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**REQUEST FOR PROPOSAL (RFP)  
FOR  
RECRUITMENT OF CONSULTING FIRM TO UNDERTAKE A RAPID  
COMPREHENSIVE JUSTICE SECTOR ASSESSMENT IN ETHIOPIA;**

**RFP No.: ETH1939;**

**PROJECT: Governance and Democratic Participation  
Programme;**

**COUNTRY: ETHIOPIA;**

**Issued on: 2 November 2020**

## Contents

Section 1. Letter of Invitation .....	4
Section 2. Instruction to Bidders.....	5
A. GENERAL PROVISIONS   5	
1. Introduction.....	5
2. Fraud & Corruption, Gifts and Hospitality.....	5
3. Eligibility .....	5
4. Conflict of Interests .....	6
B. PREPARATION OF PROPOSALS 6	
5. General Considerations .....	6
6. Cost of Preparation of Proposal .....	6
7. Language .....	6
8. Documents Comprising the Proposal .....	6
9. Documents Establishing the Eligibility and Qualifications of the Bidder .....	7
10. Technical Proposal Format and Content.....	7
11. Financial Proposals .....	7
12. Proposal Security .....	7
13. Currencies .....	8
14. Joint Venture, Consortium or Association .....	8
15. Only One Proposal.....	9
16. Proposal Validity Period .....	9
17. Extension of Proposal Validity Period.....	9
18. Clarification of Proposal .....	9
19. Amendment of Proposals .....	9
20. Alternative Proposals .....	10
21. Pre-Bid Conference.....	10
C. SUBMISSION AND OPENING OF PROPOSALS 10	
22. Submission .....	10
23. Deadline for Submission of Proposals and Late Proposals .....	11
24. Withdrawal, Substitution, and Modification of Proposals.....	11
25. Proposal Opening .....	12
D. EVALUATION OF PROPOSALS 12	
26. Confidentiality .....	12
27. Evaluation of Proposals .....	12
28. Preliminary Examination .....	12
29. Evaluation of Eligibility and Qualification.....	12
30. Evaluation of Technical and Financial Proposals .....	13
31. Due Diligence .....	14

32. Clarification of Proposals.....	14
33. Responsiveness of Proposal.....	14
34. Nonconformities, Reparable Errors and Omissions.....	14
<b>E. AWARD OF CONTRACT 15</b>	
35. Right to Accept, Reject, Any or All Proposals .....	15
36. Award Criteria.....	15
37. Debriefing .....	15
38. Right to Vary Requirements at the Time of Award.....	15
39. Contract Signature.....	15
40. Contract Type and General Terms and Conditions.....	15
41. Performance Security.....	15
42. Bank Guarantee for Advanced Payment.....	16
43. Liquidated Damages .....	16
44. Payment Provisions.....	16
45. Vendor Protest.....	16
46. Other Provisions.....	16
<b>Section 3. Bid Data Sheet.....</b>	<b>17</b>
<b>Section 4. Evaluation Criteria.....</b>	<b>20</b>
<b>Section 5. Terms of Reference.....</b>	<b>24</b>
<b>Section 6: Returnable Bidding Forms / Checklist .....</b>	<b>36</b>
form a: technical proposal submission form.....	37
form b: bidder information form.....	39
form c: joint venture/consortium/association information form.....	40
form d: qualification form .....	40
form e: format of technical proposal .....	43
form f: financial proposal submission form.....	49
form g: financial proposal form .....	1
form h: form of proposal security .....	3

## SECTION 1. LETTER OF INVITATION

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

This RFP includes the following documents and the General Terms and Conditions of Contract which is inserted in the Bid Data Sheet (BDS):

- Section 1: This Letter of Invitation;
- Section 2: Instruction to Bidders;
- Section 3: Bid Data Sheet (BDS);
- Section 4: Evaluation Criteria;
- Section 5: Terms of Reference;
- Section 6: Returnable Bidding Forms;
  - Form A: Technical Proposal Submission Form;
  - Form B: Bidder Information Form;
  - Form C: Joint Venture/Consortium/Association Information Form;
  - Form D: Qualification Form;
  - Form E: Format of Technical Proposal;
  - Form F: Financial Proposal Submission Form;
  - Form G: Financial Proposal Form;
  - Form H: Form of Proposal Security;

If you are interested in submitting a Proposal in response to this RFP, please prepare your Proposal in accordance with the requirements and procedure as set out in this RFP and submit it by the Deadline for Submission of Proposals set out in Bid Data Sheet.

Please acknowledge receipt of this RFP by sending an email to email address:

**info.procurement@undp.org**, indicating whether you intend to submit a Proposal or otherwise. You may also utilize the "Accept Invitation" function in eTendering system, where applicable. This will enable you to receive amendments or updates to the RFP. Should you require further clarifications, kindly communicate with the contact person/s identified in the attached Bid Data Sheet as the focal point for queries on this RFP.

UNDP looks forward to receiving your Proposal and thank you in advance for your interest in UNDP procurement opportunities.

Issued by:

Approved by:

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Name: Mehari Goitom

Title: Procurement Associate

Date: **November 2, 2020**

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Name: Endrias Getachew

Title: Deputy Res,Rep(O),A.I.

Date: **November 2, 2020**

## SECTION 2. INSTRUCTION TO BIDDERS

<b>A. GENERAL PROVISIONS</b>	
<i>1. Introduction</i>	<p><b>1.1</b> Bidders shall adhere to all the requirements of this RFP, including any amendments in writing by UNDP. This RFP is conducted in accordance with the UNDP Programme and Operations Policies and Procedures (POPP) on Contracts and Procurement which can be accessed at <a href="https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d">https://popp.undp.org/SitePages/POPPBSUnit.aspx?TermID=254a9f96-b883-476a-8ef8-e81f93a2b38d</a></p> <p><b>1.2</b> Any Proposal submitted will be regarded as an offer by the Bidder and does not constitute or imply the acceptance of the Proposal by UNDP. UNDP is under no obligation to award a contract to any Bidder as a result of this RFP.</p> <p><b>1.3</b> As part of the bid, it is desired that the Bidder registers at the United Nations Global Marketplace (UNGM) website (<a href="http://www.ungm.org">www.ungm.org</a>). The Bidder may still submit a bid even if not registered with the UNGM. However, if the Bidder is selected for contract award, the Bidder must register on the UNGM prior to contract signature.</p>
<i>2. Fraud &amp; Corruption, Gifts and Hospitality</i>	<p><b>2.1</b> UNDP strictly enforces a policy of zero tolerance on proscribed practices, including fraud, corruption, collusion, unethical or unprofessional practices, and obstruction of UNDP vendors and requires all bidders/vendors observe the highest standard of ethics during the procurement process and contract implementation. UNDP's Anti-Fraud Policy can be found at <a href="http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti">http://www.undp.org/content/undp/en/home/operations/accountability/audit/office_of_audit_andinvestigation.html#anti</a></p> <p><b>2.2</b> Bidders/vendors shall not offer gifts or hospitality of any kind to UNDP staff members including recreational trips to sporting or cultural events, theme parks or offers of holidays, transportation, or invitations to extravagant lunches or dinners.</p> <p><b>2.3</b> In pursuance of this policy, UNDP  (a) Shall reject a proposal if it determines that the selected bidder has engaged in any corrupt or fraudulent practices in competing for the contract in question;  (b) Shall declare a vendor ineligible, either indefinitely or for a stated period of time, to be awarded a contract if at any time it determines that the vendor has engaged in any corrupt or fraudulent practices in competing for, or in executing a UNDP contract.</p> <p><b>2.4</b> All Bidders must adhere to the UN Supplier Code of Conduct, which may be found at <a href="http://www.un.org/depts/ptd/pdf/conduct_english.pdf">http://www.un.org/depts/ptd/pdf/conduct_english.pdf</a></p>
<i>3. Eligibility</i>	<p><b>3.1</b> A vendor should not be suspended, debarred, or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization. Vendors are therefore required to disclose to UNDP whether they are subject to any sanction or temporary suspension imposed by these organizations.</p> <p><b>3.2</b> It is the Bidder's responsibility to ensure that its employees, joint venture members, sub-contractors, service providers, suppliers and/or their employees meet the eligibility requirements as established by UNDP.</p>

<p>4. <i>Conflict of Interests</i></p>	<p>4.1 Bidders must strictly avoid conflicts with other assignments or their own interests, and act without consideration for future work. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, 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:</p> <ul style="list-style-type: none"> <li>a) Are or have been associated in the past, with a firm or any of its affiliates which have been engaged by UNDP to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the goods and services in this selection process;</li> <li>b) Were involved in the preparation and/or design of the programme/project related to the services requested under this RFP; or</li> <li>c) Are found to be in conflict for any other reason, as may be established by, or at the discretion of UNDP.</li> </ul> <p>4.2 In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to UNDP, and seek UNDP's confirmation on whether or not such a conflict exists.</p> <p>4.3 Similarly, the Bidders must disclose in their proposal their knowledge of the following:</p> <ul style="list-style-type: none"> <li>a) If the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of UNDP staff involved in the procurement functions and/or the Government of the country or any Implementing Partner receiving services under this RFP; and</li> <li>b) All other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.</li> </ul> <p>Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.</p> <p>4.4 The eligibility of Bidders that are wholly or partly owned by the Government shall be subject to UNDP's further evaluation and review of various factors such as being registered, operated and managed as an independent business entity, the extent of Government ownership/share, receipt of subsidies, mandate and access to information in relation to this RFP, among others. Conditions that may lead to undue advantage against other Bidders may result in the eventual rejection of the Proposal.</p>
<p><b>B. PREPARATION OF PROPOSALS</b></p>	
<p>5. <i>General Considerations</i></p>	<p>5.1 In preparing the Proposal, the Bidder is expected to examine the RFP in detail. Material deficiencies in providing the information requested in the RFP may result in rejection of the Proposal.</p> <p>5.2 The Bidder will not be permitted to take advantage of any errors or omissions in the RFP. Should such errors or omissions be discovered, the Bidder must notify the UNDP</p>
<p>6. <i>Cost of Preparation of Proposal</i></p>	<p>6.1 The Bidder shall bear any and all costs related to the preparation and/or submission of the Proposal, regardless of whether its Proposal was selected or not. UNDP shall not be responsible or liable for those costs, regardless of the conduct or outcome of the procurement process.</p>
<p>7. <i>Language</i></p>	<p>7.1 The Proposal, as well as any and all related correspondence exchanged by the Bidder and UNDP, shall be written in the language (s) specified in the BDS.</p>
<p>8. <i>Documents</i></p>	<p>8.1 The Proposal shall comprise of the following documents:</p>

<i>Comprising the Proposal</i>	<ul style="list-style-type: none"> <li>a) Documents Establishing the Eligibility and Qualifications of the Bidder;</li> <li>b) Technical Proposal;</li> <li>c) Financial Proposal;</li> <li>d) Proposal Security, if required by BDS;</li> <li>e) Any attachments and/or appendices to the Proposal.</li> </ul>
<i>9. Documents Establishing the Eligibility and Qualifications of the Bidder</i>	<p>9.1 The Bidder shall furnish documentary evidence of its status as an eligible and qualified vendor, using the Forms provided under Section 6 and providing documents required in those forms. In order to award a contract to a Bidder, its qualifications must be documented to UNDP's satisfaction.</p>
<i>10. Technical Proposal Format and Content</i>	<p>10.1 The Bidder is required to submit a Technical Proposal using the Standard Forms and templates provided in Section 6 of the RFP.</p> <p>10.2 The Technical Proposal shall not include any price or financial information. A Technical Proposal containing material financial information may be declared non-responsive.</p> <p>10.3 Samples of items, when required as per Section 5, shall be provided within the time specified and unless otherwise specified by UNDP, and at no expense to UNDP</p> <p>10.4 When applicable and required as per Section 5, the Bidder shall describe the necessary training programme available for the maintenance and operation of the services and/or equipment offered as well as the cost to the UNDP. Unless otherwise specified, such training as well as training materials shall be provided in the language of the Bid as specified in the BDS.</p>
<i>11. Financial Proposals</i>	<p>11.1 The Financial Proposal shall be prepared using the Standard Form provided in Section 6 of the RFP. It shall list all major cost components associated with the services, and the detailed breakdown of such costs.</p> <p>11.2 Any output and activities described in the Technical Proposal but not priced in the Financial Proposal, shall be assumed to be included in the prices of other activities or items, as well as in the final total price.</p> <p>11.3 Prices and other financial information must not be disclosed in any other place except in the financial proposal.</p>
<i>12. Proposal Security</i>	<p>12.1 A Proposal Security, if required by BDS, shall be provided in the amount and form indicated in the BDS. The Proposal Security shall be valid up to thirty (30) days after the final date of validity of the Proposal.</p> <p>12.2 The Proposal Security shall be included along with the Technical Proposal. If Proposal Security is required by the RFP but is not found along with the Technical Proposal, the Proposal shall be rejected.</p> <p>12.3 If the Proposal Security amount or its validity period is found to be less than what is required by UNDP, UNDP shall reject the Proposal.</p> <p>12.4 In the event an electronic submission is allowed in the BDS, Bidders shall include a copy of the Bid Security in their proposal and the original of the Proposal Security must be sent via courier or hand delivery as per the instructions in BDS.</p> <p>12.5 The Proposal Security may be forfeited by UNDP, and the Proposal rejected, in the event of any one or combination, of the following conditions:</p> <ul style="list-style-type: none"> <li>a) If the Bidder withdraws its offer during the period of the Proposal Validity specified in the BDS, or;</li> <li>b) In the event that the successful Bidder fails:</li> </ul>

	<p>i. to sign the Contract after UNDP has issued an award; or</p> <p>12.6 to furnish the Performance Security, insurances, or other documents that UNDP may require as a condition precedent to the effectivity of the contract that may be awarded to the Bidder.</p>
<p>13. <i>Currencies</i></p>	<p>13.1 All prices shall be quoted in the currency or currencies indicated in the BDS. Where Proposals are quoted in different currencies, for the purposes of comparison of all Proposals:</p> <p>a) UNDP will convert the currency quoted in the Proposal into the UNDP preferred currency, in accordance with the prevailing UN operational rate of exchange on the last day of submission of Proposals; and</p> <p>b) In the event that UNDP selects a proposal for award that is quoted in a currency different from the preferred currency in the BDS, UNDP shall reserve the right to award the contract in the currency of UNDP's preference, using the conversion method specified above.</p>
<p>14. <i>Joint Venture, Consortium or Association</i></p>	<p>14.1 If the Bidder is a group of legal entities that will form or have formed a Joint Venture (JV), Consortium or Association for the Proposal, they shall confirm in their Proposal that: (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the JV, Consortium or Association jointly and severally, which shall be evidenced by a duly notarized Agreement among the legal entities, and submitted with the Proposal; and (ii) if they are awarded the contract, the contract shall be entered into, by and between UNDP and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.</p> <p>14.2 After the Deadline for Submission of Proposal, the lead entity identified to represent the JV, Consortium or Association shall not be altered without the prior written consent of UNDP.</p> <p>14.3 The lead entity and the member entities of the JV, Consortium or Association shall abide by the provisions of Clause 9 herein in respect of submitting only one proposal.</p> <p>14.4 The description of the organization of the JV, Consortium or Association must clearly define the expected role of each of the entity in the joint venture in delivering the requirements of the RFP, both in the Proposal and the JV, Consortium or Association Agreement. All entities that comprise the JV, Consortium or Association shall be subject to the eligibility and qualification assessment by UNDP.</p> <p>14.5 A JV, Consortium or Association in presenting its track record and experience should clearly differentiate between:</p> <p>a) Those that were undertaken together by the JV, Consortium or Association; and</p> <p>b) Those that were undertaken by the individual entities of the JV, Consortium or Association.</p> <p>14.6 Previous contracts completed by individual experts working privately but who are permanently or were temporarily associated with any of the member firms cannot be claimed as the experience of the JV, Consortium or Association or those of its members, but should only be claimed by the individual experts themselves in their presentation of their individual credentials.</p> <p>14.7 JV, Consortium or Associations are encouraged for high value, multi-sectoral requirements when the spectrum of expertise and resources required may not be available within one firm.</p>



<p><b>15. Only One Proposal</b></p>	<p>15.1 The Bidder (including the individual members of any Joint Venture) shall submit only one Proposal, either in its own name or as part of a Joint Venture.</p> <p>15.2 Proposals submitted by two (2) or more Bidders shall all be rejected if they are found to have any of the following:</p> <ul style="list-style-type: none"> <li>a) they have at least one controlling partner, director or shareholder in common; or</li> <li>b) any one of them receive or have received any direct or indirect subsidy from the other/s; or</li> <li>c) they have the same legal representative for purposes of this RFP; or</li> <li>d) they have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about, or influence on the Proposal of, another Bidder regarding this RFP process;</li> <li>e) they are subcontractors to each other's Proposal, or a subcontractor to one Proposal also submits another Proposal under its name as lead Bidder; or</li> <li>f) some key personnel proposed to be in the team of one Bidder participates in more than one Proposal received for this RFP process. This condition relating to the personnel, does not apply to subcontractors being included in more than one Proposal.</li> </ul>
<p><b>16. Proposal Validity Period</b></p>	<p>16.1 Proposals shall remain valid for the period specified in the BDS, commencing on the Deadline for Submission of Proposals. A Proposal valid for a shorter period may be rejected by UNDP and rendered non-responsive.</p> <p>16.2 During the Proposal validity period, the Bidder shall maintain its original Proposal without any change, including the availability of the Key Personnel, the proposed rates and the total price.</p>
<p><b>17. Extension of Proposal Validity Period</b></p>	<p>17.1 In exceptional circumstances, prior to the expiration of the proposal validity period, UNDP may request Bidders to extend the period of validity of their Proposals. The request and the responses shall be made in writing, and shall be considered integral to the Proposal.</p> <p>17.2 If the Bidder agrees to extend the validity of its Proposal, it shall be done without any change in the original Proposal.</p> <p>17.3 The Bidder has the right to refuse to extend the validity of its Proposal, and in which case, such Proposal will not be further evaluated.</p>
<p><b>18. Clarification of Proposal</b></p>	<p><b>18.1</b> Bidders may request clarifications on any of the RFP documents no later than the date indicated in the BDS. Any request for clarification must be sent in writing in the manner indicated in the BDS. If inquiries are sent other than specified channel, even if they are sent to a UNDP staff member, UNDP shall have no obligation to respond or confirm that the query was officially received.</p> <p><b>18.2</b> UNDP will provide the responses to clarifications through the method specified in the BDS.</p> <p>18.3 UNDP shall endeavor to provide responses to clarifications in an expeditious manner, but any delay in such response shall not cause an obligation on the part of UNDP to extend the submission date of the Proposals, unless UNDP deems that such an extension is justified and necessary.</p>
<p><b>19. Amendment of Proposals</b></p>	<p>19.1 At any time prior to the deadline of Proposal submission, UNDP may for any reason, such as in response to a clarification requested by a Bidder, modify the RFP in the form of an amendment to the RFP. Amendments will be made available to all prospective bidders.</p>

	19.2 If the amendment is substantial, UNDP may extend the Deadline for submission of proposal to give the Bidders reasonable time to incorporate the amendment into their Proposals.
20. <i>Alternative Proposals</i>	<p>20.1 Unless otherwise specified in the BDS, alternative proposals shall not be considered. If submission of alternative proposal is allowed by BDS, a Bidder may submit an alternative proposal, but only if it also submits a proposal conforming to the RFP requirements. UNDP shall only consider the alternative proposal offered by the Bidder whose conforming proposal ranked the highest as per the specified evaluation method. Where the conditions for its acceptance are met, or justifications are clearly established, UNDP reserves the right to award a contract based on an alternative proposal.</p> <p>20.2 If multiple/alternative proposals are being submitted, they must be clearly marked as "Main Proposal" and "Alternative Proposal"</p>
21. <i>Pre-Bid Conference</i>	21.1 When appropriate, a Bidder's conference will be conducted at the date, time and location specified in the BDS. All Bidders are encouraged to attend. Non-attendance, however, shall not result in disqualification of an interested Bidder. Minutes of the Bidder's conference will be disseminated on the procurement website and shared by email or on the e-Tendering platform as specified in the BDS. No verbal statement made during the conference shall modify the terms and conditions of the RFP, unless specifically incorporated in the Minutes of the Bidder's Conference or issued/posted as an amendment to RFP.
<b>C. SUBMISSION AND OPENING OF PROPOSALS</b>	
22. <i>Submission</i>	<p>22.1 The Bidder shall submit a duly signed and complete Proposal comprising the documents and forms in accordance with the requirements in the BDS. The submission shall be in the manner specified in the BDS.</p> <p>22.2 The Proposal shall be signed by the Bidder or person(s) duly authorized to commit the Bidder. The authorization shall be communicated through a document evidencing such authorization issued by the legal representative of the bidding entity, or a Power of Attorney, accompanying the Proposal.</p> <p>22.3 Bidders must be aware that the mere act of submission of a Proposal, in and of itself, implies that the Bidder fully accepts the UNDP General Contract Terms and Conditions.</p>
<b>Hard copy (manual) submission</b>	<p>22.4 Hard copy (manual) submission by courier or hand delivery allowed or specified in the BDS shall be governed as follows:</p> <ul style="list-style-type: none"> <li>a) The signed Proposal shall be marked "Original", and its copies marked "Copy" as appropriate. The number of copies is indicated in the BDS. All copies shall be made from the signed original only. If there are discrepancies between the original and the copies, the original shall prevail.</li> <li>b) The Technical Proposal and the Financial Proposal envelopes MUST BE COMPLETELY SEPARATE and each of them must be submitted sealed individually and clearly marked on the outside as either "TECHNICAL PROPOSAL" or "FINANCIAL PROPOSAL", as appropriate. Each envelope SHALL clearly indicate the name of the Bidder. The outer envelopes shall: <ul style="list-style-type: none"> <li>i. Bear the name and address of the bidder;</li> <li>ii. Be addressed to UNDP as specified in the BDS</li> </ul> </li> </ul>



<i>Proposals</i>	<p>Proposal by sending a written notice to UNDP, duly signed by an authorized representative, and shall include a copy of the authorization (or a Power of Attorney). The corresponding substitution or modification of the Proposal, if any, must accompany the respective written notice. All notices must be submitted in the same manner as specified for submission of proposals, by clearly marking them as "WITHDRAWAL" "SUBSTITUTION," or "MODIFICATION"</p> <p>24.3 eTendering: A Bidder may withdraw, substitute or modify its Proposal by Canceling, Editing, and re-submitting the proposal directly in the system. It is the responsibility of the Bidder to properly follow the system instructions, duly edit and submit a substitution or modification of the Proposal as needed. Detailed instructions on how to cancel or modify a Proposal directly in the system are provided in Bidder User Guide and Instructional videos.</p> <p>24.4 Proposals requested to be withdrawn shall be returned unopened to the Bidders (only for manual submissions), except if the bid is withdrawn after the bid has been opened</p>
<i>25. Proposal Opening</i>	<p>25.1 There is no public bid opening for RFPs. UNDP shall open the Proposals in the presence of an ad-hoc committee formed by UNDP, consisting of at least two (2) members. In the case of e-Tendering submission, bidders will receive an automatic notification once their proposal is opened.</p>
<b>D. EVALUATION OF PROPOSALS</b>	
<i>26. Confidentiality</i>	<p>26.1 Information relating to the examination, evaluation, and comparison of Proposals, and the recommendation of contract award, shall not be disclosed to Bidders or any other persons not officially concerned with such process, even after publication of the contract award.</p> <p>26.2 Any effort by a Bidder or anyone on behalf of the Bidder to influence UNDP in the examination, evaluation and comparison of the Proposals or contract award decisions may, at UNDP's decision, result in the rejection of its Proposal and may be subject to the application of prevailing UNDP's vendor sanctions procedures.</p>
<i>27. Evaluation of Proposals</i>	<p>27.1 The Bidder is not permitted to alter or modify its Proposal in any way after the proposal submission deadline except as permitted under Clause 24 of this RFP. UNDP will conduct the evaluation solely on the basis of the submitted Technical and Financial Proposals.</p> <p>27.2 Evaluation of proposals is made of the following steps:</p> <ol style="list-style-type: none"> <li>Preliminary Examination</li> <li>Minimum Eligibility and Qualification (if pre-qualification is not done)</li> <li>Evaluation of Technical Proposals</li> <li>Evaluation of Financial Proposals</li> </ol>
<i>28. Preliminary Examination</i>	<p>28.1 UNDP shall examine the Proposals to determine whether they are complete with respect to minimum documentary requirements, whether the documents have been properly signed, and whether the Proposals are generally in order, among other indicators that may be used at this stage. UNDP reserves the right to reject any Proposal at this stage.</p>
<i>29. Evaluation of Eligibility and Qualification</i>	<p>29.1 Eligibility and Qualification of the Bidder will be evaluated against the Minimum Eligibility/Qualification requirements specified in the Section 4 (Evaluation Criteria).</p> <p>29.2 In general terms, vendors that meet the following criteria may be considered qualified:</p> <ol style="list-style-type: none"> <li>They are not included in the UN Security Council 1267/1989 Committee's</li> </ol>

	<p>list of terrorists and terrorist financiers, and in UNDP's ineligible vendors' list;</p> <ul style="list-style-type: none"> <li>b) They have a good financial standing and have access to adequate financial resources to perform the contract and all existing commercial commitments,</li> <li>c) They have the necessary similar experience, technical expertise, production capacity where applicable, quality certifications, quality assurance procedures and other resources applicable to the provision of the services required;</li> <li>d) They are able to comply fully with UNDP General Terms and Conditions of Contract;</li> <li>e) They do not have a consistent history of court/arbitral award decisions against the Bidder; and</li> <li>f) They have a record of timely and satisfactory performance with their clients.</li> </ul>
<p>30. <i>Evaluation of Technical and Financial Proposals</i></p>	<p>30.1 The evaluation team shall review and evaluate the Technical Proposals on the basis of their responsiveness to the Terms of Reference and other RFP documents, applying the evaluation criteria, sub-criteria, and point system specified in the Section 4 (Evaluation Criteria). A Proposal shall be rendered non-responsive at the technical evaluation stage if it fails to achieve the minimum technical score indicated in the BDS. When necessary and if stated in the BDS, UNDP may invite technically responsive bidders for a presentation related to their technical proposals. The conditions for the presentation shall be provided in the bid document where required.</p> <p>30.2 In the second stage, only the Financial Proposals of those Bidders who achieve the minimum technical score will be opened for evaluation. The Financial Proposals corresponding to Technical Proposals that were rendered non-responsive shall remain unopened, and, in the case of manual submission, be returned to the Bidder unopened. For emailed Proposals and e-tendering submissions, UNDP will not request for the password of the Financial Proposals of bidders whose Technical Proposal were found not responsive.</p> <p>30.3 The evaluation method that applies for this RFP shall be as indicated in the BDS, which may be either of two (2) possible methods, as follows: (a) the lowest priced method which selects the lowest evaluated financial proposal of the technically responsive Bidders; or (b) the combined scoring method which will be based on a combination of the technical and financial score.</p> <p>30.4 When the BDS specifies a combined scoring method, the formula for the rating of the Proposals will be as follows:</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p><u>Rating the Technical Proposal (TP):</u></p> <p style="text-align: center;"><b>TP Rating</b> = (Total Score Obtained by the Offer / Max. Obtainable Score for TP) x 100</p> <p><u>Rating the Financial Proposal (FP):</u></p> <p style="text-align: center;"><b>FP Rating</b> = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100</p> <p><u>Total Combined Score:</u></p> <p style="text-align: center;"><b>Combined Score</b> = (TP Rating) x (Weight of TP, e.g. 70%) + (FP Rating) x (Weight of FP, e.g., 30%)</p> </div>

<p>31. <i>Due Diligence</i></p>	<p>31.1 UNDP reserves the right to undertake a due diligence exercise, also called post qualification, aimed at determining to its satisfaction, the validity of the information provided by the Bidder. Such exercise shall be fully documented and may include, but need not be limited to, all or any combination of the following:</p> <ul style="list-style-type: none"> <li>a) Verification of accuracy, correctness and authenticity of information provided by the Bidder;</li> <li>b) Validation of extent of compliance to the RFP requirements and evaluation criteria based on what has so far been found by the evaluation team;</li> <li>c) Inquiry and reference checking with Government entities with jurisdiction on the Bidder, or with previous clients, or any other entity that may have done business with the Bidder;</li> <li>d) Inquiry and reference checking with previous clients on the performance on on-going or contracts completed, including physical inspections of previous works, as necessary;</li> <li>e) Physical inspection of the Bidder's offices, branches or other places where business transpires, with or without notice to the Bidder;</li> <li>f) Other means that UNDP may deem appropriate, at any stage within the selection process, prior to awarding the contract.</li> </ul>
<p>32. <i>Clarification of Proposals</i></p>	<p>32.1 To assist in the examination, evaluation and comparison of Proposals, UNDP may, at its discretion, ask any Bidder for a clarification of its Proposal.</p> <p>32.2 UNDP's request for clarification and the response shall be in writing and no change in the prices or substance of the Proposal shall be sought, offered, or permitted, except to provide clarification, and confirm the correction of any arithmetic errors discovered by UNDP in the evaluation of the Proposals, in accordance with RFP.</p> <p>32.3 Any unsolicited clarification submitted by a Bidder in respect to its Proposal, which is not a response to a request by UNDP, shall not be considered during the review and evaluation of the Proposals.</p>
<p>33. <i>Responsiveness of Proposal</i></p>	<p>33.1 UNDP's determination of a Proposal's responsiveness will be based on the contents of the Proposal itself. A substantially responsive Proposal is one that conforms to all the terms, conditions, TOR and other requirements of the RFP without material deviation, reservation, or omission.</p> <p>33.2 If a Proposal is not substantially responsive, it shall be rejected by UNDP and may not subsequently be made responsive by the Bidder by correction of the material deviation, reservation, or omission.</p>
<p>34. <i>Nonconformities, Reparable Errors and Omissions</i></p>	<p>34.1 Provided that a Proposal is substantially responsive, UNDP may waive any non-conformities or omissions in the Proposal that, in the opinion of UNDP, do not constitute a material deviation.</p> <p>34.2 UNDP may request the Bidder to submit the necessary information or documentation, within a reasonable period of time, to rectify nonmaterial nonconformities or omissions in the Proposal related to documentation requirements. Such omission shall not be related to any aspect of the price of the Proposal. Failure of the Bidder to comply with the request may result in the rejection of its Proposal.</p> <p>34.3 For Financial Proposal that has been opened, UNDP shall check and correct arithmetical errors as follows:</p> <ul style="list-style-type: none"> <li>a) if there is a discrepancy between the unit price and the line item total that is obtained by multiplying the unit price by the quantity, the unit price shall prevail and the line item total shall be corrected, unless in the opinion</li> </ul>

	<p>of UNDP there is an obvious misplacement of the decimal point in the unit price; in which case the line item total as quoted shall govern and the unit price shall be corrected;</p> <p>b) if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and</p> <p>c) if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail.</p> <p>34.4 If the Bidder does not accept the correction of errors made by UNDP, its Proposal shall be rejected.</p>
<b>E. AWARD OF CONTRACT</b>	
35. <i>Right to Accept, Reject, Any or All Proposals</i>	35.1 UNDP reserves the right to accept or reject any Proposal, to render any or all of the Proposals as non-responsive, and to reject all Proposals at any time prior to award of contract, without incurring any liability, or obligation to inform the affected Bidder(s) of the grounds for UNDP's action. UNDP shall not be obliged to award the contract to the lowest priced offer.
36. <i>Award Criteria</i>	36.1 Prior to expiration of the proposal validity, UNDP shall award the contract to the qualified Bidder based on the award criteria indicated in the BDS.
37. <i>Debriefing</i>	37.1 In the event that a Bidder is unsuccessful, the Bidder may request a debriefing from UNDP. The purpose of the debriefing is to discuss the strengths and weaknesses of the Bidder's submission, in order to assist the Bidder in improving its future proposals for UNDP procurement opportunities. The content of other proposals and how they compare to the Bidder's submission shall not be discussed.
38. <i>Right to Vary Requirements at the Time of Award</i>	38.1 At the time of award of Contract, UNDP reserves the right to vary the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.
39. <i>Contract Signature</i>	39.1 Within fifteen (15) days from the date of receipt of the Contract, the successful Bidder shall sign and date the Contract and return it to UNDP. Failure to do so may constitute sufficient grounds for the annulment of the award, and forfeiture of the Proposal Security, if any, and on which event, UNDP may award the Contract to the Second Ranked Bidder or call for new Proposals.
40. <i>Contract Type and General Terms and Conditions</i>	40.1 The types of Contract to be signed and the applicable UNDP Contract General Terms and Conditions, as specified in BDS, can be accessed at <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
41. <i>Performance Security</i>	41.1 40.1 A performance security, if required in BDS, shall be provided in the amount specified in BDS and form available at <a href="https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&amp;action=default">https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Solicitation_Performance%20Guarantee%20Form.docx&amp;action=default</a> within fifteen (15) days of the contract signature by both parties. Where a performance security is required, the receipt of the performance security by UNDP shall be a condition for rendering the contract



	effective.
42. <i>Bank Guarantee for Advanced Payment</i>	42.1 Except when the interests of UNDP so require, it is UNDP's preference to make no advance payment(s) (i.e., payments without having received any outputs). If an advance payment is allowed as per BDS, and exceeds 20% of the total contract price, or USD 30,000, whichever is less, the Bidder shall submit a Bank Guarantee in the full amount of the advance payment in the form available at <a href="https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&amp;action=default">https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Contract%20Management%20Payment%20and%20Taxes_Advanced%20Payment%20Guarantee%20Form.docx&amp;action=default</a>
43. <i>Liquidated Damages</i>	43.1 If specified in BDS, UNDP shall apply Liquidated Damages resulting from the Contractor's delays or breach of its obligations as per the Contract.
44. <i>Payment Provisions</i>	44.1 Payment will be made only upon UNDP's acceptance of the work performed. The terms of payment shall be within thirty (30) days, after receipt of invoice and certification of acceptance of work issued by the proper authority in UNDP with direct supervision of the Contractor. Payment will be effected by bank transfer in the currency of contract.
45. <i>Vendor Protest</i>	45.1 UNDP's vendor protest procedure provides an opportunity for appeal to those persons or firms not awarded a contract through a competitive procurement process. In the event that a Bidder believes that it was not treated fairly, the following link provides further details regarding UNDP vendor protest procedures: <a href="http://www.undp.org/content/undp/en/home/operations/procurement/business/protest-and-sanctions.html">http://www.undp.org/content/undp/en/home/operations/procurement/business/protest-and-sanctions.html</a>
46. <i>Other Provisions</i>	<p>46.1 In the event that the Bidder offers a lower price to the host Government (e.g. General Services Administration (GSA) of the federal government of the United States of America) for similar services, UNDP shall be entitled to same lower price. The UNDP General Terms and Conditions shall have precedence.</p> <p>46.2 UNDP is entitled to receive the same pricing offered by the same Contractor in contracts with the United Nations and/or its Agencies. The UNDP General Terms and Conditions shall have precedence.</p> <p>46.3 The United Nations has established restrictions on employment of (former) UN staff who have been involved in the procurement process as per bulletin ST/SGB/2006/15 <a href="http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&amp;referer">http://www.un.org/en/ga/search/view_doc.asp?symbol=ST/SGB/2006/15&amp;referer</a></p>



## SECTION 3. BID DATA SHEET

The following data for the services to be procured shall complement, supplement, or amend the provisions in the Request for Proposals. In the case of a conflict between the Instructions to Bidders, the Data Sheet, and other annexes or references attached to the Data Sheet, the provisions in the Data Sheet shall prevail.

BDS No.	Ref. to Section.2	Data	Specific Instructions / Requirements
1	7	Language of the Proposal	English
2		Submitting Proposals for Parts or sub-parts of the TOR (partial bids)	Not Allowed
3	20	Alternative Proposals	Shall not be considered
4	21	Pre-proposal conference	Will not be Conducted;
5	10	Proposal Validity Period	150 days
6	14	Bid Security	<b>Not Required</b>
7	41	Advanced Payment upon signing of contract	Not Allowed
8	42	Liquidated Damages	Will be imposed as follows: The Contractor's delays or breach of its obligations specified in the Contract, 0.5% of the contract amount per day will be applied.
9	40	Performance Security	<b>Not Required</b>
10	18	Currency of Proposal	United States Dollar
11	31	Deadline for submitting requests for clarifications/ questions	15 days before the submission deadline;
12	31	Contact Details for submitting clarifications/questions	Focal Person in UNDP: MG; Address: <b>UNDP Ethiopia Country Office; Procurement Unit; ECA Compound, Addis Ababa, Ethiopia;</b> E-mail address: <b>info.procurementet@undp.org</b>

13	18, 19 and 21	Manner of Disseminating Supplemental Information to the RFP and responses/clarifications to queries	Posted directly to eTendering
14	23	Deadline for Submission	eTendering submission - as indicated in eTendering system. Note that system time zone is in EST/EDT (New York) time zone.
14	22	Allowable Manner of Submitting Proposals	e-Tendering
15	22	Proposal Submission Address	<u>For eTendering method, keep link below and insert Event ID information: <a href="https://etendering.partneragencies.org/ETH10/ETH1939">https://etendering.partneragencies.org/ETH10/ETH1939</a>;</u>
16	22	Electronic submission (email or eTendering) requirements	<ul style="list-style-type: none"> <li>▪ Format: PDF files only</li> <li>▪ File names must be maximum 60 characters long and must not contain any letter or special character other than from Latin alphabet/keyboard.</li> <li>▪ All files must be free of viruses and not corrupted.</li> <li>▪ Password for technical proposal <u>must</u> not be provided to UNDP until the date as indicated in No. 14 (<i>for email submission only</i>)</li> <li>▪ Password for financial proposal <u>must</u> not be provided to UNDP until requested by UNDP;</li> <li>▪ Max. File Size per transmission: 10MB;</li> <li>▪ Mandatory subject of email: <b>ETH1939</b>;</li> </ul>
17	27 36	Evaluation Method for the Award of Contract	<p>Combined Scoring Method, using the 70%-30% distribution for technical and financial proposals respectively</p> <p>The minimum technical score required to pass is 70%.</p>
18		Expected date for commencement of Contract	<i>November 20, 2019</i>
19		Maximum expected duration of contract	Five Months;
20	35	UNDP will award the contract to:	One Proposer Only
21	39	Type of Contract	<p>Purchase Order and Contract for Services for UNDP</p> <p><a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a></p>

22	39	UNDP Contract Terms and Conditions that will apply	UNDP General Terms and Conditions for Professional Services <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
23		Other Information Related to the RFP	<i>None;</i>

## SECTION 4. EVALUATION CRITERIA

### Preliminary Examination Criteria

Proposals will be examined to determine whether they are complete and submitted in accordance with RFP requirements as per below criteria on a Yes/No basis:

- Appropriate signatures;
- Power of Attorney;
- Minimum documents provided;
- Technical and Financial Proposals submitted separately;
- Bid Validity;
- Bid Security;

### Minimum Eligibility and Qualification Criteria

Eligibility and Qualification will be evaluated on Pass/Fail basis.

If the Proposal is submitted as a Joint Venture/Consortium/Association, each member should meet minimum criteria, unless otherwise specified in the criterion.

Subject	Criteria	Document Submission requirement
<b>ELIGIBILITY</b>		
<b>Legal Status</b>	Vendor is a legally registered entity.	Form B: Bidder Information Form
<b>Eligibility</b>	Vendor is not suspended, nor debarred, nor otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization in accordance with ITB clause 3.	Form A: Technical Proposal Submission Form
<b>Conflict of Interest</b>	No conflicts of interest in accordance with ITB clause 4.	Form A: Technical Proposal Submission Form
<b>Bankruptcy</b>	Not declared bankruptcy, not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against the vendor that could impair its operations in the foreseeable future.	Form A: Technical Proposal Submission Form
<b>QUALIFICATION</b>		
<b>History of Non-Performing Contracts<sup>1</sup></b>	Non-performance of a contract did not occur as a result of contractor default for the last 3 years.	Form D: Qualification Form
<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Bidder for the last 3 years.	Form D: Qualification Form
<b>Previous Experience</b>	Minimum 10 years of relevant experience.	Form D: Qualification Form
	Minimum USD 300,000 contracts of similar value, nature and complexity implemented over the last Three years.	Form D: Qualification Form

<sup>1</sup> Non-performance, as decided by UNDP, shall include all contracts where (a) non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

	<i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	
<b>Financial Standing</b>	Minimum average annual turnover of USD 300,000 for the last 3 years. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form
	Bidder must demonstrate the current soundness of its financial standing and indicate its prospective long-term profitability. <i>(For JV/Consortium/Association, all Parties cumulatively should meet requirement).</i>	Form D: Qualification Form

## Technical Evaluation Criteria

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
<b>T O T A L</b>		<b>100%</b>	<b>1000</b>

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 - Financial Stability - Age/size/ of the firm - Strength of the Project Management Support - Project Financing Capacity - Project Management Control	90
1.3	Extent to which any work could 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: - Specialized Knowledge/education - Experience on Similar Programme / Projects - Experience on engagement on similar assignments in the Region (East Africa/Horn of Africa) - Work for the UN/ major multilateral/ or bilateral Agencies	120
<b>S U B T O T A L</b>		<b>300</b>
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 Qualifications Suitability for the Project	
	- International experience	25
	- Training experience	20
	- Professional experience in the area of specialization	45
	- Knowledge of region (East Africa/ Horn of Africa)	30
	- Language qualification	20
SUB TOTAL		140
3.2	Senior Experts General Qualification Suitability for the project	
	- International experience	15
	- Training experience	15
	- Professional experience in the area of specialization	45
	- Knowledge of the region	25
	- Language qualification	20
SUB TOTAL		120
3.3	Project Staff/ Associate Consultant(s) General Qualification Suitability for the project	
	- International experience	5
	- Training experience	5
	- Professional experience in the area of specialization	10
	- Knowledge of the region	10
	- Language qualification	10
SUB TOTAL		40
	Aggregate	1000

## Section 5. Terms of Reference

### For RECRUITMENT OF CONSULTING FIRM TO UNDETAKE A RAPID COMPREHENSIVE JUSTICE SECTOR ASSESSMENT IN ETHIOPIA

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#### I. GENERAL INFORMATION

<b>Services/Work Description:</b>	Joint UN Rapid Justice Sector Assessment
<b>Project/Program Title:</b>	Governance and Democratic Participation Programme
<b>Duty Station:</b>	Addis Ababa with travel to Regional States
<b>Type of the Contract:</b>	Consulting Firm
<b>Duration:</b>	Five Months
<b>Responsible GoE Unit:</b>	Joint Justice Sector Steering Committee (JSSC)
<b>Expected Start Date:</b>	Immediately after signing of the contract

#### II. BACKGROUND AND CONTEXT

The Government of Ethiopia has launched series of bold and comprehensive reforms since April 2018. New initiatives aimed at broadening democratic participation, strengthening justice and rule of law, creating accountable systems of governance have been undertaken. Reforms introduced in the Justice Sector included legislative reviews, structural and leadership changes in key justice institutions at least at federal level.

In July 2018, Legal and Justice Affairs Advisory Council, composed of independent academic and legal practitioners was formed to support the effort of the Federal Attorney General in reviewing and providing advice on all key legislation and justice sector reforms. Likewise, the Federal Supreme Court has set up the Judicial Advisory Council on judicial matters to examine and overhaul the judicial system. The Advisory Council comprises of legal professionals who render services to the reform process on a voluntary basis. Similar reforms are underway to support the child justice related works of the Ministry of Women, Children and Youth. The Ethiopian Human Rights Commission has also started a reform program including the revision of its establishment law with a support of Advisory Working Group setup through the Legal and Justice Affairs Advisory Council.

To date the Government have indicated that the following thematic areas need to be addressed as part of the wider efforts to reform the Justice Sector;

- a) Advancement of respect for fundamental rights and institutional accountability,
- b) Promoting integrated justice delivery
- c) Improving criminal justice services
- d) Promoting Civil Justice Service
- e) Raising public awareness and understanding of the law

Parallel reform efforts are also underway in the ten regions and two city administrations forming the



Ethiopian federation. Nonetheless, the justice system reform initiatives within the regional states is not at the scope and level of the undertaking at the federal level. In this context, it is important to ensure that the reform process is comprehensive and addresses the needs of all with no one left behind.

The reforms initiated by the Ethiopian Government are also supported by a wide range of development partners working in the country. Among these, several UN entities are playing an important part in supporting these ongoing reform initiatives. In view of the need to ensure complementarities, five UN agencies (UNODC, UNDP, UNICEF, UN WOMEN, and OHCHR) have agreed to further support an in-depth joint justice system assessment which will provide comprehensive information on the status of the justice system in Ethiopia and inform key interventions that complement the ongoing reform initiatives.

To undertake this assessment, UNDP with the above-mentioned UN agencies would like to commission the service of consulting firm to carry out a rapid Justice Sector Assessment within the framework of this TOR.

### III. OBJECTIVE OF THE SERVICE

The consultancy will adopt a phased approach;

1. The main objective of the consultancy in the first phase is to undertake a rapid comprehensive justice sector assessment in Ethiopia covering all the key justice institutions including police, prosecution, the judiciary and the prison system and capture the current policy framework/standards/institutional set ups/implementation practices which are directly related to justice sector reform in Ethiopia. The assessment should also cover other relevant institutions or organs that have an impact on the justice sector. Due attention should be given as to how the justice system addresses the special context of vulnerable groups;
2. The second phase deals with elaboration of a broad justice sector-wide programme framework document. The rapid assessment findings and recommendations will help inform the design and scope of a possible programmatic response to justice sector reforms in Ethiopia.

The assessment would look at the system as a whole as an interrelated and interdependent entity to inform effective justice system reform at all levels. The assessment will provide a better understanding of where the capacity gaps are so it will consider both process and product. The process investigates and analyzes the condition, situation, or problems in the justice system in Ethiopia. The product will be a picture of a system. After laws change or reforms have been implemented, the system will begin to change. The rapid justice sector assessment will also identify whether there is a need for further revisiting of “deeper dive” evaluations. The assessment will be a basis for tracking this and other changes as well as a baseline against which to measure progress in the subsequent project. The assessment will play an important role in keeping the change and reform process on track and in evaluating the impact of the reforms.

The assessment is also expected to identify potential entry points across the justice sector and recommend specific areas for reform elaborating the possible short, medium and long-term reform initiatives with the aim of supporting the Government of Ethiopia in ensuring coherence across all the steps and promoting evidence-based justice system reform policies and programs. This will become the “**Justice Sector Roadmap**”. The recommendations will be the basis for UN agencies' support to the Ethiopian government in the area of justice reform.

#### **IV. SCOPE OF THE ASSESSMENT**

The assessment will cover the breadth of the entire Justice Sector both at Federal and Regional level. It will include key components and activities implemented by the implementing partners, including a wide range of partners both at Federal and Regional level including: Federal and Regional Police Commissions, Addis Ababa Police Commission, Federal Office of the Attorney General (FOAG) and its regional counterparts, Federal and Regional Prisons Administrations, Federal Supreme Court (including the Child Justice Project Office) and Regional Court Arrangements, Justice and Legal Systems Research and Training Institute and its regional arrangements, Federal Ethics and Anti-Corruption Commission and its regional arrangements, Ethiopian Institution of the Ombudsman (EIO), the Ethiopian Human Rights Commission (EHRC), the Houses of Peoples Representatives, the Ministry of Peace, Ministry of Women, Children and Youth Affairs and its regional counterparts, as well as regional counterparts and other relevant justice bodies and coordination and working groups; Academic Institutions, Legal aid providers (including public defenders' office), CSOs, Traditional/Customary and Alternative Dispute Resolution Institutions; UN agencies (UNODC, UNDP, UNICEF, UN WOMEN, OHCHR); Traditional and Religious courts (sharia courts), and other relevant stakeholders with their regional counterparts. The consultants are expected to also identify those partners/justice sector organisations that warrant a "deeper dive" analysis as outlined above III Objective of the Service.

#### **V. METHODOLOGY**

The assessment should include a mix of methods and methodologies that enable capturing of various experiences, views and reflections. Hence, it needs to use various methods such as key informants' interviews for high officials, Focus Group Discussions for experts, in-depth interviews for service seekers, offenders (including juveniles), analysis of files, etc., and utilize both primary and secondary resources. The assessment requires active engagement of key partners including but not limited to Governmental, NGOs and UN agencies that are mandated and are directly working on justice issues in the country.

The assessment would be conducted in a participatory way incorporating inputs from wide array of actors and stakeholders to serve as a reference point and basis for any justice system intervention in Ethiopia.

The assignment is required to be undertaken by a consultancy firm that should have adequate knowledge and experience on justice sector reform, research and program development in Ethiopia or other country with similar context.

With the impact of the ongoing COVID-19 pandemic globally including Ethiopia, the consultancy firm will need to devise a methodological approach that is able to bring international comparative best practices of justice sector reforms but augmented by strong local based team presence who will be able to undertake FGDs, KIIs and other face to face activities in country to ensure that travel/office closures and other restrictions related to the social distancing provisions do not adversely affect the overall quality of the assessment.

## VI. EXPECTED OUTPUT OF THE ASSIGNMENT/DELIVERABLES

The consultant will present the draft inception Report upon completion of the desk review and preliminary assessment, with clear methodology and work plan. This draft will be subjected to comment by the Interagency Technical Working Group (TWG) which coordinates the efforts of UN Agencies on the matter. The newly formed Justice Sector Joint Technical Team will similarly review the emerging findings from the assignment.

All other deliverables of the consultant will also undergo similar review process by the TWG and endorsement by the HOAs and the GoE Justice Sector Joint Technical Team.

All the deliverables should provide special attention to rights of Women and Children and integrate the issues of other vulnerable groups.

### DELIVERABLE A: INCEPTION REPORT

The consultant is tasked with preparing and presenting an initial report (inception report) to the TWG and the GoE Justice Sector Joint Technical Team. It should contain:

- 1) A list of the persons consulted during initial consultations along with copies of information collected and list of consulted legislation and other relevant documentations;
- 2) An analysis of the information obtained through desk review and through meetings already held;
- 3) A narrative addressing the methodology to be adopted in undertaking the assessment including collection of qualitative data and consultations with stakeholders;
- 4) A work plan outlining the activities planned and how they contribute to achieving the outputs identified.

The list of initial meetings with key justice sector actors will be conducted bilaterally (by holding meetings with the selected key institutions and individuals) or in a group setting in a form of consultative meeting (Technical and Leadership Level). This should be reflected in the technical proposal to be submitted by the consultant. The list of key institutions should include but not be limited to the following:

- The judiciary, including the Federal Supreme Court; federal high courts; courts of first instance and regional courts; Social/municipal courts,
- Child Justice Project Office;
- Federal Office of the Attorney General and Regional Justice Bureaus;
- Federal Police Commission and Regional Police Commissions;
- Federal Prison Administration and Regional Prison Commissions;
- Ministry of Women, Children and Youth Affairs and Regional Bureaus.
- Federal Ethics and Anti-Corruption Commission and Regional Commissions;
- Ethiopian Human Rights Commission, Ethiopian Institute of Ombudsman
- Legal aid providers and civil society organizations (e.g. Prison Fellowship, Ethiopian Women Lawyers Association, Law schools working on Legal Aid including Addis Ababa University, Mekelle University, Jimma University among others);
- House of People's Representatives and Regional Parliaments.
- Justice and Legal System Research and training institute and the regional justice professionals' training centres
- Remand Home
- Other key informants.

With support from the TWG and the GoE Justice Sector Joint Technical Team, the consultant will draw on their own networks and knowledge of the Ethiopian legal system to identify key informants

as well as consulting with the Advisory Councils.

With regards to the desk research, the consultant should undertake:

- a) Stocktaking and gaps analysis of legislation, policies and other available and relevant documentations about the justice system of Ethiopia including a Mapping and Assessment of National Laws in Ethiopia as a step towards the elimination of discriminatory laws – a clear analysis of the current law making and legislative review process.

Based on these consultations, the consulting firm will submit a detailed plan including research methodology on how the Assessment will be conducted.

## DELIVERABLE B: FEDERAL AND REGIONAL LEVEL DATA COLLECTION COMPLETED

After the inception report is approved, the consultant should embark on collecting the relevant Federal as well as Regional Level (conduct meetings with service providers (supply) and service users (demand)) data which includes but not limited to:

- Identifying the institutions in the justice sector from occurrence of grievance to point of remedy;
- Identifying the main actors within the justice sector institutions and the types of powers they hold;
- Identifying and mapping in terms of geographic coverage those areas where the formal justice system is not fully reaching and what type of solutions people use in such areas for redress their justice problems (*NB: Special attention needs to be provided for emerging regions and pastoralist areas*);
- Identify and analyse:
  - a) The positive factors (what is working);
  - b) Obstacles (what is not working) for service providers in terms fulfilling their obligations and a recommendation of whether further analysis is required;
  - c) Age/gender dimensions from the service providers' perspective
  - d) Access to justice for vulnerable groups including children, persons with disability, women, refugees and the displaced, etc.
- Identifying strengths and weaknesses of the service providers to deliver the services expected;
- Identifying perceptions of strengths and weaknesses of the service providers.
- Identification of any human resource issues/challenges within the sector;

From service users (including vulnerable groups) (demand side):

- Identify the types of challenges (legal, economic, administrative, structural, etc.) encountered by those attempting to access justice;
- Identify the justice perceptions and main priority areas for different groups (for instance, women, children in contact and conflict with the law, children as victims and witnesses, refugee children and IDPs), youth, the socially excluded including those in extreme poverty and pre-trial detainees and prisoners);
- Identify perception of people of:
  - a) Positive factors (what is working);
  - b) Obstacles (what is not working) for people to access the justice sector to have their grievances redressed;
- Identify structural problems that contribute to difficulties (poverty, gender-based discrimination, age, disability, etc.).

## DELIVERABLE C: DRAFTS OF AN ASSESSMENT REPORT WITH CLEAR RECOMMENDATION OF PROGRAMMING INTERVENTION IS COMPLETED

The consultant is tasked with preparing drafts of a comprehensive and in-depth assessment report on the Ethiopian justice sector which includes a technical assistance needs assessment and clear recommendations for possible further deeper dive assessments to be conducted as these will help inform the design and focus of a specific justice sector intervention programme.

The assessment report and the recommendations for a concrete programming intervention shall be clearly stipulated in light of the current UNSDCF (Sustainable Development Cooperation Framework) and best placed agencies to support the various areas of the work. This will in effect become the “**Justice Sector Roadmap**” which will set out the specific areas for reform elaborating the possible short, medium and long-term reform initiatives that will inform the design of a fully-fledged justice sector programme document including access to justice for children and guide the justice sector reforms more generally. In addition, the consultancy shall deliver inputs on the assessment report and the programming intervention across the key justice sector including on the investigation, prosecution and judiciary aspect of the legal system and also include the prison administration systems both at the Federal and State Level.

The drafts of the assessment report and the recommendations for programming intervention should include the information collected through the stakeholder consultation process described above as well as an analysis of this information, including a summary of the findings, list of recommendations for national as well as international actors and stakeholders.

The draft documents are required to identify priority intervention areas for justice reform. The recommendations for action should also contain specific recommendations for providing technical assistance by the Joint Agencies and/or individual agencies according to mandate/area of expertise together with analysis of implementation feasibility. Moreover, the recommendation should include generic recommendations that can be taken up by government, CSO, academic institutions, etc.

Overall, the drafts of the assessment report and recommendations for actions should include (not necessarily in this order):

- The three main components of the methodology prescribed above (see section 3);
- Qualitative findings and analysis;
- Major findings and recommendations;
- Action Matrix Framework for 2021-2024;
- Outline Justice Sector Roadmap to inform the design of a justice sector programme document
- Follow-up actions (including issues to be considered).

## DELIVERABLE D: FINAL JUSTICE SECTOR ASSESSMENT REPORT COMPLETED.

After the completion of the draft report with list of recommendations, the document shall undergo a wide consultation which will be organized at:

- a) Federal Level and Regional Level (to be confirmed by the Joint UN TWG)
- b) Technical and Leadership Level: (two workshops)
  - A 1<sup>st</sup> workshop will be carried out to contribute to the refinement/verification of the draft assessment report and the outline Justice Sector Roadmap that will inform the design of a justice sector programme document;
  - This includes presentation and validation of the first version of the assessment report and list of recommendations for improvements. Key federal and regional justice organs and

other stakeholders will participate in the validation process. International/regional practitioners who have undergone analogous reform processes in their own countries will be invited to share experiences and best practices;

- The 2<sup>nd</sup> and final workshop will validate the final versions of the assessment report and recommendations, endorse the Justice Sector Roadmap and the scope of the justice sector programme document. The workshop will feature high-level engagement to ensure the action plan/Justice Sector Roadmap is fully endorsed and the roles and responsibilities and timelines are defined and agreed upon.
- The final version of the assessment report shall be approved by HoAs of the key UN agencies taking an active part in the completion of the assessment and the GoE.

#### ***Deliverable E: Draft Justice Sector Programme Framework Document Submitted***

- An outline justice sector programme document reflecting the assessment findings, recommendations, possible remedial measures and priorities identified;
- Presentation to and validation of the draft justice sector programme document by stakeholders; workshop(s);
- Final draft justice sector programme framework document;

### **VII. LOCATION AND DURATION**

This consultancy assignment is expected to be completed within a period of five months. The assignment will be predominantly based in Addis Ababa with required travel for fieldwork to the selected regions in Ethiopia.

### **VIII. IMPLEMENTATION ARRANGEMENTS**

The consultancy firm will be recruited under the UNDP terms and conditions and will operate under the direct supervision of UNDP and overall guidance of the Joint UN TWG.

### **IX. PAYMENT MILESTONES AND AUTHORITY**

The prospective firm shall indicate the cost of services for each deliverable in US Dollars all-inclusive lump-sum contract amount in its proposal when applying for this consultancy. The consultant covers the cost of travel, data collection and other related costs incurred to achieve the results. The consulting firm will be paid only after the approving authority confirms satisfactory completion of each deliverable.

The payment shall be affected as per the following payment schedule:

<b>Payments</b>	<b>Deliverables &amp; Time frame</b>	<b>Approval Should be Obtained</b>	<b>Percentage of Payment</b>
1 <sup>st</sup> Instalment	Upon submission and successfully presenting and defending the inception report - <b><i>Deliverable A</i></b>	UNDP through the Joint UN TWG	25%
2 <sup>nd</sup> Instalment	<ul style="list-style-type: none"> <li>• Upon submission of the data collection work - <b><i>Deliverable B</i></b>.</li> <li>• Presentation and defending of drafts of an assessment report with clear recommendation of programming intervention - <b><i>Deliverable C</i></b></li> </ul>	UNDP through the Joint UN TWG	25%

3 <sup>rd</sup> Instalment	Upon the submission of final report (approval by HoA) which has incorporated all the comments and feedback provided by consultation workshops - <b><i>Deliverable D</i></b>	UNDP through the Joint UN TWG	25%
4 <sup>th</sup> instalment	Upon submission and approval of draft draft justice sector programme framework document - <b><i>Deliverable E</i></b>	UNDP through the Joint UN TWG	25%

## X. MINIMUM FIRM REQUIREMENTS

The Company should have five (5) years' work experience.

### **Team Composition<sup>2</sup>**

The prospective service providing firm is required to assemble a team of international and national consultants. It also needs to dedicate a Lead Consultant/Team Leader and experts who fulfil or exceed in meeting the following minimum requirements:

- Team Leader with education and international experience in conducting legal systems assessment and support developing justice system reform activities in developing countries especially in designing, formulating and implementing justice sector reform at different levels with demonstrable competency and capacity to take on this assignment.
- Knowledge of UN operational framework in Ethiopia and the ability to analyze existing legal frameworks vis a vis international norms and standards including the SDGs and AU Agenda 2063.
- Knowledge of the existing justice system in Ethiopia
- Knowledge of reform initiatives being undertaken by the government of Ethiopia.
- Knowledge of the relevant legal system indicators and ability to undertake detailed justice system assessment.
- Experience of working on similar assignments with the United Nations or other international organizations would be beneficial,
- Capability to deploy strong multidisciplinary experts required for the analysis, communication and presentation,
- Excellent written and verbal communication skills,
- The consultant team will also facilitate global and regional perspective to the elaboration of the reform process, ensuring linkages between all elements and actors of the process and avoiding the formation of 'bottlenecks' as well as building on the experiences of other countries who have gone through similar reform processes. The consultants will share their expertise and insights across all of the thematic areas covered.

The multi-disciplinary team<sup>3</sup> to support the aforementioned in-depth joint justice system assessment should comprise of members with the following educational qualifications; experience and competencies:

### **One (1) Lead Consultant/Team Leader:**

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- **The Lead Consultant will be the Team Leader and Coordinator** who will develop the methodology, provide overall coordination and quality assurance to the assessment. S/he will be responsible for management and coordination of the assessment and reporting back on behalf of the team. Furthermore, the coordinator will take lead with regards to assessment matters and serve as a focal point for both UNDP and the Joint UN TWG.
- The Team leader should have master's degree or above in law or related disciplines;
- minimum of **12 years'** extensive practical experience on working on issues of justice, rule of law, democratic governance, human rights or policy development; leading complex research activities/similar studies of assessing legal system reforms in Ethiopia or other countries; proven experience of managing/leading diverse teams both in country and remotely. Experience on international comparative best practices of justice sector reforms is a significant advantage.

### **Three (3) Senior Consultants:**

- The Senior Consultants should possess a master's or advanced degree in law or related disciplines with a minimum of **8 years'** experience in the area of legal systems reform, rule of law, democratic governance, human rights or policy development. It is preferred if the Lead Consultant possesses a mix of the preferred academic qualifications and has been previously engaged in similar studies of assessing legal system reforms in Ethiopia or other countries.
- **Three (3) Associate Consultants:** University Master's degree with **5 years** or more experience in the area of Project Management, Economics, Human Rights, Development Studies, Gender, Public Policy or related discipline within the framework of legal systems reforms within the technical competencies identified below.
- \*Experts engaged are expected to demonstrably apply a lens to evaluate the human rights aspect including women's and children's rights (where relevant) gender and social inclusion components of the justice system and offer recommendations to help make the justice sector more efficient, credible and responsive to the communities it is intended to serve.

### **A. Technical Competencies**

The consultant team shall combine the following expertise:

- Law drafting expertise
- Judicial Expertise
- Child justice expertise
- Civil and Criminal justice expertise;
- Law enforcement /policing expertise;
- Prosecutorial expertise;
- Prison expertise;
- Human rights expertise;
- Court administration, information and communications technology (ICT) applications to judicial operations, or the construction and interpretation of judicial statistical systems.
- Institutional reform or human resources management;
- Gender and social inclusion broadly and if available, specifically within the justice sector
- Experience of working in Ethiopia/ Africa is desirable for international consultants

### **B. Functional Competencies**



- Positive and constructive approaches to work with energy
- Demonstrate openness to change and ability to receive and integrate feedback
- Strong time management and meeting established timelines
- Ability to work under pressure, and to deliver in a timely manner without compromising quality standards

### **C. Language and Other Skills**

- Excellent knowledge of English, Amharic, including the ability to write reports clearly and concisely and to set out a coherent argument in presentation and group interactions
- Basic knowledge other Ethiopian Languages would be an asset.
- Capacity to facilitate and communicate with experts with different qualification and experience participating in the assessment
- Computer skills: full command of Microsoft applications (word, excel, PowerPoint) and common internet applications

## **CRITERIA FOR SELECTING THE BEST OFFER**

Upon the advertisement of the Procurement Notice, qualified consulting institutions are expected to submit both the Technical and Financial Proposals. Evaluation will be made based on Cumulative Analysis. In this regard, the respective weight of the proposals is:

- a. Technical Criteria weight is 70%
- b. 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 <sup>4</sup>	30 %	300
	<b>T O T A L</b>	<b>100%</b>	<b>1000</b>
<b>Technical Proposal Evaluation</b>			
<b>Expertise of the Firm / Organization</b>			<b>Points Obtainable</b>
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		
	- Age/size/ of the firm		
	- Strength of the Project Management Support		
	- Project Financing Capacity		
	- Project Management Control		
1.3	Extent to which any work could 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/education		
	- Experience on Similar Programme / Projects		
	- Experience on engagement on similar assignments in the Region (East Africa/Horn of Africa)		
	- Work for the UN/ major multilateral/ or bilateral Agencies		
	<b>S U B T O T A L</b>		<b>300</b>
<b>Proposed Methodology, Approach and Implementation Plan</b>			
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

<sup>4</sup> Submissions should ensure that women are represented within the team.

<b>2.7</b>	Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?	<b>85</b>
	<b>SUB TOTAL</b>	<b>400</b>
<b>Management Structure and Key Personnel</b>		
<b>3.1</b>	<b>Task/Project Manager / Team Leader /</b>	
	General Qualifications	
	Suitability for the Project	
	- International experience	<b>25</b>
	- Training experience	<b>20</b>
	- Professional experience in the area of specialization	<b>45</b>
	- Knowledge of region (East Africa/ Horn of Africa)	<b>30</b>
	- Language qualification	<b>20</b>
	<b>SUB TOTAL</b>	<b>140</b>
<b>3.2</b>	<b>Senior Experts</b>	
	General Qualification	
	Suitability for the project	
	- International experience	<b>15</b>
	- Training experience	<b>15</b>
	- Professional experience in the area of specialization	<b>45</b>
	- Knowledge of the region	<b>25</b>
	- Language qualification	<b>20</b>
	<b>SUB TOTAL</b>	<b>120</b>
<b>3.3</b>	<b>Project Staff/ Associate Consultant(s)</b>	
	General Qualification	
	Suitability for the project	
	- International experience	<b>5</b>
	- Training experience	<b>5</b>
	- Professional experience in the area of specialization	<b>10</b>
	- Knowledge of the region	<b>10</b>
	- Language qualification	<b>10</b>
	<b>SUB TOTAL</b>	<b>40</b>
	<b>Aggregate</b>	<b>1000</b>

## **XI. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL**

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, a prospective firm is given a proposed Table of Contents. Therefore, prospective firm Proposal Submission must have at least the preferred contents which are outlined in the Proposal Submission Form incorporated hereto.

## **XII. CONFIDENTIALITY AND PROPRIETARY INTERESTS**

The firm shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the service without prior written consent. Proprietary interests on all materials and documents prepared by the firm under the assignment shall become and remain properties of UNDP.

## SECTION 6: RETURNABLE BIDDING FORMS / CHECKLIST

This form serves as a checklist for preparation of your Proposal. Please complete the Returnable Bidding Forms in accordance with the instructions in the forms and return them as part of your Proposal submission. No alteration to format of forms shall be permitted and no substitution shall be accepted. Before submitting your Proposal, please ensure compliance with the Proposal Submission instructions of the BDS 22.

### Technical Proposal Envelope:

<b>Have you duly completed all the Returnable Bidding Forms?</b>	
▪ Form A: Technical Proposal Submission Form	<input type="checkbox"/>
▪ Form B: Bidder Information Form	<input type="checkbox"/>
▪ Form C: Joint Venture/Consortium/ Association Information Form	<input type="checkbox"/>
▪ Form D: Qualification Form	<input type="checkbox"/>
▪ Form E: Format of Technical Proposal	<input type="checkbox"/>
▪ Form H: Proposal Security Form	<input type="checkbox"/>
<b>Have you provided the required documents to establish compliance with the evaluation criteria in Section 4?</b>	<input type="checkbox"/>

### Financial Proposal Envelope

**(Must be submitted in a separate sealed envelope/password protected email)**

▪ Form F: Financial Proposal Submission Form	<input type="checkbox"/>
▪ Form G: Financial Proposal Form	<input type="checkbox"/>

## FORM A: TECHNICAL PROPOSAL SUBMISSION FORM

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

We, the undersigned, offer to provide the services for [Insert Title of services] in accordance with your Request for Proposal No. [Insert RFP Reference Number] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

We hereby declare that our firm, its affiliates or subsidiaries or employees, including any JV/Consortium /Association members or subcontractors or suppliers for any part of the contract:

- a) is not under procurement prohibition by the United Nations, including but not limited to prohibitions derived from the Compendium of United Nations Security Council Sanctions Lists;
- b) have not been suspended, debarred, sanctioned or otherwise identified as ineligible by any UN Organization or the World Bank Group or any other international Organization;
- c) have no conflict of interest in accordance with Instruction to Bidders Clause 4;
- d) do not employ, or anticipate employing, any person(s) who is, or has been a UN staff member within the last year, if said UN staff member has or had prior professional dealings with our firm in his/her capacity as UN staff member within the last three years of service with the UN (in accordance with UN post-employment restrictions published in ST/SGB/2006/15);
- e) have not declared bankruptcy, are not involved in bankruptcy or receivership proceedings, and there is no judgment or pending legal action against them that could impair their operations in the foreseeable future;
- f) undertake not to engage in proscribed practices, including but not limited to corruption, fraud, coercion, collusion, obstruction, or any other unethical practice, with the UN or any other party, and to conduct business in a manner that averts any financial, operational, reputational or other undue risk to the UN and we *embrace the principles of the United Nations Supplier Code of Conduct and adhere to the principles of the United Nations Global Compact.*

*We declare that all the information and statements made in this Proposal are true and we accept that any misinterpretation or misrepresentation contained in this Proposal may lead to our disqualification and/or sanctioning by the UNDP.*

*We offer to provide services in conformity with the Bidding documents, including the UNDP General Conditions of Contract and in accordance with the Terms of Reference*

*Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.*

We understand and recognize that you are not bound to accept any Proposal you receive.

*I, the undersigned, certify that I am duly authorized by [Insert Name of Bidder] to sign this Proposal and bind it should UNDP accept this Proposal.*

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

*[Stamp with official stamp of the Bidder]*

## FORM B: BIDDER INFORMATION FORM

<b>Legal name of Bidder</b>	[Complete]
<b>Legal address</b>	[Complete]
<b>Year of registration</b>	[Complete]
<b>Bidder's Authorized Representative Information</b>	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
<b>Are you a UNGM registered vendor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, [insert UGNM vendor number]
<b>Are you a UNDP vendor?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, [insert UNDP vendor number]
<b>Countries of operation</b>	[Complete]
<b>No. of full-time employees</b>	[Complete]
<b>Quality Assurance Certification (e.g. ISO 9000 or Equivalent) (If yes, provide a Copy of the valid Certificate):</b>	[Complete]
<b>Does your Company hold any accreditation such as ISO 14001 related to the environment? (If yes, provide a Copy of the valid Certificate):</b>	[Complete]
<b>Does your Company have a written Statement of its Environmental Policy? (If yes, provide a Copy)</b>	[Complete]
<b>Contact person UNDP may contact for requests for clarification during Proposal evaluation</b>	Name and Title: [Complete] Telephone numbers: [Complete] Email: [Complete]
<b>Please attach the following documents:</b>	<ul style="list-style-type: none"> <li>▪ Company Profile, which should <u>not</u> exceed fifteen (15) pages, including printed brochures and product catalogues relevant to the goods/services being procured</li> <li>▪ Certificate of Incorporation/ Business Registration</li> <li>▪ Tax Registration/Payment Certificate issued by the Internal Revenue Authority evidencing that the Bidder is updated with its tax payment obligations, or Certificate of Tax exemption, if any such privilege is enjoyed by the Bidder</li> <li>▪ Trade name registration papers, if applicable</li> <li>▪ Local Government permit to locate and operate in assignment location, if applicable</li> <li>▪ Official Letter of Appointment as local representative, if Bidder is submitting a Bid in behalf of an entity located outside the country</li> <li>▪ Power of Attorney</li> </ul>

## FORM C: JOINT VENTURE/CONSORTIUM/ASSOCIATION INFORMATION FORM

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

To be completed and returned with your Proposal if the Proposal is submitted as a Joint Venture/Consortium/Association.

No	Name of Partner and contact information (address, telephone numbers, fax numbers, e-mail address)	Proposed proportion of responsibilities (in %) and type of services to be performed
1	[Complete]	[Complete]
2	[Complete]	[Complete]
3	[Complete]	[Complete]

<b>Name of leading partner</b> (with authority to bind the JV, Consortium, Association during the RFP process and, in the event a Contract is awarded, during contract execution)	[Complete]
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We have attached a copy of the below document signed by every partner, which details the likely legal structure of and the confirmation of joint and severable liability of the members of the said joint venture:

☐ Letter of intent to form a joint venture      **OR**      ☐ JV/Consortium/Association agreement

We hereby confirm that if the contract is awarded, all parties of the Joint Venture/Consortium/Association shall be jointly and severally liable to UNDP for the fulfillment of the provisions of the Contract.

Name of partner: \_\_\_\_\_ Name of partner: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Name of partner: \_\_\_\_\_ Name of partner: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

## FORM D: QUALIFICATION FORM

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		



If JV/Consortium/Association, to be completed by each partner.

## Historical Contract Non-Performance

<input type="checkbox"/> Contract non-performance did not occur for the last 3 years			
<input type="checkbox"/> Contract(s) not performed for the last 3 years			
Year	Non- performed portion of contract	Contract Identification	Total Contract Amount (current value in US\$)
		Name of Client: Address of Client: Reason(s) for non-performance:	

## Litigation History (including pending litigation)

<input type="checkbox"/> No litigation history for the last 3 years			
<input type="checkbox"/> Litigation History as indicated below			
Year of dispute	Amount in dispute (in US\$)	Contract Identification	Total Contract Amount (current value in US\$)
		Name of Client: Address of Client: Matter in dispute: Party who initiated the dispute: Status of dispute: Party awarded if resolved:	

## Previous Relevant Experience

Please list only previous similar assignments successfully completed in the last 3 years.

List only those assignments for which the Bidder was legally contracted or sub-contracted by the Client as a company or was one of the Consortium/JV partners. Assignments completed by the Bidder's individual experts working privately or through other firms cannot be claimed as the relevant experience of the Bidder, or that of the Bidder's partners or sub-consultants, but can be claimed by the Experts themselves in their CVs. The Bidder should be prepared to substantiate the claimed experience by presenting copies of relevant documents and references if so requested by UNDP.

Project name & Country of Assignment	Client & Reference Contact Details	Contract Value	Period of activity and status	Types of activities undertaken

Bidders may also attach their own Project Data Sheets with more details for assignments above.

☐ Attached are the Statements of Satisfactory Performance from the Top 3 (three) Clients or more.

## Financial Standing

<b>Annual Turnover for the last 3 years</b>	Year	USD
	Year	USD
	Year	USD
<b>Latest Credit Rating (if any), indicate the source</b>		

<b>Financial information</b> (in US\$ equivalent)	<b>Historic information for the last 3 years</b>		
	Year 1	Year 2	Year 3
	<i>Information from Balance Sheet</i>		
Total Assets (TA)			
Total Liabilities (TL)			
Current Assets (CA)			
Current Liabilities (CL)			
	<i>Information from Income Statement</i>		
Total / Gross Revenue (TR)			
Profits Before Taxes (PBT)			
Net Profit			
Current Ratio			

☐ Attached are copies of the audited financial statements (balance sheets, including all related notes, and income statements) for the years required above complying with the following condition:

- a) Must reflect the financial situation of the Bidder or party to a JV, and not sister or parent companies;
- b) Historic financial statements must be audited by a certified public accountant;
- c) Historic financial statements must correspond to accounting periods already completed and audited. No statements for partial periods shall be accepted.

## FORM E: FORMAT OF TECHNICAL PROPOSAL

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

The Bidder's proposal should be organized to follow this format of Technical Proposal. Where the bidder is presented with a requirement or asked to use a specific approach, the bidder must not only state its acceptance, but also describe how it intends to comply with the requirements. Where a descriptive response is requested, failure to provide the same will be viewed as non-responsive.

### SECTION 1: Bidder's qualification, capacity and expertise

- 1.1 Brief description of the organization, including the year and country of incorporation, and types of activities undertaken.
- 1.2 General organizational capability which is likely to affect implementation: management structure, financial stability and project financing capacity, project management controls, extent to which any work would be subcontracted (if so, provide details).
- 1.3 Relevance of specialized knowledge and experience on similar engagements done in the region/country.
- 1.4 Quality assurance procedures and risk mitigation measures.
- 1.5 Organization's commitment to sustainability.

### SECTION 2: Proposed Methodology, Approach and Implementation Plan

This section should demonstrate the bidder's responsiveness to the TOR by identifying the specific components proposed, addressing the requirements, providing a detailed description of the essential performance characteristics proposed and demonstrating how the proposed approach and methodology meets or exceeds the requirements. All important aspects should be addressed in sufficient detail and different components of the project should be adequately weighted relative to one another.

- 2.1 A detailed description of the approach and methodology for how the Bidder will achieve the Terms of Reference of the project, keeping in mind the appropriateness to local conditions and project environment. Details how the different service elements shall be organized, controlled and delivered.
- 2.2 The methodology shall also include details of the Bidder's internal technical and quality assurance review mechanisms.
- 2.3 Explain whether any work would be subcontracted, to whom, how much percentage of the work, the rationale for such, and the roles of the proposed sub-contractors and how everyone will function as a team.
- 2.4 Description of available performance monitoring and evaluation mechanisms and tools; how they shall be adopted and used for a specific requirement.
- 2.5 Implementation plan including a Gantt Chart or Project Schedule indicating the detailed sequence of activities that will be undertaken and their corresponding timing.
- 2.6 Demonstrate how you plan to integrate sustainability measures in the execution of the contract.
- 2.7 Any other comments or information regarding the project approach and methodology that will be adopted.

### SECTION 2A: Bidder's Comments and Suggestions on the Terms of Reference

Provide comments and suggestions on the Terms of Reference, or additional services that will be rendered

beyond the requirements of the TOR, if any.

### **SECTION 3: Management Structure and Key Personnel**

- 3.1 Describe the overall management approach toward planning and implementing the project. Include an organization chart for the management of the project describing the relationship of key positions and designations. Provide a spreadsheet to show the activities of each personnel and the time allocated for his/her involvement.
- 3.2 Provide CVs for key personnel that will be provided to support the implementation of this project using the format below. CVs should demonstrate qualifications in areas relevant to the Scope of Services.

### **Format for CV of Proposed Key Personnel**

NAME OF PERSONNEL	[INSERT]
POSITION FOR THIS ASSIGNMENT	[INSERT]
NATIONALITY	[INSERT]
LANGUAGE PROFICIENCY	[INSERT]
EDUCATION/ QUALIFICATIONS	[SUMMARIZE COLLEGE/UNIVERSITY AND OTHER SPECIALIZED EDUCATION OF PERSONNEL MEMBER, GIVING NAMES OF SCHOOLS, DATES ATTENDED, AND DEGREES/QUALIFICATIONS OBTAINED.]

	[INSERT]
PROFESSIONAL CERTIFICATIONS	<i>[PROVIDE DETAILS OF PROFESSIONAL CERTIFICATIONS RELEVANT TO THE SCOPE OF SERVICES]</i>
	<ul style="list-style-type: none"> <li>▪ NAME OF INSTITUTION: [INSERT]</li> <li>▪ DATE OF CERTIFICATION: [INSERT]</li> </ul>
EMPLOYMENT RECORD/ EXPERIENCE	<i>[LIST ALL POSITIONS HELD BY PERSONNEL (STARTING WITH PRESENT POSITION, LIST IN REVERSE ORDER), GIVING DATES, NAMES OF EMPLOYING ORGANIZATION, TITLE OF POSITION HELD AND LOCATION OF EMPLOYMENT. FOR EXPERIENCE IN LAST FIVE YEARS, DETAIL THE TYPE OF ACTIVITIES PERFORMED, DEGREE OF RESPONSIBILITIES, LOCATION OF ASSIGNMENTS AND ANY OTHER INFORMATION OR PROFESSIONAL EXPERIENCE CONSIDERED PERTINENT FOR THIS ASSIGNMENT.]</i>
	[INSERT]

REFERENCES

*[PROVIDE NAMES, ADDRESSES, PHONE AND EMAIL CONTACT INFORMATION FOR TWO (2) REFERENCES]*

REFERENCE 1:

[INSERT]

REFERENCE 2:

[INSERT]

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I, the undersigned, certify that to the best of my knowledge and belief, these data correctly describe my qualifications, my experiences, and other relevant information about myself.

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Signature of Personnel

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Date (Day/Month/Year)



**FORM F: FINANCIAL PROPOSAL SUBMISSION FORM**

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

We, the undersigned, offer to provide the services for [Insert Title of services] in accordance with your Request for Proposal No. [Insert RFP Reference Number] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal and our Financial Proposal sealed under a separate envelope.

Our attached Financial Proposal is for the sum of [Insert amount in words and figures].

*Our Proposal shall be valid and remain binding upon us for the period of time specified in the Bid Data Sheet.*

We understand you are not bound to accept any Proposal you receive.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signature: \_\_\_\_\_

*[Stamp with official stamp of the Bidder]*

## FORM G: FINANCIAL PROPOSAL FORM

Name of Bidder:	[Insert Name of Bidder]	Date:	Select date
RFP reference:	[Insert RFP Reference Number]		

The Bidder is required to prepare the Financial Proposal following the below format and submit it in an envelope separate from the Technical Proposal as indicated in the Instruction to Bidders. Any Financial information provided in the Technical Proposal shall lead to Bidder's disqualification.

The Financial Proposal should align with the requirements in the Terms of Reference and the Bidder's Technical Proposal.

**Currency of the proposal:** [Insert Currency]

**Table 1: Summary of Overall Prices**

	Amount(s)
<b>Professional Fees</b> (from Table 2)	
<b>Other Costs</b> (from Table 3)	
<b>Total Amount of Financial Proposal</b>	

**Table 2: Breakdown of Professional Fees**

Name	Position	Fee Rate	No. of Days/months/ hours	Total Amount
		A	B	C=A+B
In-Country				
Home Based				
<b>Subtotal Professional Fees:</b>				

**Table 3: Breakdown of Other Costs**

Description	UOM	Quantity	Unit Price	Total Amount
International flights	Trip			

Subsistence allowance	Day			
Miscellaneous travel expenses	Trip			
Local transportation costs	Lump Sum			
Out-of-Pocket Expenses				
Other Costs: (please specify)				
<b>Subtotal Other Costs:</b>				

**Table 4: Breakdown of Price per Deliverable/Activity**

<b>Deliverable/ Activity description</b>	<b>Time (person days)</b>	<b>Professional Fees</b>	<b>Other Costs</b>	<b>Total</b>
Deliverable 1				
Deliverable 2				
Deliverable 3				
.....				

## FORM H: FORM OF PROPOSAL SECURITY

**Proposal Security must be issued using the official letterhead of the Issuing Bank.  
Except for indicated fields, no changes may be made on this template.**

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To: UNDP

*[Insert contact information as provided in Data Sheet]*

WHEREAS [Name and address of Bidder] (hereinafter called "the Bidder") has submitted a Proposal to UNDP dated [Click here to enter a date](#) to execute Services [Insert Title of Services] (hereinafter called "the Proposal"):

AND WHEREAS it has been stipulated by you that the Bidder shall furnish you with a Bank Guarantee by a recognized bank for the sum specified therein as security in the event that the Bidder:

- a) Fails to sign the Contract after UNDP has awarded it;
- b) Withdraws its Proposal after the date of the opening of the Proposals;
- c) Fails to comply with UNDP's variation of requirement, as per RFP instructions; or
- d) Fails to furnish Performance Security, insurances, or other documents that UNDP may require as a condition to rendering the contract effective.

AND WHEREAS we have agreed to give the Bidder such this Bank Guarantee:

NOW THEREFORE we hereby affirm that we are the Guarantor and responsible to you, on behalf of the Bidder, up to a total of [amount of guarantee] [in words and numbers], such sum being payable in the types and proportions of currencies in which the Price Proposal is payable, and we undertake to pay you, upon your first written demand and without cavil or argument, any sum or sums within the limits of [amount of guarantee as aforesaid] without your needing to prove or to show grounds or reasons for your demand for the sum specified therein.

This guarantee shall be valid up to 30 days after the final date of validity of bids.

### **SIGNATURE AND SEAL OF THE GUARANTOR BANK**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Name of Bank \_\_\_\_\_

Address \_\_\_\_\_

*[Stamp with official stamp of the Bank]*

