



UNITED NATIONS DEVELOPMENT PROGRAMME TERMS OF REFERENCE

1. Consultancy Information

Consultancy:	National Consultants to support the legal assessment, consolidation and analysis of observer recommendations; also, support the operationalization of the Domestic Election Monitoring and Observation Group (DEMOG) Charter for local Civil Society Organisations (CSOs)
Supervisors:	Project Manager/Senior Elections Advisor
Duration:	30 working days
Starting Date:	Mid November 2020 – January 2021
Duty Station:	Lusaka, Zambia
Located at:	United Nations House, Alick Nkanta road
Full/part time:	Full time

2. Organizational Context

Zambia will hold the next general election on the 12th August 2021 to elect the President, Parliamentarians, Mayors, and Town and Village Councils as provided for in the Constitution. This election is expected to be a critical milestone to consolidate the country's democratic governance and mainstream citizen's role in public decision making.

Based on the recommendations of the Needs Assessment Mission (NAM) conducted by the United Nations Department of Peacebuilding and Political Affairs (DPPA) in 2018 including *the need for increased voter education, overall institutional strengthening for the Electoral Commission of Zambia (ECZ) and other national institutions with an electoral mandate, and promoting peace ahead of the 2021 elections*, UNDP established the *Democracy Strengthening in Zambia (DSZ) Project*. The latter is a three-year multi-donor project which is aligned and supportive of Zambia's Sustainable Development Partnership Framework, UNDP Strategic Plan and Country Programme and the 7th National Development Plan 2017-2021 (7th NDP). The Government of Zambia, through the 7NDP, pledges to "*promote transparency, accountability, citizen participation as well as strengthen governance institutions*".

The DSZ project consists of two interlinked result areas:

- 1) Electoral institutions and processes strengthened; and
- 2) Programming for peace in support of the Zambia 2021 electoral cycle.

These two result areas are expected to achieve the following results:

1. Inclusive and participatory decision-making,
2. Responsive and accountable institutions,
3. Improved access to information,

4. Enhanced technical and organizational capacities of national electoral stakeholders,
5. Integrity in the work of credible and legitimate institutions, and
6. Improved conflict prevention and mitigation mechanisms.

Besides the aforesaid electoral NAM and also UNDP evaluation of past electoral assistance to Zambia, other election reports including those of both international and domestic observers have pointed out the need for improved legal framework for elections to ensure elections are transparent, inclusive and peaceful and that their outcome enjoy public and stakeholder confidence and legitimacy. Similarly, past election observer findings and recommendations pointed to the need for sustained support to build the capacity and credibility of specifically domestic observers ensure their conduct and reporting engenders public and stakeholder confidence in the electoral process including the outcome of an election.

3. Purpose of the Assignment

As part of DSZ's ongoing support to strengthen Zambia's efforts to improve the quality and integrity of elections and the capacity and credibility of electoral institutions, UNDP will recruit a two-member team of consultants (one national and another international) to review Zambia's existing legal framework for elections in order to identify gaps that may need to be addressed ahead of and beyond the 2021 general election based on the reports of past elections observer missions to Zambia; secondly, the two-member team will support the operationalization of the Domestic Election Monitoring and Observation Group (DEMOG) Charter for local Civil Society Organisations (CSOs).

4. Context

Zambians have expressed a need to improve the legal framework for elections ahead of the 2021 general election. Efforts to improve the current legal framework for elections include the operationalization of the right to vote for people in lawful custody (PLC) following the court decision of 2017 to allow this category of voters to exercise the right to vote in future elections. A technical committee comprised of various state and non-state actors and led by the Zambia Law Development Commission and the Electoral Commission of Zambia has so far drafted several bills to facilitate voting for PLC in the 2021 general election.

Furthermore, there are several findings and recommendations contained in mainly election observer reports of the last few electoral cycles which when taken on board can greatly enhance the legal framework for elections in the country. Among the key election observer missions which have observed Zambian elections in the past are: European Union (EU), the African Union (AU), Southern African Development Community Election Observer Mission (SEOM), Carter Centre, Commonwealth Secretariat, Electoral Institute for Sustainable Democracy in Africa (EISA) and also domestic election observer groups including the Christian Churches Monitoring Group (CCMG).

The work of the consultants will be to review the current legal framework elections and to see to what extent the framework is consistent with good electoral practices and international standards as encapsulated in the key legal instruments (both international and regional) that Zambia is a signatory to and also the recommendations of past election observer missions. The Assignment will seek to identify gaps in the current legal framework for elections in the country and recommend ways to fill such gaps. While not all election observer recommendations are binding or may be feasible to implement at a given time, it is useful to

assess which election observer recommendations are relevant to the context of the country and maybe the incorporated in the current legal framework without requiring a lot of efforts as may, for example, apply to entrenched constitutional provisions.

With regard to the operationalisation of the DEMOG Charter, the consultants will be required to build further on this work - which in the past was led by the CCMG - in order to improve the legal and operational framework for domestic election observation in Zambia including the sharing of information on observation methodology, training and reporting templates.

5. Scope of Work

The national will work with an international consultant (separate ToR) and will be required to consult widely, conduct a literature review, stakeholder interviews and produce a comprehensive report (one joint report) that captures gaps between constitutional/legislative framework and procedural/regulatory framework in the Zambian electoral process; also, review, analyse, and consolidate observer recommendations with the view to foster the integrity of elections in Zambia and promote inclusion of all citizens in the electoral processes. The expert report should highlight the major gaps in the existing legal and regulatory framework based on existing global and regional instruments and the recommendations of past observer missions. The findings and recommendations of the consultants will be discussed and validated at a workshop of key electoral stakeholders including both state and non-state actors. DSZ will facilitate the publication and dissemination of the consultancy report.

6. Deliverables

Based on the scope of work outlined above, the consultants will be expected to jointly deliver the following outputs:

Deliverables:

1. An inception report to clarify the methodological and conceptual approach of the consultants to the tasks and assignment to be carried out;
2. A literature review and a wide consultation process to gather information and data to inform and be the basis of the mapping report;
3. A draft report to be presented to national electoral stakeholders for discussion and validation;
4. A final report including outlining gaps in the legal and regulatory framework, good practices and recommendations to foster electoral transparency, integrity and inclusion.

Schedule of Deliverables and Related Payments:

Deliverables/ Outputs	Estimated duration to complete	Target due dates	Related payments	Review and Approvals Required
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1. Inception report to clarify the methodological and conceptual approach finalized and submitted and approved by DSZ.	2 days	First Week	First payment (20%) following acceptance of satisfactory inception report	• Review and approval by DSZ
2. Research and consultations held	10 days	Three Weeks after commencement of duty	Second (50%) payment following successful completion of work	• Review and approval by DSZ
3. Draft report finalized & submitted and approved by DSZ	14 days	Seven Weeks after research and analysis		
4. Draft report presented to and validated by electoral stakeholders	1 day	11 th Week into the assignment	Third payment (15%) following successful completion of work	• Review and approval by DSZ
5. Incorporate stakeholder comment comments and inputs and finalize report	3 days	12 th Week into the assignment		

7. Competencies

- Strategic technical and intellectual skills in the substantive area with global dynamic perspectives;
- Leadership, innovation, facilitation, advocacy and coordination skills;
- Ability to engage with UNDP and senior Judicial, legal officials and other national stakeholders including CSO and political parties;
- Entrepreneurial abilities and ability to work in an independent manner;
- Demonstrated ability to operate effectively in a highly complex organization context;
- Ability to maintain high standards despite pressing deadlines;
- Excellent communication (both oral and written) and partnership building skills with people and multi-dimension partners;
- Excellent writing skills, especially in the preparation of official documents and reports;
- Good knowledge of Zambia's environmental and socio-political context.
- Understanding of gender and social inclusion issues.

8. Institutional arrangements

The international consultant will on this assignment work with a national consultant. The international will be the team leader and will be responsible for supervising the national consultant (to be recruited separately). The international consultant (team leader) will work under the supervision of the DSZ Senior Electoral Advisor and Project Manager; they will submit to him periodic progress reports outlining progress towards agreed milestones and the final report. The consultants will be responsible for all the facility required and the logistics for the expected and required service provisions for delivering the Assignment outputs and outcomes.

The DSZ project will make office space available to the consultants; space will also be available to the consultants for meetings and consultations. The consultants will be given available materials regarding the project, other documents including laws and also available observer missions on the past elections; these should serve as the basis for better understanding of the Assignment objectives and to assist in the development and implementation of the assignment.

The consultants shall submit a final report summarizing the activities completed, outputs delivered, and results achieved through their work. This report will be submitted to DSZ before the end of the consultancy in order to trigger the consultant’s final payment. The Senior Electoral Advisor/Project Manager will review the report and transmit to the consultants’ comments and/or the approval of the report within seven working days. If changes or comments are proposed by DSZ, the consultants shall have 7 working days to incorporate the proposed changes.

9. Qualifications of International consultant (Team Leader)

Qualifications:	<ul style="list-style-type: none"> • A senior university degree in law, public administration, political science or any related field.
Technical Experience:	<ul style="list-style-type: none"> • At least five (5) years’ experience in research, analysis and publication, particularly in the areas of governance, human rights and elections • Good understanding of Zambia’s political, governance and electoral systems, and the role of the various actors (including civil society and domestic observers) in the administration of elections. • Solid knowledge and experience in the design and implementation of election observation especially domestic election observers; specifically, the development of methodologies for information gathering, data analysis, report writing and observer training. • Excellent writing skills in English, especially in the preparation of official assessments and reports.

Other desirable experience & skills:	<ul style="list-style-type: none"> • Experience of conducting similar assessments on elections or political related issues in Zambia or the region, ideally involving the electoral management body, legislature, civil society, judiciary and/or political parties. • Experience in analysing and synthesizing observer recommendations into a single document for implementation purposes; • Good understanding of gender and social inclusion issues.
Language requirements:	<ul style="list-style-type: none"> • A high level of written and spoken English is essential.

10. How to apply

Please submit the following documents:

1. **Letter of Confirmation of Interest and Availability** using the template provided by UNDP, and containing:
 - a. **Personal CV or P11**, indicating all experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and three (3) professional references.
 - b. **Brief description** (max. ½ page) of why you consider yourself as the most suitable for the assignment, and a **methodology** (max. 1 page) for how you will approach and complete the assignment.
2. **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided below.

11. Financial Proposal

The financial proposal must be expressed as an all-inclusive lump sum amount in USD, presented in the following template:

	Unit cost (USD)	No.	Total
a) Professional fee			
b) Other costs (specify):			
Total (lump sum):			

Notes:

1. The information in the breakdown of the offered professional fee provided by the Offeror will be used as the basis for determining best value for money, and as reference for any amendments of the contract.
2. The professional fee will be paid on successful completion of the assignment's deliverables.
3. The agreed contract amount will remain fixed regardless of any factors causing an

increase in the cost of any of the components in the breakdown that are not directly attributable to UNDP.

4. Approved local travel related to this assignment will be arranged & paid by UNDP.
5. The Contractor is responsible for arranging and meeting the cost of their vaccinations and medical/life insurance, and insurance certificate to be provided to UNDP before travelling to the countryside.

12. Criteria for selection of the best offer

Offers received will be evaluated using a Combined Scoring method, where the qualifications and proposed methodology will be weighted 70%, and combined with the price offer, which will be weighted 30%.

Criteria to be used for rating the qualifications and methodology:

Technical evaluation criteria (total 70 points):

- At least five (5) years' experience in research, analysis and publication, particularly in the areas of governance, human rights and elections [15 points];
- Good understanding of Zambia's political, governance and electoral systems, and the role of the various actors (including civil society and domestic observers) in the administration of elections [20 points];
- Solid knowledge and experience in the design and implementation of election observation especially domestic election observers; specifically, the development of methodologies for information gathering, data analysis, report writing and observer training [15 points];
- Excellent writing skills in English, especially in the preparation of official assessments and reports [10 points];
- Proposed methodology [10 points].

Only candidates obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.

Financial evaluation (total 30 points):

All technically qualified proposals will be scored based on the formula provided below. The maximum points (30) will be assigned to the lowest financial proposal. All other proposals receive points according to the following formula:

$$p = y (\mu/z)$$

where:

- p = points for the financial proposal being evaluated
- y = maximum number of points for the financial proposal
- μ = price of the lowest priced proposal
- z = price of the proposal being evaluated.

Approval

This TOR is approved by:

Signature: _____ Date: _____

Name: Roland Seli,

Designation: Deputy Resident Representative, UNDP Zambia