



INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

RE-BID-National Consultant - Study on the Status of (Dignity, Equality and Protection) Sex Workers in Nepal

Reference No.: RE-BID- UNDP/PN/10/2022

Date: 1 June 2022

Country: NEPAL

Description of the assignment: As per the attached Terms of Reference (ToR) – Annex 1.

Project/Unit name: Accelerating Implementation of Sustainable Development Goals in Nepal (AISN)

No. of Consultant: 1 (one)

Period of assignment/services (if applicable): 85 person days spread over 4 months (June – September 2022)

Proposal should be submitted by email to procurement.np@undp.org not later than **1730 hours (Nepal Standard Time) on 10 June 2022** mentioning reference No. **RE-BID-UNDP/PN/10/2022 – National Consultant - Study on the Status of (Dignity, Equality and Protection) Sex Workers in Nepal.**

Any request for clarification must be sent in writing, or by standard electronic communication to the e-mail: query.procurement.np@undp.org mentioning Procurement Notice Ref: **RE-BID-UNDP/PN/10/2022 - National Consultant - Study on the Status of (Dignity, Equality and Protection) Sex Workers in Nepal**, on or before **5 June 2022**. The procurement unit will respond in writing, including an explanation of the query without identifying the source of inquiry, to all consultants or via bulletin published on the UNDP website: <http://www.np.undp.org/content/nepal/en/home/operations/procurement.html>. Inquiries received after the above date and time shall not be entertained.

1. BACKGROUND

The constitution of Nepal has assured freedom to choose any profession through the provision of non-discrimination and equality. The supreme court has also recognized that any person could choose its profession including the sex as a profession to earn money to sustain his/her personal life and family. Sex profession is an act where the adults (both male and female) receive money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasional. The International Labor Organization estimates that “sex workers support between five and eight other people with their earnings. Sex workers also contribute to the economy.” However, the majority of the societies in the world (including Nepal) have stigmatic perception of the sex as a profession and equate it to the criminalization. Prostitution is synonymously used in many societies but with more criminal perspective. Criminalization of sex work compromises ‘sex workers’ health and safety by driving sex work underground. Criminalization includes criminalizing the sale and purchase of sexual services, to blanket prohibitions on management of sex work. Criminalization of sex work and sex workers is a form of violence and contributes to the high level of stigma and discrimination. According to a research by

London School of Hygiene and Tropical Medicine (LSHTM, 2018), 'sex workers who have experienced repressive policing (including arrest, extortion, and violence from police) are three times more likely to experience sexual or physical violence.

Nepalese society is also guided by social stigma and thus does not formally recognize sex work as an occupation though its open secret to everyone that its prevalent across the country. According to the report published by UNAIDS (2017), it is estimated that there are around 67, 300 sex workers in Nepal. Few unconfirmed reports suggested approx. 25,000 sex workers in Kathmandu valley during early 21st century.

Nepal has also not recognized this profession as a right and thus there are no specific brought laws and policies to regulate the sex profession which leads to further vulnerability of the poverty entrenched life of sex workers in the society where the social stigma is widely prevalent. This has exacerbated sex workers to more violence. The situation became more pronounced during the lockdowns imposed to contain and control the spread of COVID 19, impacting on their livelihoods and the capacity for alternative avenues for income-earning. The inadequate understanding regarding the profession has pushed further the issues faced by sex-workers in the shadows of policy and decision-making.

Few laws were enacted in 1980s that shaped the understanding of commercial sex work in Nepal. In the year 1986, Nepal passed an Act called Trafficking in Humans (Control) with an objective to stop trafficking for commercial sexual work. The Act was more focused in criminalizing sex-work rather than achieving its target objective.

Another act was formulated in 2007, namely, Human Trafficking and Transportation (Control), which criminalized sex-work, soliciting sexual services and living off the earnings of sex-workers by including it in the definition of human trafficking

2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

For detailed information, please refer to the Terms of Reference – ToR (Annex 1)

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

I. Academic Qualifications:

- At least Master's degree in Sociology, preferably Gender Studies, or Public Policy, Social Policy, and other relevant fields.

II. Years of experience:

- At least 15 years of experiences in the research and development sector preferably in the social sector. Experience in gender and minority issues will be added value.
- Knowledge and skill on data analysis, synthesize the information and draw conclusions
- Experience working with the right/responsibility based and advocacy organizations on social/communal issues and community engagement process.

III. Competencies:

- Excellent inter-personal skills.
- Fluent in English and Nepali Language.
- Ability to work with very little supervision and resourceful in getting all tasks done.
- Ability to travel across the country for the study.

4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- Offeror's Letter to UNDP Confirming Interest and Availability for the Individual Contractor (IC) Assignment
- Financial Proposal
- A cover letter with a brief presentation of your consultancy explaining your suitability for the work;
- A brief methodology on how you will approach and conduct the work
- Personal CV including past experience in similar projects and at least 3 references

Note:

- Applicants of 65 years or more require full medical examination and statement of fitness to work to engage in the consultancy.
- The candidate has to be an independent consultant (If the candidate is engaged with any organization, the organization employing the candidate will be issued with a Reimbursable Loan Agreement (RLA) to release the employee for the consultancy with UNDP.)
- Due to sheer number of applicants, the procurement unit will contact only competitively selected consultant.

5. FINANCIAL PROPOSAL

- **Lump sum contracts**

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount.

6. EVALUATION

Individual consultants will be evaluated based on the following methodologies:

Cumulative analysis

When using this weighted scoring method, the award of the contract should be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

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

* Technical Criteria weight; 70%

* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 49 points in technical evaluation would be considered for the Financial Evaluation

Criteria	Weight	Max. Point
<u>Technical:</u>	70%	70
<u>Educational Qualification</u> At least Master's degree in Sociology, preferably Gender Studies, or Public Policy, Social Policy, and other relevant fields	20%	20
<u>Relevant Experience</u> At least 15 years of experiences in the research and development sector preferably in the social sector. Experience in gender and minority issues will be added value	15%	15
Knowledge and skill on data analysis, synthesize the information and draw conclusions	15%	15
Experience working with the right/responsibility based and advocacy organizations on social/communal issues and community engagement process	15%	10
Excellent inter-personal skills	5%	5
Fluent in English and Nepali Language	5%	5
<u>Financial</u>	30%	30

Contract will be awarded to the technically qualified consultant who obtains the highest combined scores (financial and technical). The points for the Financial Proposal will be allocated as per the following formula:

$$\frac{\text{Lowest Bid Offered} *}{\text{Bid of the Consultant}} \times 30$$

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

ANNEX

ANNEX 1- TERMS OF REFERENCES (TOR)

ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

UNITED NATIONS DEVELOPMENT PROGRAMME

Accelerating Implementation of Sustainable Development Goals in Nepal (AISN-Nepal)

Study on the Status of (Dignity, Equality and Protection) Sex Workers in Nepal

Type: Individual Consultant

Institution: National Planning Commission, Nepal

Duration: 85 person days spread over 4 Months

Proposed Starting Date: June 2022

I. INTRODUCTION

The constitution of Nepal has assured freedom to choose any profession through the provision of non-discrimination and equality. The supreme court has also recognized that any person could choose its profession including the sex as a profession to earn money to sustain his/her personal life and family. Sex profession is an act where the adults (both male and female) receive money or goods in exchange for consensual sexual services or erotic performances, either regularly or occasional. The International Labor Organization estimates that “sex workers support between five and eight other people with their earnings. Sex workers also contribute to the economy.” However, the majority of the societies in the world (including Nepal) have stigmatic perception of the sex as a profession and equate it to the criminalization. Prostitution is synonymously used in many societies but with more criminal perspective. Criminalization of sex work compromises ‘sex workers’ health and safety by driving sex work underground. Criminalization includes criminalizing the sale and purchase of sexual services, to blanket prohibitions on management of sex work. Criminalization of sex work and sex workers is a form of violence and contributes to the high level of stigma and discrimination. According to a research by London School of Hygiene and Tropical Medicine (LSHTM, 2018), ‘sex workers who have experienced repressive policing (including arrest, extortion, and violence from police) are three times more likely to experience sexual or physical violence.’

Nepalese society is also guided by social stigma and thus does not formally recognize sex work as an occupation though its open secret to everyone that its prevalent across the country. According to the report published by UNAIDS (2017), it is estimated that there are around 67, 300 sex workers in Nepal. Few unconfirmed reports suggested approx. 25,000 sex workers in Kathmandu valley during early 21st century.

Nepal has also not recognized this profession as a right and thus there are no specific brought laws and policies to regulate the sex profession which leads to further vulnerability of the poverty entrenched life of sex workers in the society where the social stigma is widely prevalent. This has exacerbated sex workers to more violence. The situation became more pronounced during the lockdowns imposed to contain and control the spread of COVID 19, impacting on their livelihoods and the capacity for alternative avenues for income-earning. The inadequate understanding regarding the profession has pushed further the issues faced by sex-workers in the shadows of policy and decision-making.

Few laws were enacted in 1980s that shaped the understanding of commercial sex work in Nepal. In the year 1986, Nepal passed an Act called Trafficking in Humans (Control) with an objective to stop trafficking for commercial sexual work. The Act was more focused in criminalizing sex-work rather than achieving its target objective.

Another act was formulated in 2007, namely, Human Trafficking and Transportation (Control), which criminalized sex-work, soliciting sexual services and living off the earnings of sex-workers by including it in the definition of human trafficking.

II. RATIONALE OF THE STUDY

The issues of sex workers are still not considered seriously in Nepal. The lack of legal recognition of sex work and having no special law in the regulation and the monitoring of sex work has created biases and inequalities in the society against sex workers. The identity of sex work as an occupation is still missing and the confusion between sex work and trafficking is still prevalent. Sex workers are accused and arrested by the police on the grounds of polluting the surrounding environment (CEDAW, 2018). Sex workers have to face crimes like rape, violence, theft and burglary which often goes unnoticed by police as their occupation is deemed tabooed in the society. The unsupportive behavior of the police has resulted in the hesitation by sex workers to report crime committed against them even though police cannot arrest them on the basis of sex work. The acts like Public Security Act, Article 3.1 is used against sex workers by the police to falsely accuse them and disregard their claims to justice.

Therefore, National Planning Commission has identified a requirement to carry out a study to understand the status of sex workers in Nepal including the inherent issues and challenges faced by them. The study will also provide empirical evidence for policy-advocacy and policy-making towards achieving Sustainable Development Goals by 2030 to ensure no one is left behind in the country's development process.

III.OBJECTIVE OF THE ASSIGNMENT

The main objective of the study is to assess the status of sex workers in Nepal (both current and those used to be in the past from the perspective of dignity, equality and protection): The specific objectives are;

- To explore the factors dragging the people in sex work (why do they choose this profession despite knowing the society does not see this as a good work)
- To explore the issues and challenges faced by sex workers in Nepalese society (what are the prohibitory factors for them to work confidently and competently).
- To analyze the impacts of sex work in the sex workers' life/family and society (both positive and negative)
- To analyze the existing policy (including legal provisions) and practice provisions for and against the sex workers and thereby recommend legal, policy and program interventions to address the issue in Nepal.

IV.SCOPE OF WORK

The consultant/s will perform the following (but not limited to) activities during the course of assignment:

- Develop and submit the inception report with the detailed methodology, tools for collecting quantitative and qualitative data and information, including survey questionnaire and checklist for discussion, structure/outline of study report including time-line and bibliography for the study in line with study objectives.
- The survey will include at least 30 caseloads from each province on structured questionnaire (at least 210 caseloads in total), at least 3 FGDs outcome from each province and reasonable KIIs as a main source of information.
- The methodology should also clearly present the plan to include the caseloads and FGDs/KII representation of the urban-rural; mountains-hills- terai; all provinces; and GESI clusters including LGBTIQ. This is to ensure the study is representative. The study should also cover those who are at this work at present and those who used this profession but now no more in this profession.
- Desk review of all relevant international instruments, domestic policies and laws at the federal and provincial levels, studies, reports and materials.
- Analyze the findings in detail as per the clusters and looking into the livelihoods and survival; vulnerability, social status, issues and challenges being faced and so on for the reporting purpose. The analysis will also draw on the recommendation for the improvement of the status of the sex workers in the future.
- Prepare the draft report with the identified issues and recommendations to address them (part A). The report should also include a national level action plan with cost/budget estimation to address the key recommendations and findings. The action plan should clearly identify the actions in immediate term (within a year), medium

term (1-2 year's term) and longer term (more than 2 years' term). The action plan should be a separate section (part B) in the main report.

- Present the main report in the workshop to be organized by NPC for further discussion and comments from the stakeholders.
- Present the revised draft report after incorporating the feedback received at the NPC workshop in the stakeholders meeting.
- Finalize the report after incorporating all the comments/feedback received in the stakeholders' consultation meeting and submit it to the NPC.

V. QUALIFICATION AND EXPERIENCES REQUIRED

The consultant should have

- At least Master's degree in Sociology, preferably Gender Studies, or Public Policy, Social Policy, and other relevant fields.
- At least 15 years of experiences in the research and development sector preferably in the social sector. Experience in gender and minority issues will be added value.
- Knowledge and skill on data analysis, synthesize the information and draw conclusions
- Experience working with the right/responsibility based and advocacy organizations on social/communal issues and community engagement process
- Excellent inter-personal skills.
- Fluent in English and Nepali Language
- Ability to work with very little supervision and resourceful in getting all tasks done.
- Ability to travel across the country for the study

VI. TIME FRAME, DELIVERABLES AND PAYMENT SCHEDULE

This is an 85-person day's work spread over 120 days (four months). The specific deliverables of the consultant will be as below:

S.N.	Deliverables	Timeframe	Payment Schedule
1.	An Inception report with detailed methodology tools for collecting quantitative and qualitative data and information, structure/outline of study report including research questionnaire and checklist for study	Within 10 days of signing the contract.	20% payment after approval of the report by the NPC.
2.	Submission of the draft study report to the NPC	Within 75 days of signing the contract.	40% payment upon approval of the draft report by the NPC.

3.	Sharing of the draft report to the workshop organized by NPC	Within 100 days of signing the contract.	No payment associated
4.	Submission of final report incorporating all the relevant comments/feedbacks provided individually and from the workshop to the NPC.	Within 120 days of the contract signed	40% payment after approval of the report.

VII. WORKING ARRANGEMENT

The consultant will work under the technical guidance of respective Member of National Planning Commission and under overall guidance of the Joint Secretary /Division Chief, Social Development division through AISN as first point of contact. The consultant shall demonstrate synergies with relevant government agencies (federal, provincial, and local) and relevant private sectors during the assignment.

The consultant will be responsible for managing their own working station and facilities to carry out this study (i.e. laptop, internet, phone, printer/scanner and others as appropriate. NPC/AISN will not be accountable for such facilities.

The financial proposal should be inclusive of all costs required to accomplish this study. This may comprise the cost of the expert, travel cost outside of Kathmandu (estimated 5 days in each province) as well as other logistical costs associated with the assignment. UNDP/AISN will not born any additional cost other than contract amount.

VIII. EVALUATION METHOD

UNDP adopts mixed method of evaluation i.e. combined evaluation of technical proposals and financial proposals on 70:30 bases. Technical proposal will be evaluated on the basis of technicality of the study proposal as well as consultant's educational qualification including past work experience in undertaking similar types of assignments.

REFERENCES

M. Hennink & S. Padam. (2004). Sex trafficking in Nepal: Context and process.

CEDAW. (2018). Discrimination and violence to Female Sex Workers and Third Gender

Women Sex Workers of Nepal.

[Criminalisation and repressive policing of sex work linked to increased risk of violence, HIV and sexually transmitted infections | LSHTM](#)

**OFFEROR'S LETTER TO UNDP
CONFIRMING INTEREST AND AVAILABILITY
FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT**

**UNDP/PN/10/2022 – National Consultant - Study on the Status of (Dignity, Equality and Protection)
Sex Workers in Nepal**

Date _____

United Nations Development Programme
UN House
Pulchowk,
Lalitpur, Nepal

Dear Sir/Madam:

I hereby declare that:

I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of **National Consultant - Study on the Status of (Dignity, Equality and Protection) Sex Workers in Nepal**.

I have also read, understood and hereby accept UNDP's General Conditions of Contract for the Services of the Individual Contractors;

- A) I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV which I have duly signed and attached hereto as Annex 1;
- B) In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3.
- C) I hereby propose to complete the services based on the following payment rate:
- ☐
- ☐ A total lump sum of *[state amount in words and in numbers, indicating **exact currency**]*, payable in the manner described in the Terms of Reference.
- D) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;

- E) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;
- F) This offer shall remain valid for a total period of _____ days [*minimum of 90 days*] after the submission deadline;
- G) I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office [*disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists*];
- H) If I am selected for this assignment, I shall [*please check the appropriate box*]:

- ☐ Sign an Individual Contract with UNDP;
- ☐ Request my employer [*state name of company/organization/institution*] to sign with UNDP a Reimbursable Loan Agreement (RLA), for and on my behalf. The contact person and details of my employer for this purpose are as follows:

- I) I hereby confirm that [*check all that applies*]:

- ☐ At the time of this submission, I have no active Individual Contract or any form of engagement with any Business Unit of UNDP;
- ☐ I am currently engaged with UNDP and/or other entities for the following work:

Assignment	Contract Type	UNDP Business Unit / Name of Institution/Company	Contract Duration	Contract Amount

- ☐ I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

Assignment	Contract Type	Name of Institution/ Company	Contract Duration	Contract Amount

- J) I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

K) **If you are a former staff member of the United Nations recently separated, please add this section to your letter:** I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

L) I also fully understand that, if I am engaged as an Individual Contractor, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as a staff member.

M) Are any of your relatives employed by UNDP, any other UN organization or any other public international organization?

YES ☐ NO ☐ If the answer is "yes", give the following information:

Name	Relationship	Name of International Organization

O) Do you have any objections to our making enquiries of your present employer?

YES ☐ NO ☐

P) Are you now, or have you ever been a permanent civil servant in your government's employ?

YES ☐ NO ☐ If answer is "yes", WHEN?

Q) REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications.

Full Name	Full Address	Business or Occupation

R) Have you been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law (excluding minor traffic violations)?

YES ☐ NO ☐ If "yes", give full particulars of each case in an attached statement.

I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made on a Personal History form or other document requested by the Organization may result in the termination of the service contract or special services agreement without notice.

DATE: _____

SIGNATURE: _____

NB. You will be requested to supply documentary evidence which support the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so and, in any event, do not submit the original texts of references or testimonials unless they have been obtained for the sole use of UNDP.

Annexes *[please check all that applies]:*

- ☐ CV shall include Education/Qualification, Professional Certification, Employment Records /Experience
- ☐ Breakdown of Costs Supporting the Final All-Inclusive Price as per Template
- ☐ Brief Description of Approach to Work

BREAKDOWN OF COSTS¹
SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL

A) Breakdown of Cost by Components:

Cost Components	Quantity	Unit Cost (NPR)	Total for the Contract Duration (NPR)
I. Personnel Costs			
Professional Fees	85 person days		
Life Insurance			
Medical Insurance			
Communications			
II. Travel² Expenses to Join duty station			
Travel Lumpsum (7 province)	1		
DSA Lumpsum (approx. 35 days)	1		
Others:			
Stationery and logistics			
Total			

B) Breakdown of Cost by Deliverables*

Deliverables	Percentage of Total Price (Weight for payment)	Amount in NPR.
Inception Report	20%	
Draft Report	40%	
Sharing of draft report in the national level workshop.	40%	
Final Report after addressing comments and suggestions from reviewers/consultation workshop, including policy brief		
TOTAL IN NEPALESE RUPEES		

**Basis for payment tranches*

¹ The costs should only cover the requirements identified in the Terms of Reference (TOR)

² Travel expenses are not required if the consultant will be working from home.