REQUEST FOR PROPOSAL (RFP)

To: All Interested Bidders

DATE: March 16, 2022

REFERENCE:
RFP/UNDP/BusinessandHumanRights/175130/005/2022 - Guidelines in Integrating Gender within Infrastructure Financing and Development in Indonesia

Dear Sir / Madam:

The United Nations Development Programme (UNDP) hereby invites you to submit a Proposal to this Request for Proposal with reference RFP/UNDP/BusinessandHumanRights/175130/005/2022 - Guidelines in Integrating Gender within Infrastructure Financing and Development in Indonesia

A bidder’s conference will be held on:
Date/Time: Monday, 21 Mar 2022, 14.00 (GMT+7)
Place: Zoom Meeting
https://undp.zoom.us/j/89818620189?pwd=Yi8xMFpXbGdVVvVkaG9nTkxtOJU5Zz09
Meeting ID: 898 1862 0189 – Passcode 671690

Detailed Terms of Reference (TOR) as well as other requirements are listed in the RFP available on UNDP ATLAS e-Tendering system (https://etendering.partneragencies.org) Event ID: 0000011896

Your offer, comprising of a Technical and Financial Proposal, should be submitted in accordance with the RFP requirements, through the UNDP ATLAS e-Tendering system and by the deadline indicated in https://etendering.partneragencies.org.

NOTE! The Technical Proposal and Financial Proposal files MUST BE COMPLETELY SEPARATE and uploaded separately in the system and clearly named as either “TECHNICAL PROPOSAL” or “FINANCIAL PROPOSAL”, as appropriate. Each document shall include the Proposer’s name and address.

The file with the “FINANCIAL PROPOSAL” must be encrypted with a password so that it cannot be opened nor viewed until the Technical Proposal has been found to be pass the technical evaluation stage. Failed to meet this requirement, proposal will be rejected.

Once a Technical Proposal has been found to be responsive by passing the technical evaluation stage, UNDP shall request the Proposer to submit the password to open the Financial Proposal.
The Proposer shall assume the responsibility for not encrypting the Financial Proposal. **NOTE: DO NOT ENTER BID AMOUNT IN THE SYSTEM, INSTEAD ENTER THE NUMBER 1.** Failed to meet this requirement, proposal will be rejected.

In the course of preparing and submitting your Proposal, it shall remain your responsibility to ensure that it is submitted into the system by the deadline. The system will automatically block and not accept any bid after the deadline. In case of any discrepancies, the deadline indicated in the system shall prevail.

Kindly ensure that supporting documents required are signed and stamped and in the .pdf format, and free from any virus or corrupted files.

**NOTE:** The file name should contain only Latin characters (No Cyrillic or other alphabets). Failed to meet this requirement, proposal will be rejected.

You are kindly requested to indicate whether your company intends to submit a Proposal by clicking “Accept Invitation” but not later than **21 Mar 2022**. If this is not the case, UNDP would appreciate indicating your reason, for our records.

If you have not registered in the system before, you can register by logging in using:

**Username:** event.guest
**Password:** why2change

The step by step instructions for registration of bidders and quotation submission through the UNDP ATLAS e-Tendering system is available in the attached “Instructions Manual for the Bidders”. Should you require any training on the UNDP ATLAS e-Tendering system or face any difficulties when registering your company or submitting your quotation, please send an email to armada.pratama@undp.org and yusef.millah@undp.org.

Please note that ATLAS has following minimum requirements for password:
1. Minimum length of 8 characters;
2. At least one capital letter; and
3. At least one number.

New proposer registering for the first time, the system will not accept any password that does not meet the above requirement, and thus registration cannot be completed.

For existing vendor whose current password does not meet the abovementioned password requirements, the system will prompt you to change your password upon signing in. Please change your password in accordance with the abovementioned password requirements to be able to login to the system.

The user guide and video are available to you in the UNDP public website in this link: https://www.undp.org/content/undp/en/home/procurement/business/resources-for-bidders.html

You are advised to use Internet Explorer (Version 10 or above) to avoid any incompatibility issues with the re-tendering system.

**No hard copy or email submissions will be accepted by UNDP.**
UNDP looks forward to receiving your Proposal and appreciate your interest to participate in UNDP procurement opportunities.

Sincerely yours,

Martin Stephanus Kurnia
Head of Procurement Unit
3/16/2022
## Description of Requirements

<table>
<thead>
<tr>
<th>Context of the Requirement</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Asia has long been synonymous with economic dynamism. Over the last several decades, hundreds of millions of people have been lifted out of poverty, health and educational provision has been enhanced, and new industries have taken root. Still, rapid economic growth has not been without steep social and environmental costs, with long-term implications for the well-being and prosperity of states, communities, and individuals in the region.</td>
</tr>
</tbody>
</table>

The objective of the UNDP Business and Human Rights in Asia (B+HR Asia) programme is to promote the implementation of the **UN Guiding Principles on Business and Human Rights** (UNGPs) as a means to address business-related risks and adverse impacts. Supported by the European Union, B+HR Asia is programming in seven countries including India, Indonesia, Malaysia, Myanmar, Mongolia, Thailand and Sri Lanka. The programme also produces guidance to companies as they address COVID-19 related human rights risks in their supply chains. Several trainings for Indonesian business on human rights due diligence and COVID-19 have already been conducted, with significant levels of interest.

In 2022, B+HR Asia programming will also be focus on the infrastructure sector as key industry to furthering the implementation of United Nations Guiding Principles (UNGPs) on business and human rights.

President Joko Widodo’s vision for 2045 is for Indonesia to be the fifth largest economy in the world. Within this vision, infrastructure development in Indonesia has been a hallmark policy initiative of the President’s administration. Addressing infrastructure gaps may also provide an important boost to the nation’s connectivity and foster the country’s economic development. As a means to stoke an economic recovery, the government has recommitted to the development of national strategic projects while adding an additional 89 new infrastructure projects of an estimated US$ 100 billion in investment value, to its portfolio. Among these infrastructure projects include roads, bridges, dams, irrigation systems, railways, airports, seaports, and industrial zones. However, flawed infrastructure project planning may preclude access to affordable infrastructure for those who bear the direct burden of infrastructure construction. Furthermore, infrastructure investments carry significant human rights risks, as they impact directly on the environment and the social and economic rights of local communities. The most serious and irreversible human rights problems will often originate from project design, involving the acquisition and development of land, transportation links and access to water resources, resulting in denial of land rights, including forced eviction, and loss of livelihoods of local communities and Indigenous Peoples. It is well documented that women’s economic and productive lives have been affected often disproportionately to men, due to poor planning of infrastructure.
To further inform the relevance and importance of respecting human rights with gender lens and integrate gender responsive approach within infrastructure sector, the B+HR Asia programme will support the Indonesian Ministry of Women Empowerment and Child Protection (MOWECP) to provide guidelines on increasing women’s participation in public consultation within land acquisition, integrating women’s rights into the environment impact assessment (AMDAL) system, and integrating gender responsive measures for infrastructure projects including elements on access to remedy for the impacted right holders.

Addressing infrastructure gaps may provide an important boost to the nation’s connectivity and foster the country’s economic development. Investments in infrastructure can contribute to higher productivity and growth, facilitate trade and connectivity, promote economic inclusion, increase business activity, and generate new employment. When designed well, infrastructure narrows income disparities and empowers women.

**United Nations Guiding Principles (UNGPs) on Business and Human Rights**

The United Nations Guiding Principles on Business and Human Rights (UNGPs), unanimously endorsed by the Human Rights Council in June 2011, are the world’s most authoritative, normative framework guiding responsible business conduct. The UNGPs consist of three pillars. The first pillar of the UNGPs concerns the well-established State duty to protect human rights under international human rights law. The second pillar addresses the responsibility of business enterprises to respect human rights while the third pillar outlines the role of both State and non-State actors to promote access to effective remedies for rights holders who have experienced business-related abuses through judicial and non-judicial grievance mechanisms.

Effective and accessible grievance redress mechanisms, both judicial and non-judicial, are needed to anticipate and resolve conflicts arising from policymaking and project decisions and actions. Sadly, women’s access to remedy is often limited due to a litany of forces including the burden of domestic care work, the threat of domestic violence, and inequitable access to financial resources and educational opportunities.

As a part of a wider effort to reduce its risk profile and address systemic rights abuses in some value chains, Indonesia has embarked on work to develop a National Strategy on Business and Human Rights (NS-BHR). Currently, this important policy document, aligned with the UNGPs, is being developed under the guidance of the Indonesian Ministry of Law and Human Rights with key ministries, civil society organizations (CSOs) and business associations formed as the Task Force to further finalize and implement the National Strategy.

The development of a national strategy or national action plan (NAP) presents a government with the opportunity to review its legislative framework at the national level and then to identify gaps and reforms to increase coherence with
the government’s human rights commitments across business-related legal and policy frameworks and programs. It is also an opportunity for Indonesia to amplify its commitment to responsible business among an international audience of investors, journalists, human rights advocates and other stakeholders.

Currently, there are 23 countries with NAPs on Business and Human Rights, including Thailand and Japan. India is very close to releasing a final draft, while Malaysia NAPs are still in progress. In this context, the international community eagerly awaits the release of Indonesia’s NSP-BHR, and its implementation.

Importantly, a succinct review of the risks and impacts that infrastructure projects pose to women, and appropriate responses including provisions of guidelines, would help inform the development of the Indonesian NS-BHR.

<table>
<thead>
<tr>
<th>Implementing Partner of UNDP</th>
<th>Ministry of Women Empowerment and Child Protection (MOWECP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brief Description of the Required Services</td>
<td>Within the background above, the consultancy assignment to developing guidelines in integrating gender within infrastructure sector is to be structured around the following objectives:</td>
</tr>
<tr>
<td></td>
<td>1. Identify and articulate the challenges and opportunities in integrating gender in public consultation on land acquisition, environmental assessment (AMDAL), social and environmental assessment on investment instruments in a comprehensive yet concise analysis;</td>
</tr>
<tr>
<td></td>
<td>2. Develop specific ‘how-to’ guidelines with checklist for ease application in integrating gender within aforementioned subjects for government and business sector including around access to remedy and case studies in Indonesia context;</td>
</tr>
<tr>
<td></td>
<td>3. Liaise with key stakeholders for data collections including but not limited the Ministry of Women Empowerment and Child Protection, Ministry of Public Works and Housing, Ministry of Environment and Forestry, Ministry of Investment (Indonesia Investment Coordinating Board/Badan Koordinasi Penanaman Modal);</td>
</tr>
<tr>
<td></td>
<td>4. Participate in the G20 multi-stakeholders’ dialogue organized by UNDP to share the draft guidelines and incorporate feedbacks received from the dialogue to improve and strengthen the draft guidelines.</td>
</tr>
<tr>
<td></td>
<td>5. Finalize the guidelines by incorporating inputs from the dialogues, UNDP program team and implementing partner.</td>
</tr>
</tbody>
</table>

With key references but not limited to:

1. UNDP Issue Brief on Infrastructure Development and Women’s Rights in Indonesia ([https://t.co/2DCTIEQ58Y](https://t.co/2DCTIEQ58Y))

---

1 A detailed TOR may be attached if the information listed in this Annex is not sufficient to fully describe the nature of the work and other details of the requirements.

4. The Indonesian Ministry of Women Empowerment and Child Protection (MOWECP) tool for gender analysis, the Gender Analysis Pathway (GAP)

5. Indonesian Law No. 2/2021 on Land Acquisition for Public Interest

6. The Indonesian Ministry of Public Work and Public Housing (MOPWPH) Gender RoadMap


### Expected Outputs and Deliverables

The objective of this assignment is to develop a brief articulation of the risks and impacts infrastructure projects pose to women and provide specific ‘how-to’ guidelines with checklists for ease application including around access to remedy and case studies within Indonesia context.

1st Deliverables/Outputs

- Revised workplan/implementation plan by accommodating inputs from the project team and stakeholders for each guideline development
- A detailed synopsis of research with key messages of initial findings, outline of the guideline structure, and research methodology to be employed which might include desk review, focus group discussions, individual expert interviews, and surveys for each guideline

2nd Deliverables/Outputs

Final Draft of:

1. Guideline to increasing women participation in public consultation on land acquisition for infrastructure project
2. Guideline to integrate gender into environment assessment (AMDAL) within infrastructure project
3. Guideline to integrate gender into social and environment assessment within investment instrument for infrastructure project
4. Guideline on Gender Responsive Infrastructure

### Person to Supervise the Work/Performance of the Service Provider

Business and Human Rights Specialist, UNDP Indonesia

### Frequency of Reporting

Weekly reporting will be required, and each deliverable shall be presented to the Business and Human Rights Specialist of UNDP Indonesia for review and approval. (Please refer to the attached TOR for detail)

### Progress Reporting Requirements

Each deliverable shall be presented to the Business and Human Rights Specialist of UNDP Indonesia for review and approval. (Please refer to the attached TOR for detail)
<table>
<thead>
<tr>
<th><strong>Location of work</strong></th>
<th>☒ At Contractor’s Location, if required, for technical works specifically indicated in the proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Expected duration of work</strong></td>
<td><strong>Up to maximum of 40 working days within 4 months</strong></td>
</tr>
<tr>
<td><strong>Target start date</strong></td>
<td><strong>Mid April 2022</strong></td>
</tr>
<tr>
<td><strong>Latest completion date</strong></td>
<td><strong>July 2022</strong></td>
</tr>
<tr>
<td><strong>Travels Expected</strong></td>
<td>☒ Security Clearance from UN prior to travelling</td>
</tr>
<tr>
<td><strong>Special Security Requirements</strong></td>
<td>☒ Security Clearance from UN prior to travelling</td>
</tr>
</tbody>
</table>
| **Facilities to be Provided by UNDP (i.e., must be excluded from Price Proposal)** | ☒ Office space and facilities  
☐ Land Transportation |
| **Implementation Schedule indicating breakdown and timing of activities/sub-activities** | ☒ Required |
| **Names and curriculum vitae of individuals who will be involved in completing the services** | ☒ Required |
| **Currency of Proposal** | ☒ United States Dollars OR  
☒ **Indonesia Rupiah (IDR)** for Local Bidders |
| **Value Added Tax on Price Proposal** | ☒ must be exclusive of VAT and other applicable indirect taxes |
| **Validity Period of Proposals (Counting for the last day of submission of quotes)** | ☒ 90 days  
In exceptional circumstances, UNDP may request the Proposer to extend the validity of the Proposal beyond what has been initially indicated in this RFP. The Proposal shall then confirm the extension in writing, without any modification whatsoever on the Proposal. |
| **Partial Quotes** | ☒ Not permitted |

---

2 VAT exemption status varies from one country to another. Pls. check whatever is applicable to the UNDP CO/BU requiring the service.
Research Team shall quote a **lump-sum “all-inclusive” fee** for the completion of each deliverable. The term “all-inclusive” implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the research team in completing the assignment are already factored into the lump-sum submitted in the proposal. Payments shall be done upon verification of completion of deliverables and approval by the consultant’s supervisor.

<table>
<thead>
<tr>
<th>Deliverables/Outputs</th>
<th>Estimated number of working days</th>
<th>Completion deadline</th>
<th>Review and Approvals Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Revised workplan/implementation plan by accommodating inputs from the project team and stakeholders for each guideline development</td>
<td>20 days</td>
<td>30 April 2022</td>
<td></td>
</tr>
<tr>
<td>2. A detailed synopsis of research with key messages of initial findings, outline of the guideline structure, and research methodology to be employed which might include desk review, focus group discussions, individual expert interviews, and surveys for each guideline</td>
<td>20 days</td>
<td>30 April 2022</td>
<td></td>
</tr>
</tbody>
</table>

Final Draft of:

1. Guideline to increasing women participation in public consultation on land acquisition for infrastructure project
2. Guideline to integrate gender into environment assessment (AMDA) within infrastructure project

---

3 **UNDP preference is not to pay any amount in advance upon signing of contract. If the Service Provider strictly requires payment in advance, it will be limited only up to 20% of the total price quoted. For any higher percentage, or any amount advanced exceeding $30,000, UNDP shall require the Service Provider to submit a bank guarantee or bank cheque payable to UNDP, in the same amount as the payment advanced by UNDP to the Service Provider.**
| 3. Guideline to integrate gender into social and environment assessment within investment instrument for infrastructure project |
| 4. Guideline on Gender Responsive Infrastructure |

Person(s) to review/inspect/approve outputs/completed services and authorize the disbursement of payment:

Business and Human Rights Specialist, UNDP Indonesia

<table>
<thead>
<tr>
<th>Type of Contract to be Signed</th>
<th>☒ Professional service contract</th>
</tr>
</thead>
</table>

Criteria for Contract Award:

- ☐ Lowest Price Quote among technically responsive offers
- ☒ Highest Combined Score (based on the 70% technical offer and 30% price weight distribution)
- ☒ Full acceptance of the UNDP Contract General Terms and Conditions (GTC). This is a mandatory criterion and cannot be deleted regardless of the nature of services required. Non-acceptance of the GTC may be grounds for the rejection of the Proposal.

Criteria for the Assessment of Proposal:

**Technical Proposal (70%)**
- ☒ Expertise of the Firm 30%
- ☒ Methodology, Its Appropriateness to the Condition and Timeliness of the Implementation Plan 30%
- ☒ Management Structure and Qualification of Key Personnel 40%

**Financial Proposal (30%)**
To be computed as a ratio of the Proposal’s offer to the lowest price among the proposals received by UNDP.

UNDP will award the contract to:
- ☒ One and only one Service Provider
- ☐ One or more Service Providers, depending on the following factors:

**Contract General Terms and Conditions**
- ☐ General Terms and Conditions for contracts (goods and/or services)
- ☒ General Terms and Conditions for de minimis contracts (services only, less than $50,000)

---

*Service Providers are alerted that non-acceptance of the terms of the General Terms and Conditions (GTC) may be grounds for disqualification from this procurement process.*
Applicable Terms and Conditions are available at: 

### Annexes to this RFP

- Form for Submission of Proposal (Annex 2)
- Detailed TOR *(Annex 3)*
- Others: Sample written self-declaration of impartiality

### Contact Person for Inquiries (Written inquiries only)

**Armada Eras Pratama and Yusef Saiful Millah**  
Procurement Unit  
[armada.pratama@undp.org and yusef.millah@undp.org](mailto:armada.pratama@undp.org)

Any delay in UNDP’s response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the Proposers.

### Other Information [pls. specify]

- Registration for bid-con:  
  [https://undp.zoom.us/meeting/register/tZ0IduGurDsrEt2Ovaqddnre7BS9-8EOhKOQ5](https://undp.zoom.us/meeting/register/tZ0IduGurDsrEt2Ovaqddnre7BS9-8EOhKOQ5)

A **bidder’s conference** will be held on:  
**Date/Time**: Monday, 14.00 (GMT+7)  
**Place**: Zoom Meeting  
[https://undp.zoom.us/j/89818620189?pwd=Yi8xMFpXbGdVVnVkaG9nTkxtOXU5Zz09](https://undp.zoom.us/j/89818620189?pwd=Yi8xMFpXbGdVVnVkaG9nTkxtOXU5Zz09)  
**Meeting ID**: 898 1862 0189 – Passcode 671690

---

5 Where the information is available in the web, a URL for the information may simply be provided.  
6 A more detailed Terms of Reference in addition to the contents of this RFP may be attached hereto.  
7 This contact person and address is officially designated by UNDP. If inquiries are sent to other person(s) or address(es), even if they are UNDP staff, UNDP shall have no obligation to respond nor can UNDP confirm that the query was received.
Annex 2

FORM FOR SUBMITTING SERVICE PROVIDER’S PROPOSAL

(This Form must be submitted only using the Service Provider’s Official Letterhead/Stationery)

[insert: Location].
[insert: Date]

To: [insert: Name and Address of UNDP focal point]

Dear Sir/Madam:

We, the undersigned, hereby offer to render the following services to UNDP in conformity with the requirements defined in the RFP dated [specify date], and all of its attachments, as well as the provisions of the UNDP General Contract Terms and Conditions:

A. Qualifications of the Service Provider

The Service Provider must describe and explain how and why they are the best entity that can deliver the requirements of UNDP by indicating the following:

a) Profile – describing the nature of business, field of expertise, licenses, certifications, accreditations;

b) Business Licenses – Registration Papers, Tax Payment Certification, etc.

c) Latest Audited Financial Statement – income statement and balance sheet to indicate its financial stability, liquidity, credit standing, and market reputation, etc.;

d) Track Record – list of clients for similar services as those required by UNDP, indicating description of contract scope, name of project, contract duration, contract value, and contact references (email address and phone number);

e) Written Self-Declaration that the company is not in the UN Security Council 1267/1989 List, UN Procurement Division List or Other UN Ineligibility List.

B. Proposed Methodology for the Completion of Services

The Service Provider must describe how it will address/deliver the demands of the RFP; providing a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the local conditions and context of the work.

---

8 This serves as a guide to the Service Provider in preparing the Proposal.
9 Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes.
C. Qualifications of Key Personnel

If required by the RFP, the Service Provider must provide:

a) Names and qualifications of the key personnel that will perform the services indicating who is Team Leader, who are supporting, etc.;

b) CVs demonstrating qualifications must be submitted if required by the RFP; and

c) Written confirmation from each personnel that they are available for the entire duration of the contract.

D. Cost Breakdown per Deliverable*

<table>
<thead>
<tr>
<th>No</th>
<th>Deliverables [list them as referred to in the RFP]</th>
<th>Percentage of Total Price (Weight for payment)</th>
<th>Price (Lump Sum, All Inclusive)</th>
</tr>
</thead>
</table>
| 1  | 1. Revised workplan/implementation plan by accommodating inputs from the project team and stakeholders for each guideline development  
2. A detailed synopsis of research with key messages of initial findings, outline of the guideline structure, and research methodology to be employed which might include desk review, focus group discussions, individual expert interviews, and surveys for each guideline | 25% |  |
| 2  | Final Draft of:  
1. Guideline to increasing women participation in public consultation on land acquisition for infrastructure project  
2. Guideline to integrate gender into environment assessment (AMDAL) within infrastructure project  
3. Guideline to integrate gender into social and environment assessment within investment instrument for infrastructure project Guideline on Gender Responsive Infrastructure | 75% |  |

Total 100%

*This shall be the basis of the payment tranches

E. Cost Breakdown by Cost Component [This is only an Example]:

<table>
<thead>
<tr>
<th>Description of Activity</th>
<th>Duration (in days)</th>
<th>Personnel (qty)</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Personnel Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Research Project Leader (Expert)</td>
<td>20</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>Hours</td>
<td>Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-------</td>
<td>------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Research Specialist (Focus: women’s rights and participation in land acquisition)</td>
<td>40</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Research Specialist (Focus: women’s rights in social and environmental assessment within investment instruments)</td>
<td>40</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Research Specialist (Focus: women’s rights and participation in Environment Assessment System/AMDAL)</td>
<td>40</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Research Specialist (Focus: gender responsive infrastructure)</td>
<td>40</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. Out of Pocket Expenses

1. Travel Costs
2. Daily Allowance
3. Communications
4. Reproduction
5. Equipment Lease
6. Others

III. Other Related Costs (if any, please specify in detail)

[Name and Signature of the Service Provider’s Authorized Person]
[Designation]
[Date]
TERMS OF REFERENCE
FOR SERVICE PROVIDER

POST TITLE: Guidelines in Integrating Gender within Infrastructure Financing and Development in Indonesia

AGENCY/PROJECT NAME: UNDP

COUNTRY OF ASSIGNMENT: Indonesia

DURATION: April – July 2022

A. Project Title

Business and Human Rights in Asia, UNDP Indonesia

B. Background

Asia has long been synonymous with economic dynamism. Over the last several decades, hundreds of millions of people have been lifted out of poverty, health and educational provision has been enhanced, and new industries have taken root. Still, rapid economic growth has not been without steep social and environmental costs, with long-term implications for the well-being and prosperity of states, communities, and individuals in the region.

The objective of the UNDP Business and Human Rights in Asia (B+HR Asia) programme is to promote the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) as a means to address business-related risks and adverse impacts. Supported by the European Union, B+HR Asia is programming in seven countries including India, Indonesia, Malaysia, Myanmar, Mongolia, Thailand and Sri Lanka. The programme also produces guidance to companies as they address COVID-19 related human rights risks in their supply chains. Several trainings for Indonesian business on human rights due diligence and COVID-19 have already been conducted, with significant levels of interest.

In 2022, B+HR Asia programming will also be focus on the infrastructure sector as key industry to furthering the implementation of United Nations Guiding Principles (UNGPs) on business and human rights.

President Joko Widodo’s vision for 2045 is for Indonesia to be the fifth largest economy in the world. Within this vision, infrastructure development in Indonesia has been a hallmark policy initiative of the President’s administration. Addressing infrastructure gaps may also provide an important boost to the nation’s connectivity and foster the country’s economic development. As a means to stoke an economic recovery, the government has recommitted to the development of national strategic projects while adding an additional 89 new infrastructure projects of an estimated US$ 100 billion in investment value, to its portfolio. Among these infrastructure projects include roads, bridges, dams, irrigation systems, railways, airports, seaports, and industrial zones. However, flawed infrastructure project planning may preclude access to affordable infrastructure for those who bear the direct burden of infrastructure construction. Furthermore, infrastructure investments carry significant human rights risks, as they impact directly on the environment and the social and economic rights of local communities. The most serious and irreversible human rights problems will often originate from project design, involving the acquisition
and development of land, transportation links and access to water resources, resulting in denial of land rights, including forced eviction, and loss of livelihoods of local communities and Indigenous Peoples. It is well documented that women’s economic and productive lives have been affected often disproportionately to men, due to poor planning of infrastructure.

To further inform the relevance and importance of respecting human rights with gender lens and integrate gender responsive approach within infrastructure sector, the B+HR Asia programme will support the Indonesian Ministry of Women Empowerment and Child Protection (MOWECP) to provide guidelines on increasing women’s participation in public consultation within land acquisition, integrating women’s rights into the environment impact assessment (AMDAL) system, and integrating gender responsive measures for infrastructure projects including elements on access to remedy for the impacted right holders.

Addressing infrastructure gaps may provide an important boost to the nation’s connectivity and foster the country’s economic development. Investments in infrastructure can contribute to higher productivity and growth, facilitate trade and connectivity, promote economic inclusion, increase business activity, and generate new employment. **When designed well, infrastructure narrows income disparities and empowers women.**

**United Nations Guiding Principles (UNGPs) on Business and Human Rights**
The United Nations Guiding Principles on Business and Human Rights (UNGPs), unanimously endorsed by the Human Rights Council in June 2011, are the world’s most authoritative, normative framework guiding responsible business conduct. The UNGPs consist of three pillars. The first pillar of the UNGPs concerns the well-established State duty to protect human rights under international human rights law. The second pillar addresses the responsibility of business enterprises to respect human rights while the third pillar outlines the role of both State and non-State actors to promote access to effective remedies for rights holders who have experienced business-related abuses through judicial and non-judicial grievance mechanisms.

Effective and accessible grievance redress mechanisms, both judicial and non-judicial, are needed to anticipate and resolve conflicts arising from policymaking and project decisions and actions. Sadly, women’s access to remedy is often limited due to a litany of forces including the burden of domestic care work, the threat of domestic violence, and inequitable access to financial resources and educational opportunities.

As a part of a wider effort to reduce its risk profile and address systemic rights abuses in some value chains, Indonesia has embarked on work to develop a **National Strategy on Business and Human Rights** (NS-BHR). Currently, this important policy document, aligned with the UNGPs, is being developed under the guidance of the Indonesian Ministry of Law and Human Rights with key ministries, civil society organizations (CSOs) and business associations formed as the Task Force to further finalize and implement the National Strategy.

The development of a national strategy or national action plan (NAP) presents a government with the opportunity to review its legislative framework at the national level and then to identify gaps and reforms to increase coherence with the government’s human rights commitments across business-related legal and policy frameworks and programs. It is also an opportunity for Indonesia to amplify its commitment to responsible business among an international audience of investors, journalists, human rights advocates and other stakeholders.
Currently, there are 23 countries with NAPs on Business and Human Rights, including Thailand and Japan. India is very close to releasing a final draft, while Malaysia NAPs are still in progress. In this context, the international community eagerly awaits the release of Indonesia’s NSP-BHR, and its implementation.

Importantly, a succinct review of the risks and impacts that infrastructure projects pose to women, and appropriate responses including provisions of guidelines, would also help inform the development of the Indonesian NS-BHR.

C. SCOPE OF SERVICES

Within the background above, the consultancy assignment to developing guidelines in integrating gender within infrastructure sector is to be structured around the following objectives:

1. Identify and articulate the challenges and opportunities in integrating gender in public consultation on land acquisition, environmental assessment (AMDAL), social and environmental assessment on investment instruments in a comprehensive yet concise analysis;
2. Develop specific ‘how-to’ guidelines with checklist for ease application in integrating gender within aforementioned subjects for government and business sector including around access to remedy and case studies in Indonesia context;
3. Liaise with key stakeholders for data collections including but not limited the Ministry of Women Empowerment and Child Protection, Ministry of Public Works and Housing, Ministry of Environment and Forestry, Ministry of Investment (Indonesia Investment Coordinating Board/Badan Koordinasi Penanaman Modal);
4. Participate in the G20 multi-stakeholders’ dialogue organized by UNDP to share the draft guidelines and incorporate feedbacks received from the dialogue to improve and strengthen the draft guidelines.
5. Finalize the guidelines by incorporating inputs from the dialogues, UNDP program team and implementing partner.

With key references but not limited to:
1. UNDP Issue Brief on Infrastructure Development and Women’s Rights in Indonesia (https://t.co/2DCTIEQ58Y)
4. The Indonesian Ministry of Women Empowerment and Child Protection (MOWECP) tool for gender analysis, the Gender Analysis Pathway (GAP)
5. Indonesian Law No. 2/2021 on Land Acquisition for Public Interest
6. The Indonesian Ministry of Public Work and Public Housing (MOPWPH) Gender RoadMap
Expected Outputs and Deliverables
The objective of this assignment is to develop a brief articulation of the risks and impacts infrastructure projects pose to women and provide specific ‘how-to’ guidelines with checklists for ease application including around access to remedy and case studies within Indonesia context.

The specific outputs/deliverables expected from the research team expected as follows:

<table>
<thead>
<tr>
<th>Deliverables/Outputs</th>
<th>Estimated number of working days</th>
<th>Completion deadline</th>
<th>Review and Approvals Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Revised workplan/implementation plan by accommodating inputs from the project team and stakeholders for each guideline development</td>
<td>20 days</td>
<td>30 April 2022</td>
<td></td>
</tr>
<tr>
<td>2. A detailed synopsis of research with key messages of initial findings, outline of the guideline structure, and research methodology to be employed which might include desk review, focus group discussions, individual expert interviews, and surveys for each guideline</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Draft of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Guideline to increasing women participation in public consultation on land acquisition for infrastructure project</td>
<td>20 days</td>
<td>15 July 2022</td>
<td>Business and Human Rights Specialist, UNDP Indonesia</td>
</tr>
<tr>
<td>2. Guideline to integrate gender into environment assessment (AMDAL) within infrastructure project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Guideline to integrate gender into social and environment assessment within investment instrument for infrastructure project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Guideline on Gender Responsive Infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The final products need to be delivered in English in the required softcopy provided Word document template.

The research team will use their own equipment and software.

Bidders shall quote a lump-sum “all-inclusive” fee for the completion of each deliverable. The term “all-inclusive” implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the consultant in completing the assignment are already factored into the lump-sum submitted in the proposal. Payments shall be done upon verification of completion of deliverables and approval by the Business and Human Rights Specialist, UNDP Indonesia.

Requirements for Experience and Qualifications for Research Institution or Firm
1. Experience in handling at least five projects within the last five years of research in infrastructure financing and development, or another relevant topic within development sectors including economics, gender, trade and investment;

2. Experience working with Ministry of Women Empowerment and Child Protection/Ministry of Public Works and Housing/Ministry of Environment and Forestry/Ministry of National Development Planning/Ministry of Law and Human Rights/Ministry of Investment (Indonesia Investment Coordinating Board/Badan Koordinasi Penanaman Modal) in conducting surveys/interviews/case studies/desk review and/or legal research for collection of evidence and regulatory review within the last five years;

3. Experience in developing guideline/providing set of recommendations/developing Standard Operating Procedures/Roadmap to Government Institution and/or international organization;

4. Valid registration of the institution/firm.

Requirements for Experience and Qualifications for Research Consultant:

1. **Senior Research Project Leader (Expert)**
   **Academic Qualifications**
   Master’s degree in economics, social studies or another relevant disciplines
   
   **Working Experience**
   - At least 10 years’ experience within the subject of infrastructure financing and development, or another relevant topic in development sectors including economics, gender, trade and investment;
   - Demonstrable record of having undertaken similar research assignments;
   - Experience in leading at least three research projects including providing guidance, monitoring the research development, reviewing and ensuring research outputs delivered in high quality as per the project requirements.

2. **Senior Research Specialist (Focus: women’s rights and participation in public consultation in land acquisition)**
   **Academic Qualifications**
   Master’s degree in economics, social studies or another relevant disciplines
   
   **Working Experience**
   - At least 5 years’ experience within the subject of infrastructure financing and development, or another relevant topic in development sectors including economics, gender, trade and investment
   - Demonstrable record of having undertaken similar research assignments

3. **Senior Research Specialist (Focus: women’s rights in social and environmental assessment within investment instruments)**
   **Academic Qualifications**
   Master’s degree in economics, social studies or another relevant disciplines
   
   **Working Experience**
   - At least 5 years’ experience within the subject of infrastructure financing and development, or another relevant topic in development sectors including economics, gender, trade and investment
   - Demonstrable record of having undertaken similar research assignments
4. Senior Research Specialist (Focus: women’s rights and participation in Environment Assessment System/AMDAL)

**Academic Qualifications**
Master’s degree in economics, social studies or another relevant disciplines

**Working Experience**
- At least 5 years’ experience within the subject of infrastructure financing and development, or another relevant topic in development sectors including economics, gender, trade and investment
- Demonstrable record of having undertaken similar research assignments

5. Senior Research Specialist (Focus: gender responsive infrastructure)

**Academic Qualifications**
Master’s degree in economics, social studies or another relevant disciplines

**Working Experience**
- At least 5 years’ experience within the subject of infrastructure financing and development, or another relevant topic in development sectors including economics, gender, trade and investment
- Demonstrable record of having undertaken similar research assignments

**General requirements for all research team personnel:**

**Skills and knowledge**
- Understanding in infrastructure financing and development, or another relevant topic within development sectors including economics, gender, trade and investment in Indonesia context
- Understanding of women’s rights issues, and record of expertise
- Proven ability to produce policy-based analytical reports of high quality in English
- Excellent communication (spoken, written and presentation) skills in Bahasa Indonesia and English

**Competencies and special skills requirement:**
- Demonstrates integrity and fairness, by modeling the UN/UNDP’s values and ethical standards;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability

**Functional/Technical:**
- Excellent writing, editing, and proofreading skills in English;
- Strong ability to communicate and function effectively in an international and multicultural environment;
- Ability to design and conduct interviews;
- Demonstrated accuracy and attention to details;
- Ability to meet deadlines and work under pressure;
- Ability to be flexible and respond to changes as part of the review and feedback process;
- Excellent interpersonal skills;
- Excellent organizational skills
D. DURATION OF THE WORK

Duration of the Work
The assignment is estimated to commence in April 2022. The assignment will need to be completed in July 2022 at the latest. Up to maximum of 40 working days.

Duty Station
The consultancy will be home-based and shall set-up a schedule to engage with the project team through video conference or other remote communication tools.

Institutional Arrangement
The research team will work under the overall guidance of the Business and Human Rights Specialist, UNDP Indonesia.

Weekly reporting will be required, and each deliverable shall be presented to the Business and Human Rights Specialist of UNDP Indonesia for review and approval. The Business and Human Rights Specialist or other team members may provide guidance throughout the life of the project.