



TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INDIVIDUAL CONSULTANT (IC)

GENERAL INFORMATION

Services/Work Description:	Comprehensive Review of the Alternative Dispute Resolution Act, 2005, (ADR ACT)
Project/Program Title	: Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in the Gambia
Post Title:	National Consultant
Consultant Level:	Level B (Specialist)
Duty Station:	UNDP Gambia Country Office
Expected Places of Travel:	In-country travel
Duration:	35 working days
Expected Start Date:	April ..., 2021/ Immediately after Concluding Contract Agreement

I. BACKGROUND / PROJECT DESCRIPTION

The United Nations Development Programme (UNDP) and UNICEF, in partnership with the Government of The Gambia are implementing a Joint Strengthening Rule of Law and Enhancing Justice and Security Service Delivery in the Gambia Project. The Joint Project endeavors to implement a holistic and comprehensive program which addresses both the supply and demand sides of justice delivery. The Joint Project seeks to strengthen rule of law institutions to deliver quality services, to empower citizens in the exercise of their rights and to increase access to justice.

The Joint Project's implementing partners are the Ministry of Justice, the Judiciary, the Gambia Police Force, the Gambian Prisons Service, the National Agency for Legal Aid (NALA), CSOs, the ADR Secretariat, the Gambia Bar Association. The Project has three outcomes and these are: improved access to justice especially for women and children who are victims of serious human rights violations; establishing community policing initiative for the prevention of serious human rights violations and protection of survivors; strengthened justice service delivery system for citizens, particularly victims of human rights abuses.

The ADR Secretariat is a key implementing partner to the Project. The Secretariat was created under the ADRS Act (2005) whose functions include providing services and facilities for parties and other persons who wish to settle their disputes under the Act; maintain a register of arbitrators, mediators and conciliators; render advice or assistance to parties who may wish to settle disputes under the Act among other functions as stipulated in section 100 of the Act. The ADR Secretariat would like to have a comprehensive review of the Act to consider the lessons learnt in the implementation of its provisions from its enactment in 2005.

II. SCOPE OF THE WORK

The main purpose of the Consultancy is to carry out a comprehensive review of the Alternative Dispute Resolution Act, 2005, (ADR ACT), with a view to ensuring that it provides the necessary legal and institutional framework to facilitate ADR in The Gambia, based on best practices and recent legislative developments regulating ADR.

OBJECTIVES

The specific objectives of the review are:

- a) To closely scrutinize the ADR Act and propose necessary amendments considering the achievements, challenges, and lessons learnt in the implementation of the Act by the ADRS.

- b) To undertake a desk review and comparative studies of best practices within the sub-region with a view to strengthening the provisions in the Act, taking into consideration the context of The Gambia.
- c) Draft an amendment Bill to the ADR Act,2005.

The expected outputs for this assignment are-

1. Conduct a desk review of the Alternative Dispute Resolution Act, 2005 Act including all amendments thereof and related laws whose application are impacted by or related to the Act.
2. Consult all relevant stakeholders involved in the Alternative Dispute Resolution system in The Gambia, including the Judiciary, the Gambia Bar Association, MOJ and civil society.
3. Review and propose a first draft, second draft and final draft of the ADR Bill considering the view of all stakeholders and experts.
4. Organize, facilitate, and participate in stakeholder's meetings to discuss the proposed drafts of the Amendment Bill produced.
5. Organize, facilitate, and participate in the final validation meeting.
6. Submit a final draft of the Act to UNDP and the ADRS.

III. EXPECTED OUTPUTS AND DELIVERABLES

No.	Deliverables / Outputs	Estimated Duration to Complete	Review and Approvals Required
1	Submission of an Inception Report comprising a desk review of the ADR framework in the Gambia and a schedule of works for the assignment.	_5_ Working days	UNDP CTA and ADRS Executive Secretary
2	Report of consultation meetings with all stakeholders involved in ADRS in the Gambia.	_10_ Working days	UNDP CTA and ADRS Executive Secretary
3	Submission of Draft ADRS Amendment Bill incorporating stakeholders' views.	_10_ Working days	UNDP CTA and ADRS Executive Secretary
4	Report of final validation meeting and Final Draft of the ADRS Bill.	_10_ Working days	UNDP CTA and ADRS Executive Secretary

IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

- a. The Consultant shall work closely with the Alternative Dispute Resolution Secretariat and under the direct supervision of UNDP Chief Technical Advisor for Rule of Law.

V. LOGISTICS AND ADMINISTRATIVE SUPPORT TO PROSPECT IC

- a. UNDP provide to the prospect IC: **Office Space; Equipment; Local transport service. The Consultant shall be responsible for the arrangement of workshop(s).**

VI. DURATION OF THE WORK

- a. The duration of the consultancy is **35 working days.**

VII. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR (IC)

a. Academic Qualifications:

- Master's degree in Law with experience in Legislative Drafting.

b. Years of experience

- 10 years of experience in law
- Demonstrate previous experience in legislative drafting, experience in Alternative Dispute resolution will be an added advantage.

c. Competencies:

- Proficiency in Legislative Drafting.

United Nations Development Programme



- Demonstrable competency in legal research, analysis, and writing.

d. Language and other skills:

- Excellent knowledge of English, including the ability to set out a coherent argument in presentations and group interactions.
- Capacity to communicate fluently with different stakeholders (judiciary, civil society, government authorities, local communities, project staff); and
- Computer skills: full command of Microsoft applications (word, excel, PowerPoint) and common internet applications will be required.

e. Compliance of the UN Core Values:

- Demonstrates integrity by modelling the UN's values and ethical standards
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

Important Note:

The Consultant is required to have the following professional and technical qualifications. **Only the applicants who hold these qualifications** will be shortlisted and contacted.

VIII. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly, Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals is:
 - a. Technical Criteria weight is **70%**
 - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
Technical Competence (based on CV, Proposal, and interview (if required))	70%	100
<ul style="list-style-type: none"> ▪ Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal 		50*
<ul style="list-style-type: none"> ▪ Criteria b. Technical competence 		25**
<ul style="list-style-type: none"> ▪ Criteria c. Relevant Experience 		25**
Financial (Lower Offer/Offer*100)	30%	30
Total Score	Technical Score * 70% + Financial Score * 30%	

IX. PAYMENT MILESTONES AND AUTHORITY

The qualified consultant shall receive his/her service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained	Percentage of Payment
1 st Installment	Submission of Inception Report	RR	10%
2 nd Installment	Submission of Workshop Report and 1 st Draft ADR Amendment Bill.	"	60%
3 rd Installment	Submission of final Report and Final ADR (Amendment) Bill.	"	30%

XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

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

XII. ANNEXES TO THE TOR

- Rule of Law Annual Workplan

This TOR is approved by:

Signature: *Fatuma Silungwe*

Name and Designation: Fatuma
Silungwe ROL, CTA

Date of Signing: 01-Apr-2021