



Enhancing Access to Justice through Institutional Reform Project (A2J) Project II



Form: 3.2

Date: 7th April 2022

Request for Proposal (RFP)

for

REFERENCE: A2J/RFP/2022/01: "Conduct a Base Line Survey of Access to Justice Through Institutional Reform (A2J) Project II in the selected location"

Dear Proposers,

You are requested to submit a proposal for undertaking:

"Conduct a Base Line Survey of Access to Justice Through Institutional Reform (A2J) Project II in the selected location", as per the enclosed Terms of Reference (TOR).

1. To enable you to submit a proposal, attached are:

- | | |
|--|-------------|
| i. Instructions to Proposers | (Annex I) |
| ii. Terms of References (TORs) | (Annex II) |
| iii. Proposal Submission Form | (Annex III) |
| iv. Technical Proposal Format | (Annex IV) |
| v. Price Schedule | (Annex V) |
| vi. General Condition | (Annex VI) |
| vii. Statement of Compliance with terms and conditions | (Annex VII) |

2. Your offer comprising of technical and financial proposals for task, in two **separate sealed envelopes**, should reach the following address no later than **15:00 hrs. NST on Friday, 22 April 2022**.

Enhancing Access to Justice Through Institutional Reform (A2J) Project II
Babarmahal, Kathmandu
Tel: 977-1-5338303, 5338309

Proposals that are received by **A2J Project** after the deadline indicated above, for whatever reason, shall not be considered for evaluation.

Should you require further clarifications, kindly communicate with the contact person identified in the RFP document as the focal point for queries on this RFP.

A2J Project looks forward to receiving your proposal and thanks you in advance for your interest in **A2J Project** procurement opportunities.

Yours sincerely

Basant Prasad Adhikari
National Project Manager

INSTRUCTIONS TO PROPOSERS

A. Introduction

Definitions

- a. "Contract" refers to the agreement that will be signed by and between the *A2J Project* and the successful proposer, all the attached documents thereto, including the General Terms and conditions and the appendices.
- b. "Day" refers to calendar day.
- c. "Government" refers to the Government of Nepal that will be receiving the services provided/rendered specified under the contract.
- d. "Instructions to Proposers" (Annex I of the RFP) refers to the complete set of documents that provides Proposers with all information needed and procedures to be followed in the course of preparing their Proposals.
- e. "Proposal" refers to the Proposer's response to the Request for Proposal, including the Proposal Submission Form, Technical and Financial Proposal and all other documentation attached thereto as required by the RFP.
- f. "Proposer" refers to any legal entity that may submit, or has submitted, a Proposal for the provision of services requested by *A2J Project* through this RFP.
- g. "RFP" refers to the Request for Proposals consisting of instructions and references prepared by *A2J Project* for purposes of selecting the best service provider to perform the services described in the Terms of Reference.
- h. "Services" refers to the entire scope of tasks and deliverables requested by *A2J Project* under the RFP.
- i. "Supplemental Information to the RFP" refers to a written communication issued by *A2J Project* to prospective Proposers containing clarifications, responses to queries received from prospective Proposers, or changes to be made in the RFP, at any time after the release of the RFP but before the deadline for the submission of Proposals.
- j. "Terms of Reference" (ToR) refers to the document included in this RFP as Annex II which describes the objectives, scope of services, activities, tasks to be performed, respective responsibilities of the proposer, expected results and deliverables and other data pertinent to the performance of the range of duties and service expected of the successful proposer.

1. General

The 'Enhancing Access to Justice through Institutional Reform Project (the Project) builds on the achievements of the Strengthening the Rule of Law and Human Rights protection system in Nepal Programme and continues to focus on the reform of the legal aid system, supporting national efforts of reform and coordination in the justice sector, implementation of constitutional provisions on fundamental rights through legislative reform, implementation of the newly adopted criminal and civil legislations, and in particular on enhancing the access to justice at the local level.

Constitution of Nepal, promulgated in September 2015, envisages establishment of a federal system of governance with significant devolution of powers from central to provincial and local authorities, particularly in legislative drafting. Consequently, Nepal has experienced major legislative changes in all levels of governance. In addition, the Constitution has significantly expanded the catalogue of fundamental rights that enjoy constitutional and legal protection.

In the current context of Nepal, which is pushing to graduate from the "least developed country" to "developing country" at earliest in 2021, and in view of the significant legal reform that is ongoing, analysis on how the legislative reform is impacting development agenda of Nepal is of importance in order to facilitate those laws are being drafted and implemented in a manner which supports development efforts led by the government.,

2. Cost of proposal



The Proposer shall bear all costs associated with the preparation and submission of the proposal and, *A2J Project* will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the solicitation.

B. Solicitation Documents

3. Contents of solicitation documents

Proposal must offer services for each requirement. Proposal offering only part of the requirement will not be accepted. The Proposer is expected to examine all corresponding instructions, forms, terms and specifications contained in the Solicitation Documents. Failure to comply with these documents will be at the Proposer's risk and may affect the evaluation of the Proposal.

4. Clarification of solicitation documents

A prospective Proposer requiring any clarification of the Solicitation Documents may notify the procuring *A2J Project* entity in writing at the organisation's mailing address indicated in the RFP.

Contact details for inquiries (written inquiries only): *A2J Project Procurement Unit*, indra.byanjankar@a2jnepal.org

Subject line of email: "**Conduct a Base Line Survey of Access to Justice Through Institutional Reform (A2J) Project II in the selected location**".

Written inquiries must be submitted on or before 5:00 PM Nepal Standard Time on **Tuesday, 12 April 2022**. *A2J Project* shall upload or send email response of inquiries in the website by **Wednesday, 14 April 2022**.

Insert Web link: <http://www.np.undp.org/content/nepal/en/home/operations/procurement.html>

Inquiries received after the above date and time shall not be entertained.

Any delay in *A2J Project* response shall be not used as a reason for extending the deadline for submission, unless *A2J Project* determines that such an extension is necessary and communicates a new deadline to the Proposers.

Note:

This email address is officially designated by *A2J Project*. The subject line of the email for query should be same as mentioned above.

A2J Project shall have no obligation to respond nor can *A2J Project* confirm that the query was officially received;

- When inquiries are sent with the different subject line even to the designated email address.
- When inquiries are sent to other person/s or address/es, even if they are *A2J Project* staff.
- For queries for which information is already available in the bidding document.

5. Amendments of solicitation documents

At any time prior to the deadline for submission of Proposals, the procuring *A2J Project* entity may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Proposer, modify the Solicitation Documents by amendment.

In order to afford prospective Proposers reasonable time in which to take the amendments into account in preparing their offers, the procuring *A2J Project* entity may, at its discretion, extend the deadline for the submission of Proposals.

All amendments to the Solicitation Documents, if any will be uploaded in the website mentioned above.



C. Preparation of Proposals

6. Language of the proposal

The Proposal prepared by the Proposer and all correspondence and documents relating to the Proposal exchanged by the Proposer and the procuring **A2J Project** entity shall be written in English language, in case and otherwise prescribed in the ToR. Any printed literature furnished by the Proposer may be written in another language so long as accompanied by an English translation of its pertinent passages in which case, for purposes of interpretation of the Proposal, the English translation shall govern.

7. Documents comprising the proposal

The Proposal shall comprise of the following components:

- a) Proposal submission form
- b) Profile of the organization, including organizational structure and policies
- c) Valid registration certificate
- d) VAT certificate
- e) Latest Tax Clearance Certificate
- f) Recent 2 years audited financial report
- g) Signed CVs of the proposed team
- h) Operational and technical part of the Proposal, including documentation to demonstrate that the Proposer meets all requirements
- i) Price schedule, completed in accordance with clauses 8 and 9,

8. Proposal form

The Proposer shall structure the operational and technical part of its Proposal as follows:

(a) Management plan

This section should provide corporate orientation to include the year and state/country of incorporation and a brief description of the Proposer's present activities. It should focus on services related to the Proposal.

This section should also describe the organisational unit(s) that will become responsible for the contract, and the general management approach towards a project of this kind. The Proposer should comment on its experience in similar projects and identify the person(s) representing the Proposer in any future dealing with the procuring **A2J Project** entity.

(b) Resource plan

This should fully explain the Proposer's resources in terms of personnel (Team experts) and facilities necessary for the performance of this requirement. It should describe the Proposer's current capabilities/facilities and any plans for their expansion.

(c) Proposed methodology

This section should demonstrate the Proposer's responsiveness to the specification by identifying the specific components proposed, addressing the requirements, as specified, point by point; providing a detailed description of the essential performance characteristics proposed warranty; and demonstrating how the proposed methodology meets or exceeds the specifications.

The operational and technical part of the Proposal should not contain any financial pricing information whatsoever on the services offered. Financial information shall be separated and only contained in the appropriate Price Schedules.

It is mandatory that the Proposer's Proposal numbering system corresponds with the numbering system used in the body of this RFP. All references to descriptive material and brochures should be included in the appropriate



response paragraph, though material/documents themselves may be provided as annexes to the Proposal/response.

Information which the Proposer considers proprietary, if any, should be clearly marked "proprietary" next to the relevant part of the text and it will then be treated as such accordingly.

9. Proposal prices

The Proposer shall indicate on an appropriate Price Schedule, an example of which is contained in these Solicitation Documents, the prices of services it proposes to supply under the contract.

10. Proposal currencies

All prices shall be quoted in **NPR** (Nepalese Rupee).

11. Period of validity of proposal

Proposals shall remain valid for **ninety (90) days** after the date of Proposal submission prescribed by the procuring *A2J Project* entity, pursuant to the deadline clause. A Proposal valid for a shorter period may be rejected by the procuring *A2J Project* entity on the grounds that it is non-responsive.

In exceptional circumstances, the procuring *A2J Project* entity may solicit the Proposer's consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. A Proposer granting the request will not be required nor permitted to modify its Proposal.

12. Format and signing of proposal

Proposal shall be typed or written in indelible ink and shall be signed by the Proposer or a person or persons duly authorised to bind the Proposer to the contract.

A Proposal shall contain no interlineations, erasures, or overwriting except, as necessary to correct errors made by the Proposer, in which case such corrections shall be initialled by the person or persons signing the Proposal.

13. Payment

A2J Project shall make payments to the Contractor after acceptance by *A2J Project* of the invoices submitted by the contractor, upon achievement of the corresponding milestones.

D. Submission of Proposal

14. Sealing and marking of proposal

(a) The outer envelope shall be:

Addressed to:

**National Program Manager
A2J Project,
Babarmahal, Kathmandu, Nepal**

Marked with Task: –

(Insert assignment name),

(b) The proposal shall contain the information specified in Clause 8 (*Proposal form*) above. The inner envelope shall include the price schedule duly identified as such.

15. Joint Venture, Consortium or Association



If the Proposer is a group of legal entities that will form or have formed a joint venture, consortium or association at the time of the submission of 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 joint venture jointly and severally, and this shall be duly evidenced by a duly notarized Agreement among the legal entities, which shall be submitted along with the Proposal; and
- (ii) if they are awarded the contract, the contract shall be entered into, by and between *A2J Project* and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.

After the Proposal has been submitted to *A2J Project*, the lead entity identified to represent the joint venture shall not be altered without the prior written consent of *A2J Project*.

Furthermore, neither the lead entity nor the member entities of the joint venture can:

- a) Submit another proposal, either in its own capacity; nor
- b) As a lead entity or a member entity for another joint venture submitting another Proposal.

The description of the organization of the joint venture/consortium/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 Joint Venture Agreement. All entities that comprise the joint venture shall be subject to the eligibility and qualification assessment by *A2J Project*.

Where a joint venture is presenting its track record and experience in a similar undertaking as those required in the RFP, it should present such information in the following manner:

- a) Those that were undertaken together by the joint venture; and
- b) Those that were undertaken by the individual entities of the joint venture expected to be involved in the performance of the services defined in the RFP.

In the joint venture, consortium or association, the organization strengths and or eligibility criteria shall be counted from the lead organization only. Failure to present eligibility criteria by the lead organization will subject to disqualification of the proposal.

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 joint venture or those of its members, but should only be claimed by the individual experts themselves in their presentation of their individual credentials.

If a joint venture's Proposal is determined by *A2J Project* as the most responsive Proposal that offers the best value for money, *A2J Project* shall award the contract to the joint venture, in the name of its designated lead entity. The lead entity shall sign the contract for and on behalf of all other member entities.

16. Deadline for submission of proposal

Proposals must be received by the procuring *A2J Project* entity at the address specified under clause *Sealing and marking of Proposals* no later than **Friday 22 April 2022, 15:00 hrs.** Nepal Standard Time (NST). If the deadline for proposal submission falls under public holiday, then the **next working day will be added up.**

The procuring *A2J Project* entity may, at its own discretion extend this deadline for the submission of Proposals by amending the solicitation documents in accordance with clause *Amendments of Solicitation Documents*, in which case all rights and obligations of the procuring *A2J Project* entity and Proposers previously subject to the deadline will thereafter be subject to the deadline as extended.

17. Late Proposal

Any Proposal received by the procuring *A2J Project* entity after the deadline for submission of proposals, pursuant to clause *Deadline for the submission of proposals*, will be rejected.

18. Modification and withdrawal of Proposal

The Proposer may withdraw its Proposal after the Proposal's submission, provided that written notice of the withdrawal is received by the procuring *A2J Project* entity prior to the deadline prescribed for submission of Proposal.

No Proposal may be modified subsequent to the deadline for submission of proposals.

No Proposal may be withdrawn in the Interval between the deadline for submission of proposal and the expiration of the period of proposal validity specified by the Proposer on the Proposal Submission Form.

E. Opening and Evaluation of Proposal

19. Opening of proposal

The procuring entity will open the Proposal in the presence of a committee formed by the Head of the procuring *A2J Project* entity.

20. Clarification of proposal

To assist in the examination, evaluation and comparison of Proposal, the Purchaser may at its discretion, ask the Proposer for clarification of its Proposal. The request for clarification and the response shall be in writing and no change in price or substance of the Proposal shall be sought, offered or permitted.

21. Preliminary examination

The Purchaser will examine the Proposal to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the Proposals are generally in order.

Arithmetical errors will be rectified on the following basis: If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the Proposer does not accept the correction of errors, its Proposal will be rejected. If there is a discrepancy between words and figures the amount in words will prevail.

Prior to the detailed evaluation, the Purchaser will determine the substantial responsiveness of each Proposal to the Request for Proposals (RFP). For purposes of these Clauses, a substantially responsive Proposal is one which conforms to all the terms and conditions of the RFP without material deviations. The Purchaser's determination of a proposal's responsiveness is based on the contents of the Proposal itself without recourse to extrinsic evidence.

A Proposal determined as not substantially responsive will be rejected by the Purchaser and may not subsequently be made responsive by the Proposer by correction of the non-conformity.

22. Evaluation and comparison of proposal

A two-stage procedure is utilised in evaluating the proposals, with evaluation of the technical proposal being completed prior to any financial proposal being opened and compared. The financial proposal of the Proposal will be opened only for submissions that passed the minimum **technical score of 70% (700 points)** of the **obtainable score of 1000 points** in the evaluation of the technical proposals.



The technical proposal is evaluated on the basis of its responsiveness to the Term of Reference (TOR) and RFP.

In the Second Stage, the price proposal of all Proposers that have attained minimum 70% score in the technical evaluation will be compared. The points for the Financial Proposal will be allocated as per the following formula:

$$\frac{\text{Lowest Bid Offered} *}{\text{Bid of the Firm/Proposer}} \times 300$$

* "Lowest Bid Offered" refers to the lowest price offered by Proposers scoring at least 70% points in technical evaluation.

Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms		Score Weight	Points Obtainable
1.	Expertise of Firm / Organization submitting Proposal (Form 1)	30%	300
2.	Proposed Work Plan and Approach (Form 2)	20%	200
3.	Personnel (Form 3)	50%	500
Total			1000

Program Proposal Evaluation Form 1		Points available	300				
			A	B	C	D	E
Expertise and experience in Baseline Survey of a similar nature of Service Provider submitting Proposal							
1.1	Reputation of Organization and Staff (Competence / Reliability)	20					
1.2	Experience on baseline, endline, project evaluation and institutional capacity assessment	50					
1.3	General Organizational Capability which is likely to affect implementation (i.e., loose consortium, holding company or one firm, size of the firm / organization, strength of project management support e.g., project financing capacity and project management controls)	20					
1.4	Capacity of the organization to mobilize partners, coordination with law and justice sector actors.	30					
1.5	Quality assurance procedures, warranty	20					
Subtotal (1.1 to 1.5)		140					
1.6	Relevance of:						
	- Specialized Knowledge	60					
	- Experience on Similar Programme / Projects	50					
	- Work for UNDP/ major multilateral/ or bilateral programmes	50					
Sub Total for 1.6		160					
Total for Expertise of Service Provider submitting proposal (I)		300					

Proposal Evaluation Form 2		Points Available	200				
			A	B	C	D	E
Proposed Work Plan and Approach							
2.1	To what degree does the Offeror understand the task?	20					
2.2	Have the important aspects of the task been addressed in sufficient detail?	20					
2.3	Are the different components of the project adequately weighted relative to one another?	20					
2.4	Is there evidence that the proposal been prepared based on an in-depth understanding and prior knowledge of the project environment?	30					
2.5	Is the conceptual framework adopted appropriate for the task?	30					
2.6	Is the scope of task well defined and does it correspond to the TOR?	40					
2.7	Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?	40					
Total for Proposed Work Plan and Approach (II)		200					

Proposal Evaluation Form 3		Points Available	500				
			A	B	C	D	E
Proposed Project Team							
3.1	Lead consultant (1)	Sub-Score					
	Experience in leading baseline/endline survey, Project evaluation and drafting of quality reports	70					
	Experience in the area of Governance, Rule of law and Human rights	70					
	Work experience of the project's working areas	10					
	Academic Qualifications (including language)	50					
	Sub-total	200					
3.2	Legal aid expert (1)	Sub-Score					
	Experience in the area of legal aid service, legal research, assessment, and drafting of quality reports	25					
	Experience in the area of Governance, Rule of law and Human rights	25					
	Work experience of the project's working areas	25					
	Academic Qualifications (including language)	25					
	Sub-total	100					
3.3	GESI expert (1)	Sub-Score					
	Experience in leading GESI perspective in baseline/endline survey, Research, Project evaluation and drafting of quality reports	25					

	Experience in the area of Governance, Rule of law and Human rights	25					
	Work experience of the project's working areas	25					
	Academic Qualifications (including language)	25					
	Sub-total	100					
3.4	Statistician (1)						
	Experience and knowledge in data analysis software like; Statistical Package for Social Science (SPSS), STATA or R programing.	25					
	Experience of work with similar assignment	25					
	Work experience of the project's working areas	25					
	Academic Qualifications (including language)	25					
	Sub-total	100					
	Total Form 3	500					
	Grand Total (Form 1 + Form 2 + Form 3)	1000					

Evaluation forms for technical proposals follow on the next two pages. The obtainable number of points specified for each evaluation criterion indicates the relative significance or weight of the item in the overall evaluation process. The Technical Proposal Evaluation Forms are:

Form 1: Expertise of Firm / Organisation Submitting Proposal

The minimum experience of the firm/expert should be as described in the detail ToR.

Form 2: Proposed work plan, methodology, approach and implementation

Please provide a detailed description of the methodology for how the organisation/firm/expert will achieve the Terms of Reference of the project, keeping in mind the appropriateness to local conditions and project environment.

The methodology shall also include details of the Proposer's data gap analysis, data collection tools, techniques, thematic areas, assumptions, limitations, internal technical and quality assurance review mechanisms etc.

The Proposer shall submit Project Schedule indicating the detailed sequence of activities that will be undertaken and their corresponding timings.

Form 3: Management structure and key personnel

Describe the overall management approach and structure toward planning and implementing this activity.

Provide a spreadsheet to show the activities of each staff member and the time allocated for his/her involvement.

Provide the CVs for key personnel (Team Leader and professional staff) that will be provided to support the implementation of this work. CVs should demonstrate qualifications in areas relevant to the Scope of Services.

Key position of technical personnel for package and the expected qualifications are described in the detail ToR.

23. Award criteria, award of contract

The procuring *A2J Project* entity reserves the right to accept or reject any Proposal, and to annul the solicitation process and reject all Proposals at any time prior to award of contract, without thereby incurring any liability to the affected Proposer or any obligation to inform the affected Proposer or Proposers of the grounds for the Purchaser's action.

24. Signing of the contract

Within 7 days of receipt of the contract the successful Proposer shall sign and date the contract and return it to the Purchaser.

A handwritten signature in black ink, consisting of several loops and a final vertical stroke, followed by a small mark.

**Terms of reference
FOR
CONDUCT A BASELINE SURVEY OF ACCESS TO JUSTICE PROJECT PHASE II IN THE SELECTED
LOCATION**

Assessment Title:	Baseline survey of Enhancing Access to Justice through Institutional Reform Project-II
Project Name:	Enhancing Access to Justice through Institutional Reform Project (A2J) II
Implementing Partners:	Ministry of Law, Justice and Parliamentary Affairs (MoLJPA), Office of Attorney General, Nepal Bar Association
Project Locations:	Sudurpachim, Karnali, Madhes and Province No. 1
Funding Partner:	

Background

Enhancing Access to Justice through Institutional Reform Project (A2J) which is implemented under Nationally Implemented Modality (NIM), closed its first phase in 2021 and is starting its second phase in 2022. Under the overall leadership of Ministry of Law, Justice and Parliamentary Affairs (MoLJPA), the project will be implemented jointly and in a close partnership with UNDP Nepal.

The first phase of 'Enhancing Access to Justice through Institutional Reform Project' 2018 – 2021 was also implemented under the leadership of the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA). (MoLJPA) and United Nations Development Program in Nepal (UNDP) signed the "Enhancing Access to Justice through Institutional Reform Project II" (hereinafter referred to as 'the Project'), for the period from 2021 till 2026.

The project aims at supporting the legal aid providers and authorities to effectively manage and provide legal aid services to indigent person (women and marginalized group) in a sustainable and quality manner to increase Access to Justice; strengthening the justice sector institutions to provide effective legal/ judicial remedies as well as protection of human rights in line with national and international standards and empowering People, in particular women, Dalit, PWD, LGBTQI+, poor and other marginalized groups to claim their rights and participate in judicial governance/civic life. The project is being implemented in four provinces (Province No. 1, Madhesh, Karnali and Sudurpachim). The Project's Result and Resource Framework and Monitoring and Evaluation Plan that are aligned with the Project outputs. The indicators and targets are already set in the project document. However, the baselines of some indicators are used from the A2J Phase I (will be revisited after this baseline survey) and some indicators need fresh baseline. Some indicators require perception survey of the beneficiaries. Therefore, this baseline survey will inform the Project's monitoring and evaluation plan on each indicators including beneficiary perception survey.

The project has focused more on the enhancing access to justice of women and marginalized communities through offering institutional and technical support to the justice sector actors and criminal justice systems in Nepal. In order to better inform the activities and strategy to reach out to the beneficiaries, the Project wishes to conduct the baseline survey and perception survey. The survey will mainly focus on identifying the baselines for the results and resource framework (RRF) including monitoring and evaluation framework and also inform about the perception of the beneficiaries in particular women and marginalized communities towards legal aid lawyers, legal aid authorities, public defender and other concerned justice sector delivery institutions. (RRF could be found in Project Document)

A critical part of the project is to invest in building the capacity and strengthening the judicial sector institutions at the federal, provincial level and local level which provide the integrated legal aid services to women and other marginalized communities. Further, the Office of Attorney General and Nepal Bar Association play critical role to ensure the access to justice to the indigent person as they are the frontline service providers. The existing legal aid service providers which include District Legal Aid Committee, *Baitanik* Lawyers stationed in the courts, legal aid lawyers appointed by the provinces and local level and legal aid service provided by the CSO need to be considered in establishing the baselines.

The perception of the access to justice beneficiaries needs to be reflected to assess the level of client satisfaction. To support capacity development process effectively, requires identification of existing capacity of justice sector actors to deliver justice to the marginalized clients. This study will offer an information on the current capacity of Justice sector institutions in respect to the achievement of the project results (See Annex I). This assessment will generate an understanding of the strengths and weaknesses of the institutions to carry out their role as a service provider. Based

on the identified gaps, a capacity development plan for these institutions will be formulated. The information obtained will also set the baseline for continuous monitoring and evaluation of progress against relevant indicators of the project. As envisaged by A2J project II, assessing the gaps of these duty bearers and thereby tailoring interventions to address these specific gaps will lead to greater accountability and fairer ways of ensuring that those that are most marginal receive legal aid services.

The interested applicant may request the detail Project Document in below email and contact address;

Email Address: indra.byanjankr@a2jnepal.org

Contact no: +977-1-5338303, 5338309

Objective

The main objective this study is to inform the project to make robust result and resource framework and monitoring and evaluation plan with the realistic baseline against each indicator. Specific objectives are to:

- identify gaps/challenges as well as overall needs to further build/strengthen the capacity of Project's partners for effective service delivery
- document the perception of the women and vulnerable groups towards legal aid service delivery and find out the grey areas to make them more responsive towards women and marginalized communities
- identify the areas of gaps of legal aid service providers
- conduct the perception survey of women and marginalized communities towards legal aid service delivery and public defenders and suggest the action plan for institutional capacity development of the institution (based on the findings and results of the assessment)
- Explore the means and measures to build their confidence
- Inform the baseline dataset and indicators on institutional capacity of each of the institutions with key indicators for progress monitoring.

Methodology

The assessment methodology will be designed, planned, carried out and presented by the service provider to be based on the detail analysis of the intended purpose, objectives, expected outputs of this assessment, and the institutional capacity need assessment approach.

The study is to be conducted at the federal level and in the target provinces of project sites (in Karnali, Sudur Pachim, Madhes and Province 1 districts) of relevant institutions/groups. The assessment should include the perspectives of the service providers (Justice sector actors) at federal provincial and local level and ultimate beneficiaries of the Project which include women and marginalized groups in particular Dalit, PWD, LGNTIQ+ and poor ones. (The sample will be determined using purposive sampling from a sample frame of universe population of the selected location). The information obtained from the assessment will be triangulated for accuracy and discussed further with the provincial government authorities in the respective provinces. The discussion with representatives from Provincial Government will also help obtain information on strengths and weaknesses of institutions in the project sites.

The assessment should use mixed methods approach, covering both quantitative and qualitative methods to ensure that data collected is adequate, reliable, representative and valid. The field level survey will be conducted reaching out the concerned justice service providers. Women and marginalized communities will be reached out to identify the level of perception and confidence. Hence, the necessary data and information would be collected directly through survey and other means would also be adopted to collect the information. Other means would include; focused group discussion, interaction, KII, interview etc. would be carried out to collect and verify the information. Research team is encouraged to use innovative methods to collect and analyze data. Literature review will be conducted by service as source to design this study, fill the gaps and substantiate/triangulate the data collection from primary sources. The sample size of respondent will be determined in collaboration with Steering committee and the project team to provide a fair and statistically relevant representation

The applicant will be responsible for framing the research questions in accordance with the objectives of this assessment, and draft checklist and questionnaires for FGD and interviews. The research team will also study the relevant documents of the institutions (audit report, meeting minutes, project documents, operation plans, constitution, etc.) Service Provider should submit the ICNA format and method when they submit the inception report. The expected methodology and data collection tools and methods should be presented and finalized by service provider in consultation with A2J Nepal staffs.

Scope of the Study

As the project is being implemented at the federal level and four provinces, the assessment should be aligned with the project location. At least one field visits, two consultations (sharing of initial finding and validation) in each province are expected. The Assessment should cover at least two municipalities (Judicial Committees) in each province. The selection of the local level will be finalized in consultation with the project's partners.

Team Composition

A2J project is looking for a consulting firm/agency with adequate knowledge and clear understanding of designing and conducting capacity assessment, project evaluation, baseline and endline survey of justice sector actor. In broader perspective, the team of consultants should have a proven track record of carrying out quantitative and qualitative research preferably on baseline surveys, capacity assessments and evaluations.

- **Lead consultant (1)**

Lead consultant should have at least a master's degree in either Law, Development Studies, Social Science or governance. He/she should also have at least 8 years of demonstrated working experience and knowledge in collecting baseline of conducting institutional capacity assessments and people's perception on approaching for legal aid services, evaluation in any one of these disciplines; social, economic, legal aid services, Governance and GESI issues.

- **Legal aid expert (1)**

Legal aid expert should have at least advanced university degree from a recognized university in law, human rights and governance. S/he should have at least 5 years of relevant work experience and knowledge in conducting baseline or endline study.

- **GESI expert (1)**

GESI expert should have at least advanced university degree from a recognized university in Gender Studies, Human Rights or Development studies. S/he should have at least 5 years of relevant work experience and knowledge in conducting baseline study.

- **Statistician (1)**

Statistician should have at least advanced university degree from a recognized university in Statistics, Applied Maths, Computer science or related field. S/he should have at least 5 years of relevant work experience and knowledge in data analysis software like; Statistical Package for Social Science (SPSS), STATA or R programing.

The applicant may propose other technical human resource too with strong justification to make the assessment more innovative.

Preparation and logistic support

The Project will provide all relevant information in the beginning of the process. A2J project will make necessary coordination and communication in the field to execute the field study. The consulting firm/agency is expected to arrange its own logistic, secretarial services and transportation as per provisions under the contract.

Coordination and Communication

The assessment team leader will closely work with Monitoring and Evaluation focal person of the project in Kathmandu and field. S/he will work directly with in close coordination and support from Project Manager, field team/local partner and field office.

Governance of the survey:

Steering committee: The steering committee will be formed under the overall leadership of Ministry of Law, Justice and Parliamentary affairs. The committee will also include the representatives from:

- Office of the Attorney General (OAG)
- Nepal Bar Association (NBA)
- Chief Attorney's Office
- District/high court bar from the respective province
- UNDP
- A2J Project will work as the secretariat

The committee will closely provide guidance and oversights to the survey team. The Steering Committee will make final decisions of achieving the deliverables of the assignment.

Peer Review:

The peer review will also be conducted once the draft report is in place. The objective of this review would be to provide third eye and independent lens to make sure the quality of the product. The peer review team will be comprised of the legal aid lawyers, the representatives from the NJA, Supreme Court and officials and researchers.

Key Deliverables

- a. **Inception report** showing how the consultant organization/individual seeks to undertake the study. The report will include a clear research design, methodology, questionnaires, data collection tools, analysis reporting details and a work-plan (weekly timeline) including field visit plan/site and person.

A presentation on preliminary findings

- b. Draft report and a **power point presentation** in English on the results of the assessment and also recommendation for future interventions based on the gap identified.

The draft report should be shared prior to final submission for feedbacks. And the final report must incorporate comments and suggestions.

- c. The **final report** must incorporate comments and suggestions.
- d. **Database** in Excel and/or SPSS.

Work plan

The duration of the proposed assignment will be no longer than 1.5 months from the date of commencement and expected to complete by end of May 2022 date. The consultant should spend adequate time in the field to collect data and information. The consultant organization/individual should propose a draft indicative detailed weekly timeline of the assignment during the proposal submission and finalize with inputs from project before starting the full phase work.

Budget

A separate financial proposal should be submitted with the justification of each budget item and expenses. The proposed budget should be realistic and include all costs to be covered. The cost effectiveness and value for money consideration should be reflected in the budgeting.

Note: The Project will bear consultations cost at the provincial and federal level separately. The small costs such as tea/coffee for participants in the small groups (such as FGD) will be reimbursed as per actual basis.

Submission of Technical and Financial Proposal

The potential and interested firm/consultant must submit technical and financial proposal showing their keen interest to conduct this survey. Following documents are mandatory with the technical and financial proposal

- Technical proposal
- Financial proposal
- Signed CVs of all team members
- Cover letter expressing interest
- Company/firm registration evidence
- PAN/VAT certificate
- Tax clearance certificate of previous year
- Audited financial report of recent two years



Outcome and output of the project

Output 1	Legal aid authorities and providers effectively manage and provide legal aid services to people, in particular women and other marginalized groups, in a sustainable and quality manner to increase access to justice	Output indicator: 1.1: Legal aid act and regulation in line with integrated legal aid policy are adopted 1.2: National Legal Aid Secretariat at federal and Provincial Legal Aid Committee at province level established and are in operational 1.3: Roster of free legal aid service providers and pro bono service developed and its SOP for the mobilization adopted 1.4: # people benefitted from integrated legal aid service, in accordance with integrated legal aid policy (SDG 16.3) 1.5: % People from project districts are satisfied with the quality legal aid service (including probono legal aid)
Activity result 1.1	Access to integrated legal aid service is advanced through implementation of legislative and policy framework in the federal context.	
Activity Result 1.2	Functional, integrated and quality legal aid services are accessible to all in the selected districts, in particular women and other marginalized groups	
Activity Result 1.3	Provision of pro-bono services is further institutionalized and expanded	
Activity Result 1.4	Strengthened provincial and local governments' to effectively handle legal grievances and provide legal information to women and vulnerable communities	
Output 2:	Justice sector strengthened to provide effective legal/ judicial remedies in line with national and international standards	2.1: A comprehensive need assessment on the e-judicial system in Nepal conducted and rolled out 2.2: # of justice sector actors trained on judicial administration, criminal justice system and service delivery. (SDG 16.6) 2.3: # SoP/ Guidelines/ Protocols developed including GESI and adopted 2.4: % increase in disposal rate of backlog cases in courts (SC, high court and District court) Disposal rate of district, high and supreme courts 2.5: % of women and marginalized citizens who believe that integrity has been improved in the justice sector
Activity result 2.1	Access to the formal justice system is enhanced through greater standardization and coordination	
Activity Result 2.2	A2J is increased through improvements to the criminal and civil justice system including strengthening of victim and witness protection mechanisms	
Activity Result: 2.3	Systems/procedures are developed to monitor the implementation of national and international human rights standards and norms	
Activity Result 2.4	The implementation of the UN Guiding principles on Business and Human Rights is supported through awareness raising, policy development, advocacy and dialogue	
Activity Result 2.5	Access to the semi/informal justice system is enhanced through strengthened capacities of the Judicial Committees	
Output 3	People, in particular women, Dalit, PWD, LGBTQI+, poor and other marginalized groups, are empowered to claim their rights and participate in judicial governance/civic life	3.1: # of law graduates from marginalized communities to empower women, Dalit, PWD, LGBTQI+ and other marginalized communities with targeted interventions 3.2: Ratio of students from marginalized community's law graduates in project's affirmative legal education increase 3.3: # of women and marginalized population reached out for legal empowerment
Activity Result 3.1	Legal empowerment & civic awareness increased leading to better access to formal and informal justice services	
Activity Result 3.2	Justice is brought closer to the people through innovations designed to ensure no one is left behind	
Activity Result 3.3	Quality, tailored affirmative legal education is increased and expanded to increase the representation of women and marginalized community in legal/justice sector	
Activity Result 3.4	Studies conducted, and campaign created on behavioural change at the local government level to reinforce the effective implementation of laws and policies on gender equity and empowerment	
Activity Result: 3.5	Better understanding and practices received from the local government and law enforcement agencies including informal justice actors on gender justice and inclusion	

PROPOSAL SUBMISSION FORM

Dear Sir / Madam,

Having examined the Solicitation Documents, the receipt of which is hereby duly acknowledged, we, the undersigned, offer to provide Professional Consulting services (activity for Project/Program) for the sum as may be ascertained in accordance with the Price Schedule attached herewith and made part of this Proposal.

We undertake, if our Proposal is accepted, to commence and complete delivery of all services specified in the contract within the time frame stipulated.

We agree to abide by this Proposal for a period of 90 days from the date fixed for opening of Proposals in the Invitation for Proposal, and it shall remain binding upon us and may be accepted at any time before the expiration of that period.

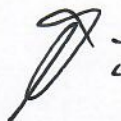
We understand that you are not bound to accept any Proposal you may receive.

Dated this day /month of year

Signature

(In the capacity of)

Duly authorised to sign Proposal for and on behalf of

A handwritten signature in black ink, consisting of a stylized, cursive letter 'J' followed by a small flourish.

TECHNICAL PROPOSAL FORMAT

i) RFP Information

RFP Title:

(insert assignment name),

Basic Organization Information

Name of the organization:

Contact person's name:

Contact details :

Telephone:

E-mail:

Address:

ii) Organizational Profile:

Provide brief information on the structure of your organization and the field(s) and location(s) in which your organization operates. (Maximum of one pages)

iii) Organization's Experience

Provide a detailed information on organizational expertise and previous work your organization has undertaken in the field of similar baseline survey. (Maximum of two pages)

iv) Technical Proposal

Provide a detailed description of how your organization proposes to implement the above ToR. (Maximum of five pages) Please include the following:

- A) A detailed implementation schedule (work plan), manpower schedule, and narrative on how you would approach/ intend to meet the deliverables mentioned in the TOR.*
- B) A detailed outline of the approach taken to supervise and monitor the project to ensure all components can be delivered on time and to a high quality.*
- C) Identification of any risks and/or obstacles your organization may encounter while undertaking this project, how they may impact your ability to meet the deliverables, and how you might address these to ensure successful delivery.*

v) Human Resources

Provide details of the human resources of your organization that will be employed to undertake this task. Submission of CVs of all members of proposed team is highly recommended. (Including signed CVs of expert)



PRICE SCHEDULE

The Proposer is asked to prepare the Price Schedule as a separate envelope from the rest of the RFP response as indicated in Section D paragraph 14(b) of the Instruction to Proposers.

The Price Schedule must provide a detailed cost breakdown. Provide separate figures for each functional grouping or category.

The specification has been developed for different packages. The name and number of packages shall be clearly mentioned in the proposal cover page, cover letter and inside proposal. **‘Conduct a Base Line Survey of Access to Justice Through Institutional Reform (A2J) Project II in the selected location’**,

The format shown on the following pages should be used in preparing the price schedule. The format includes specific expenditures, which may or may not be required or applicable but are indicated to serve as examples.

A. Cost Breakdown per Deliverables

Price Schedule for: ‘Conduct a Base Line Survey of Access to Justice Through Institutional Reform (A2J) Project II in the selected location’					
Request for Proposals for Services					
S. N.	Description	Unit (person, days etc.)	Quantity/ days	Rate	Amount (NPR)
1	Human resource remuneration				
1.1	Lead Consultant (1)	Person	25 days		
1.2	Legal Aid Expert (1)	Person	15 days		
1.3	GESI Expert (1)	Person	15 days		
1.4	Statistician (1)	Person	5 days		
1.5.	Other if any				
2	Travel expenses				
2.1	Travel Expenses				
2.1	DSA	Pax			
2.2	Tickets, vehicle cost etc.	Times			
2.3	Other if any	Times			
3	Other expenses (please specify)				
3.1	Month			
3.2	Other if any	Month			
	Subtotal				
	VAT @ 13%				
	GRAND TOTAL [1+2+3]				

Note: Number of days for human resources are indicative only.

(Amount in Word:)

N.B. Administrative and all other associated costs need to be built into the respective line items proportionately. Number of lines may be added as per the requirement.

Acceptance of the proposed schedule of work and the timelines is a must and no deviation in the timeline is allowed.

GENERAL TERMS AND CONDITIONS IN EXECUTION OF THE TASK

1. Force Majeure

Without prejudice to their rights the *A2J Project* and the party shall not be held responsible nor suffer any financial loss should the performance of the party be delayed or prevented by an event of Force Majeure, which shall include, but not limited to strikes, riots, civil commotion, fire accident or any other incident beyond the control of either party hereto which neither party was aware of or could have foreseen at the time of the signing of this contract. In event of an occurrence of the Force Majeure, either party shall notify the other of the event or during such event the rights and obligations of either party shall automatically be suspended.

2. Arbitration

Any dispute arising out of or in connection with this task not settled by mutual understanding shall be submitted to arbitration to three arbitrators. Each party shall appoint an arbitrator and the two arbitrators thus appointed shall agree on the third one. The arbitrators shall rule on the costs which may be divided between the parties. The decision rendered in the arbitration shall constitute final adjudication of the dispute.

3. Termination

Either party may terminate this contract at any time by giving the other party fourteen (14) days' notice in writing of the intention to do so. In the event of such termination, the party shall be compensated for the actual amount of work performed, upon valid justification for termination, by *A2J Project* on a pro rata basis.

4. Law Applicable

This contract shall be governed by the law of Government of Nepal and project guidelines.

5. Independent Relationship

Nothing contained in the contract shall be construed as establishing or creating between *A2J Project* and the party relationship of master and servant or principal and agent, it being understood that the party is an independent person vis-a-vis *A2J Project*.

6. Party's General Responsibilities

- a. The party shall carry out work under the contract with due diligence and efficiency and in conformity with the highest standards of professional and ethical competence and integrity.
- b. The party shall be responsible for the professional and technical work carried out by him/her in the implementation of this task.



7. Workmen's compensation and other insurance

The party shall make his/her own arrangements regarding insurance for medical expenses and for accident, death and permanent disability for the period of the task. All costs involved will be borne by the party.

8. Source of Instruction

The party shall neither seek nor accept instructions from any authority other than *A2J Project* and UNDP's authorized agent in connection with the work under the contract.

9. Prohibition on conflicting activities

The party shall ensure that he/she will not directly/indirectly engage in any activity that would conflict with those of *A2J Project* in respect of this project.

10. Officials not to benefit

The party warrants that no UNDP or *A2J Project* official has been or will be admitted by him/her to any direct/indirect benefit arising from this task or award thereof.

11. Assignment

The party shall not assign, transfer, pledge or make other disposition of the task or any other parts thereof or rights, claims or obligations under this task, without prior written approval of *A2J Project*.

12. Records, Accounts, Information and Audit

- a. The party shall maintain accurate and systematic records and accounts in respect of the work to be performed under this task.
- b. The party shall furnish, compile or make available at all times to *A2J Project* and UNDP any records or information, oral or written, which *A2J Project* may reasonably request for in respect of the work to be performed under this task.
- c. The party shall allow *A2J Project* and UNDP or its authorized agents to inspect and audit such records or information upon reasonable notice.

13. Language

Unless otherwise specified in the task, English language shall be used by the party in all written communications to *A2J Project* with respect to the services rendered and with respect to all documents procured or prepared pertaining to such services.



14. Confidential Nature of Documents

All maps, drawings, photographs, mosaics, plans, reports, recommendations, estimates, documents and all other data compiled by or received by the party under this task be the property of *A2J Project*, shall be treated by him/her as confidential and shall be delivered only to the duly authorized officials on completion of work under this grant. Under no circumstances shall the contents of such documents or data be made known to any unauthorized person without written approval of *A2J Project* and UNDP. Subject to the provision of this article, the party may retain a copy of the document (s) produced by him/her for his and universities record.

15. Amendments

The terms and conditions of this task may amend only in writing signed by both parties to this task or their duly authorized representatives.

16. Obligation to inform *A2J Project* of changes in conditions

The party shall promptly and fully notify *A2J Project* in writing of any conditions which interferes, or threatens to interfere, with successful carrying out of the services under this task. Such notice shall not however relieve the party of his/her obligations to continue to provide services under this task. On receipt of such notice, *A2J Project* shall take such action as in its sole discretion it considers to be appropriate or necessary under the circumstances.

17. Taxation

The party shall be liable for any tax levied on the fee paid as per this task. Income tax on the remuneration and allowances paid to the party will be deducted at source.

18. Right of *A2J Project*

In case of failure by the party to fulfil its obligations under the terms and conditions of execution of task, including but not limited to failure to obtain necessary or to make delivery of all or part of the services by the agreed delivery date or dates, *A2J Project* may, after giving the party reasonable notice to perform and without prejudice to any other rights or remedies, exercise one or more of the following rights:

- a. Procure all or part of the services from other sources, in which event *A2J Project* may hold the party responsible for any excess cost occasioned thereby.
- b. Refuse to accept delivery of all or part of the services.
- c. Cancel the contract without any liability for termination charges or any other liability of any kind of *A2J Project*.



Late Delivery

Without limiting any other rights or obligations of the party hereunder, if the party will be unable to deliver the services by the delivery date(s) stipulated in the ToR, the party shall (i) immediately consult with *A2J Project* to determine the most expeditious means for delivering the services and (ii) use an expedited means of delivery, at the party's cost (unless the delay is due to Force Majeure), if reasonably so requested by *A2J Project*.

19. Settlement of Disputes**Amicable Settlement**

The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of, the task or the breach, termination or invalidity thereof.

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke.

STATEMENT OF COMPLIANCE WITH TERMS AND CONDITIONS

MUST BE DULY COMPLETED AND RETURNED WITH PROPOSAL.

Please confirm acceptance of the following:

ITEM	DESCRIPTION	ACCEPTED (Y/N)
CONDITIONS:	Instruction to Proposers – Annex I	
	Terms of Reference (ToR) – Annex II	
	Proposal Submission Form – Annex III	
	Technical Proposal Format – Annex IV	
	Price Schedule – Annex V	
	General Terms and Conditions in Execution of the Task – Annex VI	
	Statement of Compliance with Terms and Condition – Annex VII	
TIMELINE:	Refer to detail ToR	
PAYMENT TERMS:	Refer to detail ToR	
VALIDITY OF PROPOSAL:	<u>Minimum</u> 90 days	
CURRENCY OF PRICES	<u>Must</u> be in Nepalese Rupees.	

Submitted by:

Name:

Organization:

Designation:

Address:

Telephone:

Email:

Web Portal:

Date:

Organization Seal:

