

PROCUREMENT NOTICE

FOR THE ENGAGEMENT OF AN INDIVIDUAL CONTRACTOR SERVICES



Date : 12 October 2020

Post Title:	Researcher on the Status of the Implementation of the UNGPs on Business and Human Rights in the Arab States
Starting Date:	15 November 2020
Duration:	42 working days from contract signature date, over a period of 3 months
Location:	Home-based
Project	00100685 ROLSHR Global Programme 2019
National or International Consultant	International Consultant
Requisition Number:	D-0000172021
Is this a LTA (yes/no):	No

CONTEXT / BACKGROUND

The *United Nations Guiding Principles on Business and Human Rights* (UNGPs), adopted by the UN Human Rights Council in 2011, are the most authoritative guidelines on how to "prevent and address human rights abuses in business operations." They present a 'protect, respect, and remedy' framework to address human rights risks in the context of business operations. Under Pillar 1 of this framework, the State has the primary legal responsibility to protect the human rights of its citizens. Pillar 2 requires businesses to respect human rights by "avoid[ing] infringing on the human rights of others" and "address[ing] adverse human rights impacts with which they are involved." Finally, Pillar 3 requires states to ensure, through judicial, administrative or other appropriate means, that rights holders have access to effective remedy when human rights abuses occur. These remedies can be judicial or non-judicial and can be administered by independent bodies, such as National Human Rights Institutions (NHRIs).

As part of its overall strategy of support on human rights, UNDP has been working increasingly in the area of Business and Human Rights (B+HR) and seeks to scale up this workstream to be part of its integrated global offer on human rights, in line with key partners. The largest part of UNDP's B+HR work is currently being implemented through the Business and Human Rights in Asia (B+HR Asia) program, which has been operational since 2016. The program has established itself as the convener on B+HR discourse in Asia through its peer learning activities, including its annual regional B+HR forum for Asia. UNDP is currently carrying out work to identify opportunities for scaling up B+HR work globally.

Countries in the Arab States region are yet to tackle B+HR in a systematic way. Although Morocco has a chapter on business and human rights in its national human rights action plan, no country in the region has developed a dedicated National Action Plan (NAP) on the subject. According to the *Arab Sustainable Development Report 2020*, the region has the highest unemployment rate in the world as well as the highest rates of unemployed women and youth. It is not producing enough jobs in the formal sector and rates of informal employment are significant. Informal sector workers lack social protection coverage, are vulnerable to a range of rights abuses and generally have little recourse to justice. A lack of economic diversification and inactive labor market policies in most countries hinder progress, while the private sector falls short of its potential due in part to corruption and a confluence of political and economic interests that limit market competitiveness. The region is also one of extreme diversity. It is home to some of the worst humanitarian crises and protracted conflicts worldwide and hosts 33% of total refugees globally. Migrant workers concentrated in the GCC countries are estimated at 11 per cent of the total migrant workers in the world. These workers often lack access to basic services and rights, and are unprotected from arbitrary, exploitative or unfair working conditions. Female migrant domestic workers are especially vulnerable.

The challenge of how to prevent and address human rights abuses in business operations has only been exacerbated by the current COVID-19 pandemic – the disruption in the global economy and supply chains has severely affected businesses (especially small and medium enterprises) and led to significant cost-cutting, unprecedented unemployment rates, increased health and safety risks for workers and a raft of rights’ violations in the absence of accessible accountability mechanisms; government measures such as border closures and travel restrictions have impacted both the economies of countries who host migrant workers and the countries of origin, but also left workers stranded and vulnerable to abuses. At the same time, COVID-19 offers up an opportunity for dialogue on the responsibility of businesses in addressing the socio-economic impacts of the crisis, and in ensuring the human rights of workers and affected communities are respected. Further, some labor reforms have taken place in the region, including in Saudi Arabia and most recently in Qatar.

UNDP seeks to hire an International Consultant (IC) to conduct a scoping study to assess and document the status of B+HR in the Arab States region and provide concrete recommendations on how to advance the B+HR agenda and engage with affected rights holders and communities, and other stakeholders, including governments and businesses. The study will provide a baseline against which UNDP can assess progress and strategies in the region in the future.

The resulting study, to be developed in consultation with UNDP, will provide a summary of the status of B+HR in the Arab States, outlining general developments and emerging issues and trends in 2020, including reflections on government and private sector responses to COVID-19, the impact of low oil prices in the region and the potential role of GCC countries in promoting B+HR regionally. The study will focus on the specific themes outlined by the Guiding Principles under each of the three UNGPs pillars (“protect, respect, remedy”). It will identify legislative, social and cultural, and political factors that can progress, or have the potential to progress a B+HR agenda; and the main barriers at a sub-regional level, recognizing and reflecting the diverse nature of the region. It will conclude with recommendations for UNDP regarding opportunities and potential strategic entry points for advancing the B+HR agenda in the Arab States. It is anticipated that research will be undertaken through a mix of desk research and (remote) key informant interviews, including with UNDP country office staff and regional experts.

Ultimately, the scoping study aims at:

1. Assessing the current status of the UNGPs in the Arab States region and identifying emerging trends and issues, challenges and opportunities for implementation of the UNGPs;
2. Identifying relevant B+HR actors and organizations (both national and regional) in the Arab States region;
3. Providing recommendations to promote the B+HR agenda effectively in the Arab States region, including strategic entry points and opportunities;
4. Informing the development of a strategic framework and pilot interventions for UNDPs B+HR work in the region;
5. Informing efforts led by the UN Working Group on Business and Human Rights (UNWG), in partnership with UNDP and other relevant players, in developing a Roadmap to set priorities and determine roles for different global actors in support of the realization of UNGP from 2021 - 2030.

SCOPE OF WORK

The IC will work under the guidance and supervision of UNDP RBAS Governance and Peacebuilding Team Leader with support from the B+HR Asia project team. Specific results to be achieved by the IC are listed below.

1. **Produce a research plan in consultation with the Governance and Peacebuilding Team Leader and UNDP's global lead for Business and Human Rights. This result is comprised of following major tasks:**
 - Conduct preliminary desk research to identify gaps in data and analysis concerning the status of B+HR in the Arab States region;
 - Based on preliminary research, propose the different chapters to be included in the knowledge product and outline their contents, which shall be structured along the three pillars ("protect, respect, remedy") of the UNGPs and **all** their respective Guiding Principles and themes;
 - Create a research methodology and structure, and outline the specific activities to be undertaken, suitable to accomplish the deliverables 2 and 3 listed below, including a list of potential interviewees.
2. **Report on the 'Status of B+HR in the Arab States'. This result is comprised of following major tasks:**
 - Research and outline the main developments on B+HR progress and the implementation of the UNGPs, following the structure outlined under deliverable 1 listed above;
 - Report on the specific themes outlined by the Guiding Principles under each of the three UNGPs pillars ("protect, respect, remedy"), including legislative, social and cultural and political factors that have or have the potential to progress a B+HR agenda, and the main triggers and barriers at a sub-regional level;
 - Report on lived experiences of vulnerable rights holders, including women, migrant workers and youth, in the context of human rights impacts of businesses generally and within the specific context of COVID-19.
 - Analyse current trends, challenges and potential entry points for B+HR work;
 - Articulate concrete and practical recommendations on how to push forward the B+HR agenda in the Arab States region.
3. **Validate research findings and produce final report**
 - Validate research findings and recommendations through peer-review, including by UN business and human rights experts and through online consultation sessions with UNDP Arab States country office staff, regional experts and others such as the UNWG representatives, to be defined in coordination with UNDP;
 - Produce the final report, in English, of approximately 40 pages in a format and layout suitable for publishing (publication costs are not expected to be borne in this IC contract).

OUTPUT AND DELIVERABLES:

The expected deliverables are outlined in the below table:

Deliverables/Outputs	Estimated Duration to Complete	Target Due Dates	Review and Approvals Required
<u>Deliverable 1:</u> Research plan	7 working days	24 November 2020	Governance and Peacebuilding Team Leader, UNDP RBAS.
<u>Deliverable 2:</u> Draft study, inclusive of recommendations, submitted for validation.	25 working days	22 January 2021	Governance and Peacebuilding Team Leader, UNDP RBAS
<u>Deliverable 3:</u> Validation through peer-review and online consultations.	5 working days	5 February 2021	Governance and Peacebuilding Team Leader, UNDP RBAS
<u>Deliverable 4:</u> Final report submitted, with all recordings/transcripts of the interviews conducted.	5 working days	15 February 2021	Governance and Peacebuilding Team Leader, UNDP RBAS

INSTITUTIONAL ARRANGEMENT

1. The IC will work under the overall guidance of the Governance and Peacebuilding Team Leader, UNDP RBAS.
2. The supervision will include approvals/acceptance of the outputs and deliverables as identified in the previous section; Each deliverable shall be presented to the Governance and Peacebuilding Team Leader for review and approval. The individual may be expected to liaise and collaborate in the course of performing the work with other consultants, suppliers and UN colleagues.
3. The individual is required to provide periodical progress reports on regular and needed basis throughout the assignment to monitor progress.
4. The consultant will use his/her own equipment and software.
5. In terms of the Intellectual Property Rights related to this assignment, kindly refer to Clause 3 under the attached IC General Terms and Conditions.
6. The individual is required to maintain close communication with UNDP-RBAS on regular and needed basis at any period throughout the assignment in order to monitor progress. In the event of any delay, S/he will inform UNDP promptly so that decisions and remedial action may be taken accordingly.

7. Should UNDP deem it necessary, it reserves the right to commission additional inputs, reviews or revisions, as needed to ensure the quality and relevance of the work.

DURATION OF THE WORK AND DUTY STATION

Duration

The assignment shall be completed within a maximum of (42) working days over a period of (3) months . It is estimated to commence on 15 November 2020 and the assignment will be completed by 15 February 2021 at the latest.

Duty Station

The consultancy will be home-based. For Assignment-related interviews and consultations will take place through video conference or other remote communication tools.

EXPERIENCE AND QUALIFICATIONS REQUIREMENTS

Required Skills and Experience

The IC should possess the following expertise and qualifications:

Education and Experience

- Master's degree in law, governance, anthropology, social science, political science, business management, or related discipline(s);
- At least 5 years of relevant research experience in areas related to human rights, social and development issues;
- At least 5 years of professional work experience related to business and human rights;
- Demonstrated understanding of geo-political situation and experience in Arab States regarding business and human rights issues, and with various types of stakeholders (e.g. government, NHRIs, businesses, civil society);
- Demonstrated capacity to conduct multi-discipline, cross-sector and cross-country research;
- Expertise in writing and documenting research reports.

Language

Language proficiency in both written and oral in English and Arabic are required.

Key Competencies:

a) Corporate

- Demonstrates integrity and fairness, by modeling the UN/UNDP's values and ethical standards;
- Promotes the vision, mission and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

b) Functional

- Strong substantive knowledge of youth engagement and local development issues and ability to link knowledge to UN/UNDP frameworks;
- Capacity to interact with varying stakeholders in UNDP Programme countries and other international development organizations;

- Strong analytical and communication skills, including ability to produce high quality project documents and/or knowledge products;
- Excellent public speaking and presentation skills;
- Focus on impact and result for the beneficiary;
- Proficiency in the use of relevant digital collaboration tools.

c) Leadership:

- Demonstrated ability to think strategically;
- Demonstrated intellectual leadership and ability to integrate knowledge with broader strategic overview and corporate vision;
- Ability to conceptualize and convey strategic vision from the spectrum of development experience;

d) Managing Relationships:

- Demonstrated well developed people management and organizational management skills;
- Excellent networking skills with strong partnerships in academia, technical organizations and as a recognized expert in the practice area;
- Strong partnering skills.

e) Managing Complexity:

- Substantive knowledge and understanding of youth engagement and empowerment and development cooperation with the ability to support the practice architecture of UNDP and inter-disciplinary issues.

DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested candidates must submit the following documents/information to demonstrate their qualifications. Candidates that fail to submit the required information will not be considered.

- a) Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP;
- b) **Curriculum Vitae 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) **One example of a previous relevant publication**;
- d) **Brief description** of why the individual considers him/herself as the most suitable for the assignment.
- e) **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. The consultant should also indicate any travel and related costs for meetings etc.

All necessary information including: Complete Procurement Notice, the Selection Criteria, and Annexes are found on the following link under Procurement <http://procurement-notice.undp.org/>

Interested individual consultants must submit the abovementioned documents/information to demonstrate their qualifications to **Job advertisement website** (https://jobs.undp.org/cj_view_jobs.cfm) not later than **20**

October 2020 , Candidates that fail to submit the required information on or before the set deadline (will not be considered.

Please do not submit financial proposal in this stage. Financial proposal shall be requested from Candidates who are considered technically responsive

CRITERIA FOR SELECTION OF THE BEST OFFERS

This selection criteria will follow the Combined Scoring method – where the qualifications and methodology will be weighted a max. of 70%, and combined with the price offer which will be weighted a max of 30%; using the following evaluation criteria

Individual consultants will be evaluated based on the following methodology:

Step I: Screening and desk review:

Applications will be first screened and only candidates meeting the following minimum requirements will progress to the pool for shortlisting:

- Master's degree in law, governance, anthropology, social science, political science, business management, or related discipline(s);
- At least 5 years of relevant research experience in areas related to human rights, social and development issues;
- Language proficiency in both written and oral in English and Arabic.

Step II : Technical Review:

Shortlisted candidates will undergo a technical evaluation and a submission of a proposal to tackle the assignment.

Technical Evaluation Criteria max 100 points (Weighted 70):

This selection criteria will follow the Combined Scoring method – where the qualifications and methodology will be weighted a max. of 70%, and combined with the price offer which will be weighted a max of 30%; using the following evaluation criteria

Technical Criteria for Evaluation (Maximum 100 points)

- Criteria 1: Master's degree in law, governance, anthropology, social science, political science, business management, or related discipline(s) – Max 10 points;
- Criteria 2: At least 5 years of relevant research experience in areas related to human rights, social and development issues, including the capacity to conduct multi-discipline, cross-sector and cross-country research; – Max 30 points
- Criteria 3: At least 5 years of professional work experience related to business and human rights, including demonstrated understanding of geo-political situation and experience in Arab States regarding business and human rights issues; - Max 30 points
- Criteria 4: Analytical, research and writing abilities, based on the submitted publication sample– Max 20 points
- Criteria 5: Excellent command of English and Arabic (written and oral) – Max 10 points

Financial Criteria - 30% of total evaluation

For those offers considered in the financial evaluation, the lowest price offer will receive 30 points. The other offers will receive points in relation to the lowest offer, based on the following formula: $(PI / P_n) * 30$ where P_n is the financial offer being evaluated and PI is the lowest financial offer received.

Step III: Final Evaluation

The final evaluation will combine the scores of the desk review and the financial proposal with the following weights assigned to each:

Individual consultants will be evaluated based on the cumulative analysis methodology (weighted scoring method), where the award of the contract will be made to the individual consultant whose offer has been evaluated and determined as:

- Responsive/compliant/acceptable; and
- Having received the highest score out of a pre-determined set of technical and financial criteria specific to the solicitation.

Technical Criteria weight: [70%]

Financial Criteria weight: [30%]

Only Individual Consultants obtaining a minimum of 49 points (70%) on the Technical evaluation would be considered for the Financial Evaluation.