws and regulatory impact assessment as required); and
* Provide technical input and oversight of a communications strategy jointly developed with staff to increase public awareness of law reform projects, opportunities for engagement and publicising reports.
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| 1. **Provide high-level technical advice and build the capacity of the Law Reform Unit staff to conduct the Law Reform Pilot Phase**
* Mentor staff on how to conduct a scoping exercise;
* Mentor staff on how to conduct legal research;
* Mentor staff on how to conduct consultations;
* Produce together with staff a verified draft of the scoping study, including: the selection of 2 pilot projects, an implementation plan for each project, and a Standing Advisory Committee for each project;
* Ensure the Law Reform Unit implements the 2 selected pilot projects and that these have been implemented with staff mentored at every phase;
* Develop with staff a law reform programme for NDP11 which sets out, in priority order, law reform projects, lead agency, support ministries and key stakeholders, size and complexity of project and timeframes;
* Develop with staff a report setting out results of desk research and outcomes from meetings with relevant Technical Working Groups and Law Reform Advisory Steering Committee; and
* Facilitate the evaluation of the pilot phase, including efficiency and effectiveness.
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| 1. **Facilitate partnerships and resource mobilisation and mentor staff to continue the support to the Law Reform Unit**
* With staff, identify and foster opportunities for peer-to-peer learning, south-south and triangular cooperation on law reform issues and processes;
* Provide along with staff updates on results of the project to increase visibility and awareness of the results;
* Provide timely and effective resource mobilisation to support the Law Reform Unit and its work programme, as required, and to mentor staff to be able to do likewise; and
* Together with staff, develop strategic partnerships and initiatives, prepare policy papers and present at meetings, workshops and conferences as required.
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**DELIVERABLES**

* Workplan including targets and key performance indicators for each area of responsibility;
* Monthly reports which outline progress against workplan targets.

**3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

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| I. Academic Qualifications:* Master’s degree or equivalent, in law required.
* Additional tertiary qualifications in public policy or public administration preferred.

II. Required Experience:* Minimum 10 years’ experience providing high level technical advisory services to law reform processes or programmes, (including a minimum of 7 years in a Common Law/Commonwealth jurisdiction);
* Strong international experience in law reform processes, with a minimum of 5 years’ experience gained in jurisdiction(s) outside Botswana or in an international organisation;
* Strong and demonstrated programme management and results-based management skills, including planning, budgeting, mentoring, performance management and institutional strengthening;
* Demonstrated experience in designing and implementing strategies, structures, systems and procedures for rule of law or justice institutions;
* In-depth understanding of capacity-building theory and practice, and practical experience of working with governments, preferably in developing / middle income country contexts to build sustained capacity;
* Demonstrated experience in mainstreaming human rights-based approaches and gender equality in law reform;
* Team-building skills and proven ability to work with diverse groups to facilitate dialogue and build consensus;
* Knowledge and command of the role of information technology and communications preferably in the field of law and justice;
* Demonstrated knowledge of the legal context in Botswana;
* Excellent written and oral communication skills.

III. Competencies:**Core Competencies:*** Uses substantive mastery of technical content to model excellence and motivate performance;
* Ability to lead effectively, using mentoring as well as conflict resolution skills;
* Sets strategic goals and builds the means to achieve results;
* Scales up innovation for greater impact;
* Promotes knowledge management and a learning environment through leadership and personal example;
* Demonstrates openness to change and ability to manage uncertainties and complexities;
* Remains calm, in control and good-humoured even under pressure;
* Demonstrates excellent oral and written communication skills.

**Technical Competencies**:* Expertise in law reform processes in Common Law/Commonwealth jurisdictions and familiarity with law reform in hybrid systems;
* Ability to engage in comparative research and analysis and contextualise strategic and technical advice to the local context and conditions;
* Ability to effectively lead strategic planning, results-based management and reporting and build institutional capacity in these areas;
* Ability to lead formulation and monitoring of projects;
* Ability to assess scope of request for advisory services, prepare detailed TORs, brief and manage a variety of technical consultants, assess quality of services provided by technical consultants and take remedial measures as appropriate;
* Ability to apply human rights based and participatory approaches to ensure effective and inclusive engagement in law reform processes; and
* Fluency in written and spoken English.
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**4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS**

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| Interested individual consultants must submit the following documents/information to demonstrate their qualifications:1. Proposal:(i) Explaining why they are the most suitable for the work(ii) Provide a detailed methodology on how they will approach and conduct the work, taking into consideration the objectives of the assignment, the required technical competencies and the duration of the assignment (120 days over a 12 month period).2. Financial proposal3. Personal CV including at least 3 references4. Statement of Good Health and proof of medical insurance.  |

**5. FINANCIAL PROPOSAL**

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| 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 timing of installments, and number of anticipated working days).**Travel**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. All envisaged travel costs must be included in the financial proposal, however travel related cost may require revision in line with evolution of the COVID-19 pandemic and related restrictions. This includes all travel to join duty station/repatriation travel. 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. Local travel costs (transfer to and from airport and travel within Botswana for purposes of completing the assignment) should not be included in the financial proposal. |

**6. EVALUATION**

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| Individual consultants will be evaluated based on the following methodology:*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; [75%]**\* Financial Criteria weight; [25%]**Only candidates obtaining a minimum of 50 point will be considered for the Financial Evaluation*

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| ***Criteria*** | ***Weight***  | ***Max. Point*** |
| Minimum Master’s degree or equivalent, in law required; with additional tertiary qualifications in public policy or public administration preferred. | ***Mandatory exclusionary criteria*** |
| Minimum 10 years’ experience providing high level technical advisory services to law reform processes or programmes, (including a minimum of 7 years in a Common Law/Commonwealth jurisdiction); | ***Mandatory exclusionary criteria*** |
| Complete proposal submitted as per Item 4 Documents to be Included when Submitting the Proposal; | ***Mandatory exclusionary criteria*** |
| Fluency in written and spoken English. | ***Mandatory exclusionary criteria*** |
| *Technical* | *75%* | *75* |
| Strong international experience in law reform processes, with a minimum of 5 years’ experience gained in jurisdiction(s) outside Botswana or in an international organisation; | *25* | *25* |
| Strong and demonstrated programme management and results-based management skills, including planning, budgeting, mentoring, performance management and institutional strengthening; | *10* | *10* |
| Demonstrated experience in designing and implementing strategies, structures, systems and procedures for rule of law or justice institutions;  | *10* | *10* |
| In-depth understanding of capacity-building theory and practice, and practical experience of working with governments, preferably in developing / middle income country contexts to build sustained capacity; | *5* | *5* |
| Demonstrated experience in mainstreaming human rights-based approaches and gender equality in law reform; | *5* | *5* |
| Team-building skills and proven ability to work with diverse groups to facilitate dialogue and build consensus; | *5* | *5* |
| Knowledge and command of the role of information technology and communications preferably in the field of law and justice;  | *5* | *5* |
| Demonstrated knowledge of the legal context in Botswana; | *5* | *5* |
| Excellent written and oral communication skills. | *5* | *5* |
| *Financial* | *25%* | *25* |

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**ANNEX**

**ANNEX 1- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**