### TERMS OF REFERENCE

<table>
<thead>
<tr>
<th><strong>Title:</strong></th>
<th>National Technical Services to Conduct a Justice Mechanism Scoping Study, IC/PNG/025-2022</th>
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<tbody>
<tr>
<td><strong>Duration of assignment:</strong></td>
<td>24 January – 30 April 2022</td>
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<tr>
<td><strong>Duty station:</strong></td>
<td>Port Moresby, Papua New Guinea (field visits to Hela province and Southern Highlands Province envisaged)</td>
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<td><strong>Budget available for this IC:</strong></td>
<td>Yes</td>
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### BACKGROUND

**UNDP Global Mission Statement:**

UNDP is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience, and resources to help people build a better life. UNDP is on the ground in about 170 countries and territories, working with national counterparts on solutions to global and national development challenges.

**UNDP Papua New Guinea Focus Areas:**

Development challenges in Papua New Guinea are as diverse and complex as the country itself. To respond to these challenges, UNDP in PNG concentrates its efforts on building the country's capacity to promote inclusive, pro-poor growth, effective governance, and sustainable and resilient development. UNDP helps its partners in identifying relevant solutions to today's complex, trans-boundary development challenges. Guided by the UNDP's PNG country document (2018-2022), its work focuses on PEACE, PROSPERITY and PLANET.

**Project Description**

The trajectory of violent conflict in Papua New Guinea's Southern Highlands and Hela provinces over the last 30 years is concerning. As of end 2017, there were anecdotally 40 separate ongoing internecine conflicts across Hela Province which had led to more than 300 deaths and an estimated 100,000 people displaced without accounting for the extent of human rights abuses including gender-based violence and sorcery accusation-related violence and the entrenched marginalization of women and youth. Exacerbated by weak local governance, these conditions pose a multi-dimensional challenge to economic and human development in both provinces. This highly fragile situation, compounded by the presence...
of a large and highly lucrative extractive project and the proliferation of firearms, places incredible pressure on the realization of human rights, social and structural stability, and human development.

Having identified the unique drivers of conflict in Hela and Southern Highlands provinces, UNDP will implement within the broader framework of the UN Highlands Joint Programme a KOICA funded project - **Addressing Conflict & Fragility in the Highlands in Papua New Guinea** contributing directly to the programme objectives, outcomes, and outputs, particularly in supporting the creation of peaceful and enabling conditions for achieving the Sustainable Development Goals in Hela and Southern Highlands Provinces. Complementing and leveraging on the results of the ongoing UN Peacebuilding Fund-supported Creating Conditions for Peace project, the project aims for high level impact by communities in Hela and Southern Highlands provinces experiencing improved social cohesion and conditions of peace and stability as a result of reduced inter-communal conflicts and violence. More specifically, UNDP will be responsible for implementation of the following project outputs:

- **Output 1** Peacebuilding skills and tools are entrenched in communities and faith-based organizations.
- **Output 2** Inclusive and conflict-sensitive accountability mechanisms are established and strengthened to ensure responsiveness to communities and local civil society in local decision-making.
- **Output 3** Strong evidence base on conflict context in Hela and Southern Highland Provinces is established to inform local peacebuilding and development interventions.

The project will initially target locations in Hela and Southern Highlands provinces. In Hela, communities in five priority local-level governments (LLGs) identified in the Road Map are targeted:

- Komo Rural LLG (Komo-Magarima District)
- Hulia Rural LLG (Komo-Magarima District)
- Tagali Rural LLG (Tari-Pori District)
- Hayapuga Rural LLG (Tari-Pori District)
- South Koroba Rural LLG (Koroba-Kopiago District)

In Southern Highlands province, Kagua-Erave, Nipa-Kutubu, and Mendi-Munihu districts have been prioritized.

Under the overall supervision of the Project Responsible and the day-to-day coordination with the project international technical specialist as well as UN Human Rights Advisor, the service provider will be responsible for conducting an in-depth scoping exercise of existing formal law and justice institutions and interaction with traditional/informal justice mechanisms in Hela and Southern Highlands Provinces in Papua New Guinea.

The scoping study aims to identify and study gaps and barriers that prevent communities from accessing formal and informal justice, including addressing local perceptions of justice, the interaction between traditional and informal justice mechanisms and the formal justice system, accounting for the institutional strengthening being supported by the Australian Government through the current JSS4D
programme. The scoping study will provide province-specific actionable recommendations on ways to overcome gaps and barriers identified to improve communities’ access to justice, potentially in collaboration with the JSS4D programme.

The findings from this study will be presented at both relevant national and provincial government forums (i.e., National Social, Law and Order Sectors Committee, Provincial Law and Justice Committees) and development partners (i.e., Development Partners Roundtable).

**SCOPE OF WORK AND DELIVERABLES**

**Objective of the Assignment:**

The overall objective of this assignment is to conduct an in-depth scoping exercise of existing formal law and justice institutions and interaction with traditional/informal justice mechanisms in Hela and Southern Highlands Provinces in Papua New Guinea. Fieldwork in the two said provinces is envisaged.

**Scope of Work and Deliverables:**

Under the overall supervision of the Project Responsible and the day-to-day coordination with the project international technical specialist and the UN Human Rights Advisor, as a scoping study team, the Contractor will facilitate the overall process of conducting the scoping study and perform tasks listed below.

1. **Literature Review:** Conduct a literature review of institutions, legislations, and policies as well as traditional systems of justice in Hela and Southern Highlands to map out all existing relevant mechanisms, with a special focus on conflict management, at national, provincial and district levels, including their scope, type, how they are managed, responsible parties, and coordination mechanisms. Identify gaps and challenges.

2. **Field missions to Hela and Southern Highlands Province:**
   - Identify the legal, institutional, social, cultural and economic barriers in accessing justice in the target provinces;
   - Identify mechanisms and structures perceived to be insufficient to address community needs for restorative justice;
   - Conduct a perception survey to gather people’s perceptions, experiences and challenges experienced by stakeholders, including government officials and target community members, when attempting to navigate between formal law and justice institutions and traditional/informal justice mechanisms. (Capture experiences faced by groups of different sex, age, and other vulnerabilities) and suggestions on how the experiences to access justice can be improved.

3. **Conduct a need assessment of local people based on participatory approaches and consult on some possible options to improve mechanisms, structures and pathways for people’s easy access to formal justice systems with consideration of differences between gender groups, age, disability status and other vulnerabilities.**

4. **Provide province-specific actionable recommendations on ways to overcome gaps and barriers identified to improve communities’ access to justice, in consultation with key stakeholders,**
including recommendations on how to enable transition from conflict and to consolidate local peace agreements.

**Expected Outputs and Deliverables; Estimated duration to complete and Payment percentage:**

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<tr>
<th>Deliverables</th>
<th>Report Due</th>
<th>Payment Percent</th>
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<tr>
<td><strong>1st Installment</strong> will be paid after completion of the following Deliverables:</td>
<td>By 31 January 2022 (in country)</td>
<td>20%</td>
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<tr>
<td>- Inception report outlining objectives, methodologies, list of contents, list of interviewees, timing of the scoping study, and composition of the team (including the list of specialists and experts).</td>
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<td><strong>2nd Installment</strong> will be paid after completion of the following Deliverables:</td>
<td>By 31 March 2022 (22 working days field mission to Hela Province and Southern Highlands Province)*</td>
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<tr>
<td>- Field mission (Hela and Southern Highlands Provinces)</td>
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<td>- Presentation on initial findings with UNDP-hosted forum following validation sessions</td>
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<td>- Field mission report, including minutes of the discussions</td>
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<td><strong>3rd Installment</strong> will be paid after completion of the following Deliverables:</td>
<td>By 14 April 2022 (in country)</td>
<td>40%</td>
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<td>- Draft scoping study report using approaches agreed in the inception report incorporating findings from the field missions</td>
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<td><strong>4th Installment</strong> will be paid after completion of the following Deliverables:</td>
<td>By 30 April 2022 (Within 1 week from receiving comments on the draft report) (in country)</td>
<td>40%</td>
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<tr>
<td>- Revised final scoping study report reflecting comments and inputs from UNDP attached with survey questionnaire, minutes of discussions and other relevant details.</td>
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<td>- Finalized presentation materials on findings of the scoping study</td>
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<td>- Presentation of findings to relevant provincial and national-level forums to be organized by UNDP.</td>
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**Payment Modality:**
Payments under the contract shall be delivery-based and be made on receipt of the specific milestone reports indicated above. These shall be as indicated above and shall be deemed delivered upon the approval of Project Responsible.

**WORKING ARRANGEMENTS**

**Institutional Arrangements:**

The Contractor will work under the overall supervision of the Project Responsible and the day-to-day coordination with the project international technical specialist as well as consultation with the UN Human Rights Advisor.

The consultancy envisages field missions to Hela Province and Southern Highlands Province. The consultants are expected to meet mission-related costs including travel, transportation and additional security etc. During the field visit, UNDP will facilitate access to safety and security management systems and temporary office space applicable to UNDP personnel. The consultants, however, are expected to bring his/her own laptop and mobile phone and meet local communications costs. Pre-agreed costs to arrange meetings, workshops etc. shall be reimbursable by UNDP.

**Duration of the Work**

The whole assignment is foreseen for a period of 24 January – 30 April 2022 (including 22 working days in Hela and Southern Highlands Provinces), after signing the contract, including all preparation works and on-site visits if any. The target date for the start of the works will be 24 January 2022.

**Duty Station**

This consultancy is based in Port Moresby, Papua New Guinea with field visits to target communities in Hela and Southern Highlands Provinces envisaged. The Contractor will follow the working hours and weekends as applicable to UNDP PNG staff.

The Contractor is at all times required to observe UNDP security rules and regulations.

**REQUIREMENTS FOR CONTRACTOR**

**For the firm:**

- Legally registered entity;
- At least 5 years of experience in legal analysis, rule of law and justice related research and coordination, including provision of relevant technical advisory services (sample materials and short description should be provided);
- Have proven experience of community engagement; and
- Experience in cooperation with public authorities and international organisations will be considered as an asset.

**Tentative team leader**

The Contractor should propose the project team led by a team lead with the following qualifications:
**Academic Qualifications**
- Master's Degree or equivalent in Law, Political Sciences, Peace & Conflict Studies, or related field.

**Years of experience**
- At least 7 years of relevant experience at the national or international level in legal analysis, rule of law and justice related research and coordination, including provision of relevant technical advisory services.
- Experience working in peacebuilding, democratic governance, rule of law, and security sector.
- Proven research/analytical skills – Ability to write policy papers and working documents (reports/assessments/reviews).
- Experience in engaging with senior decision/policymakers.
- Knowledge of the Papua New Guinea development context is an advantage.
- Experience with government, UN and donor agencies in Papua New Guinea is an asset.
- Experience in the usage of computers and office software packages.

**Language:**
- Excellent written and oral English and Tok Pisin skills.

**Corporate Competencies**
- Demonstrates integrity by modelling the UN's values and ethical standards.
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.
- Treats all people fairly without favouritism.
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

**Functional Competencies**
- Excellent qualitative research ability
- Excellent report writing ability
- Ability to work collaboratively with team members by sharing information openly and displaying cultural awareness and sensitivity.
- Knowledge of rule of law, Justice and Security concepts and principles and ability to apply to strategic and/or practical situations
- Justice sector development, including access to justice
- Ability to establish mechanisms, processes, resources in crisis-affected areas

**PRICE PROPOSAL AND SCHEDULE OF PAYMENTS**

The Contractor shall submit a price proposal as below:
- All inclusive – The Contractor shall propose the all-inclusive fixed total contract price, supported by a breakdown of costs, as per the template provided in Annex. The Contractor will be paid upon achievements of the deliverables indicated above.

**EVALUATION METHOD AND CRITERIA**

A two-stage procedure is utilised in evaluating the proposals.
Cumulative analysis

The award of the contract shall be made to the Contractor whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and;

b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight 70%

* Financial Criteria weight 30%

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

Technical Criteria 70 points

- Technical Proposal (30 marks)
  - Technical Approach & Methodology (20 marks) – This explains the understanding of the objectives of the assignment, approach to the services, methodology for carrying out the activities and obtaining the expected output, and the degree of detail of such output. The Applicant should also explain the proposed team composition and the methodologies proposed to adopt and highlight the compatibility of those methodologies with the proposed approach.
  - Work Plan (10 marks) – The Applicant should propose the main activities of the assignment, their content and duration, phasing and interrelations, milestones (including interim approvals by the Client), and delivery dates. The proposed work plan should be consistent with the technical approach and methodology, showing understanding of the TOR and ability to translate them into a feasible working plan.

- Qualification and Experience (40 marks) [evaluation of CV]
  - Relevant education (10 marks).
  - Experience in i) project management, particularly of peacebuilding projects, ii) development of project plans, and iii) working experience complicated projects (20 marks).
  - Experience of working for projects/programmes funded by UNDP (10 marks).

Documents to be included when submitting the proposals:

Interested firms must submit the following documents/information to demonstrate their qualifications in one single PDF document:
Financial Proposal

• Duly accomplished Confirmation of Interest and Submission of Financial Proposal Template using the template provided by UNDP (Annex II).
• The Offeror is required to prepare the Financial Proposal in an envelope separate from the rest of the RFP as indicated in the Instruction to Proposers.
• The Financial Proposal must provide a detailed cost breakdown. Provide separate figures for each functional grouping or category.
• Any estimates for cost-reimbursable items, such as travel and out-of-pocket expenses, should be listed separately.

Technical Proposal:

• A methodology on how they will approach and complete the assignment and work plan as indicated above.
• Information about the organisation with other requested information (experience in the implementation of similar projects, experts’ team, and recommendation letters).
• Detailed information about implemented projects in the field of justice scoping study (descriptions and links to sample materials should be provided).
• CV of the team members.

Annex:

• Annex I – Individual contract and General terms and conditions
• Annex II – Financial proposal and Offeror's Letter in UNDP Template
• Annex III – Addressing Conflict & Fragility in the Highlands in Papua New Guinea Project Document
• Annex IV – Terms of Reference

Submission Instructions:

Completed proposals should be submitted to procurement.png@undp.org no later than 09 March 2021.

For any clarification regarding this assignment, please write to procurement team at procurement.pg@undp.org

Please be guided by the instructions provided in this document above while preparing your submission.

Incomplete proposals and failure to comply with proposal submission instruction may not be considered or may result in disqualification of proposal.

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

Name: Ahmad Rashid Watanpahl

Title: Peacebuilding Specialist