



## REQUEST FOR PROPOSAL (RFP)

NAME & ADDRESS OF FIRM	DATE: June 23, 2022
	REFERENCE: UNDP/RFP/2022/14

Dear Sir / Madam:

We kindly request you to submit your Proposal to **Study on the Status of Gender and Sexual Minorities in Nepal for Accelerating Implementation of Sustainable Development Goals in Nepal (AISN)**. The detailed Terms of Reference (ToR) is attached as Annex 4.

Please be guided by the form attached hereto as Annex 2, in preparing your Proposal.

Proposals may be submitted on or before **1700 hours (Nepal Standard Time), Friday, July 08, 2022** and via email to [procurement.np@undp.org](mailto:procurement.np@undp.org).

While submitting your proposal by email, kindly ensure that they are signed and in the .pdf format, and free from any virus or corrupted files. Proposals submitted by email must be limited to a maximum of **35 MB** (each transmission), virus-free and no more than **6** email transmissions. They must be free from any form of virus or corrupted contents, or the proposals shall be rejected

The technical and financial proposals should be in separate email messages mentioning the following subject lines:

Technical Proposal: UNDP/RFP/2022/11- Technical Proposal- {Bidder's Name}

Financial Proposal: UNDP/RFP/2022/11 - Financial Proposal- {Bidder's Name}

Your Proposal must be expressed in the **English**, and valid for a minimum period of **120 days**.

In the course of preparing your Proposal, it shall remain your responsibility to ensure that it reaches the address above on or before the deadline. Proposals that are received by UNDP after the deadline indicated above, for whatever reason, shall not be considered for evaluation. If you are submitting your Proposal by email, kindly ensure that they are signed and in the .pdf format, and free from any virus or corrupted files.

Services proposed shall be reviewed and evaluated based on completeness and compliance of the Proposal and responsiveness with the requirements of the RFP and all other annexes providing details of UNDP requirements.

The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by UNDP, and the unit price shall prevail, and the total price shall be corrected. If the Service Provider does not

accept the final price based on UNDP's re-computation and correction of errors, its Proposal will be rejected.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by UNDP after it has received the Proposal. At the time of Award of Contract or Purchase Order, UNDP reserves the right to vary (increase or decrease) the quantity of services and/or goods, by up to a maximum twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.

Any Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions indicated herein. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP in this link: <http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html>

Please be advised that UNDP is not bound to accept any Proposal, nor award a contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP's vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. In the event that you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link:

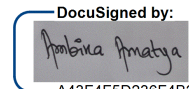
<http://www.undp.org/content/undp/en/home/operations/procurement/protestandsanctions/>

UNDP encourages every prospective Service Provider to prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this RFP.

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link : [http://www.un.org/depts/ptd/pdf/conduct\\_english.pdf](http://www.un.org/depts/ptd/pdf/conduct_english.pdf)

Thank you and we look forward to receiving your Proposal.

Sincerely yours,

DocuSigned by:  
  
A43F4F5D236F4B2...

**Ambika Amatya**  
Head of Procurement Unit, UNDP Nepal  
6/23/2022

## Annex 1

## Description of Requirements

Context of the Requirement	Nepal is considered one of the most progressive countries in South Asia and this has enabled Sexual Minorities to obtain citizenship under their preferred identity and passports under the “Other” category. Gender and Sexual Minorities (LGBTIQA+) people’s rights as a fundamental human right was already recognized by a Supreme Court ruling in 2007. It legalized homosexuality and ensured right to protection of gender and sexual minorities. The Constitution of Nepal (2015) guarantees the rights of gender and sexual minorities to live a life free of stigma and discrimination including their right of access to public services. LGBTI community members experience stigma, discrimination and victimization across the course of their lives. The nature of the violence faced by lesbian women starts from family since it is where control is exerted over a woman’s sexuality, mobility, and access to resources. The most common reality for LBT is that they are commonly targeted, harassed, and punished for their sexual orientation. So, there are still many legal constraints forbidding this section of the community to live dignified life. Therefore, the National Planning Commission is commencing a study on issues faced by the LGBTIQA+ community from a political, economic, social, and legal perspective.
Implementing Partner of UNDP	N/A
Brief Description of the Required Services <sup>1</sup>	<p>The main objective of this study is to assess and document the political, economic, legal and social status of Gender and Sexual Minorities in Nepal. The specific objectives are to:</p> <ul style="list-style-type: none"> <li>➤ Explore the political, social, economic and legal issues that exclude the gender and sexual minorities (LGBTIQA+) community in Nepal from the decision-making processes,</li> <li>➤ Examine the existing patterns and trends of violence against gender and sexual minorities (LGBTIQA+) individuals,</li> <li>➤ Identify the barriers and challenges faced by gender and sexual minorities (LGBTIQA+) individuals in accessing health, education, financial and other services,</li> <li>➤ Analyse the gaps in the implementation of constitutional provisions made for the gender and sexual minorities (LGBTIQA+) community and make recommendations for the future interventions to address the gaps identified,</li> <li>➤ Prepare the national level action plan to implementation the proposed recommendations.</li> </ul>
List and Description of Expected Outputs to be Delivered	<p>The selected organization is expected to provide the following outputs:</p> <ol style="list-style-type: none"> <li>1. An inception report with a detailed methodology tools for collecting quantitative and qualitative data and information, structure/outline of the study report including research questionnaire and check list for the study.</li> <li>2. Submission of the draft report to the NPC</li> </ol>

<sup>1</sup> 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.

	3. Submission of final report to NPC incorporating all the relevant comments/feedback provided individually and form the workshop to be organized by NPC.
Person to Supervise the Work/Performance of the Service Provider	Joint Secretary/Division chief of the Social Development division of National Planning Commission
Frequency of Reporting	<i>As per the ToR</i>
Progress Reporting Requirements	As per the ToR
Location of work	<input checked="" type="checkbox"/> Kathmandu, Nepal
Expected duration of work	100person workdays spread over four months
Target start date	July 2022
Latest completion date	October 2022
Travels Expected	<i>As per TOR</i>
Special Security Requirements	<input checked="" type="checkbox"/> <b>Others:</b> Follow the safety measures of COVID-19, as required.
Facilities to be Provided by UNDP (i.e., must be excluded from Price Proposal)	<input checked="" type="checkbox"/> <b>Others: Not Applicable</b>
Implementation Schedule indicating breakdown and timing of activities/sub-activities	<input checked="" type="checkbox"/> <b>Required</b>
Company Registration Certificate	<input checked="" type="checkbox"/> <b>Required</b>
Company Profile	<input checked="" type="checkbox"/> <b>Required</b>
Latest Tax Clearance Certificate	<input checked="" type="checkbox"/> <b>Required</b>
VAT/PAN Registration	<input checked="" type="checkbox"/> <b>Required (in case of the companies and firms)</b>
List of projects completed (please indicate contract value and duration)	<input checked="" type="checkbox"/> <b>Required</b>

List of major clients with detailed contact address for last two years	<input checked="" type="checkbox"/> <b>Required</b>				
Names and curriculum vitae of the proposed team including the individuals who will be involved in completing the services	<input checked="" type="checkbox"/> <b>Required</b>				
Currency of Proposal	<input checked="" type="checkbox"/> <b>Local Currency: Nepalese Rupees (NPR.)</b>				
Value Added Tax on Price Proposal <sup>2</sup>	<input checked="" type="checkbox"/> <b>must be inclusive of VAT and other applicable indirect taxes</b> <input type="checkbox"/> must be exclusive of VAT and other applicable indirect taxes				
Validity Period of Proposals (Counting for the last day of submission of quotes)	<input checked="" type="checkbox"/> <b>120 days</b>  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	<input checked="" type="checkbox"/> <b>Not permitted</b>				
Payment Terms <sup>3</sup>		<b>S.N.</b>	<b>Deliverables</b>	<b>Timeframe</b>	<b>Payment Schedule</b>
		1.	An inception report with a detailed methodology tools for collecting quantitative and qualitative data and information, structure/outline of the study report including research questionnaire and check list for the study.	Within 15 days of signing the contract.	20% payment after approval of the report.

<sup>2</sup> VAT exemption status varies from one country to another. Pls. check whatever is applicable to the UNDP CO/BU requiring the service.

<sup>3</sup> 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.

		2.	Submission of the draft report to the NPC	Within 90 days of signing the contract.	40% payment after approval of the draft report.
		3.	Sharing of the draft report to the workshop organized by NPC	Within 100 days of signing the contract.	40% payment after approval of the report.
		4.	Submission of final report to NPC incorporating all the relevant comments/feedback provided individually and form the workshop.	Within 120 days from the contract signed date.	
Person(s) to review/inspect/ approve outputs/completed services and authorize the disbursement of payment	National Planning Commission and Joint Secretary/Division chief of the Social Development division of National Planning Commission.				
Criteria for Contract Award	<input checked="" type="checkbox"/> Highest Combined Score (based on the 70% technical offer and 30% price weight distribution) <input checked="" type="checkbox"/> 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	<u>Technical Proposal – 700 points</u> <input checked="" type="checkbox"/> Expertise of the Firm – 200 points <input checked="" type="checkbox"/> Proposed Work Plan and Approach – 300 points <input checked="" type="checkbox"/> Management Structure and Qualification of Key Personnel- 200 points  <u>Financial Proposal (30%)-300 points</u> 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:	<input checked="" type="checkbox"/> One and only one Service Provider				

Type of Contract to be Signed	<input type="checkbox"/> Purchase Order <input checked="" type="checkbox"/> Contract Face Sheet (Goods and-or Services) UNDP (this template is also utilized for Long-Term Agreement <sup>4</sup> and <i>if LTA will be signed, specify the document that will trigger the call-off. E.g., PO, etc.</i> ) <input type="checkbox"/> Other Type/s of Contract
Contract General Terms and Conditions <sup>5</sup>	<input type="checkbox"/> General Terms and Conditions for contracts (goods and/or services) <input checked="" type="checkbox"/> General Terms and Conditions for the minimum contracts (services only)  Applicable Terms and Conditions are available at: <a href="http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html">http://www.undp.org/content/undp/en/home/procurement/business/how-we-buy.html</a>
Annexes to this RFP <sup>6</sup>	<input checked="" type="checkbox"/> <b>Form for Submission of Proposal (Annex 2)</b> <input checked="" type="checkbox"/> <b>General Terms and Conditions / Special Conditions (Annex 3)<sup>7</sup></b> <input checked="" type="checkbox"/> <b>Detailed TOR – Annex 4</b> <i>[pls. specify]</i>
Contact Person for Inquiries (Written inquiries only) <sup>9</sup>	<p><i>Procurement Unit UNDP Nepal Email: <a href="mailto:query.procurement.np@undp.org">query.procurement.np@undp.org</a></i></p> <p>Written inquiries must be submitted mentioning RFP Ref: UNDP/RFP/14/2022, on or before 5:00PM and before seven days of deadline. UNDP shall respond to the inquiries through a bulletin posted in UNDP Website:  <a href="http://www.np.undp.org/content/nepal/en/home/operations/procurement.html">http://www.np.undp.org/content/nepal/en/home/operations/procurement.html</a>. Inquiries received after the above date and time shall not be entertained.</p> <p>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</p>

<sup>4</sup> Minimum of one (1) year period and may be extended up to a maximum of three (3) years subject to satisfactory performance evaluation

<sup>5</sup> 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.

<sup>6</sup> Where the information is available in the web, a URL for the information may simply be provided.

<sup>7</sup> 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.

<sup>8</sup> A more detailed Terms of Reference in addition to the contents of this RFP may be attached hereto.

<sup>9</sup> 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.

Other Information <i>[pls. specify]</i>	<p>The Financial evaluation will be carried out only for the technically qualified submission that pass the minimum technical score of 70% (560 points) of the obtainable score of 800 points in the evaluation of the technical proposals.</p> <p><b>The Financial Proposal and the Technical Proposal <u>MUST BE COMPLETELY SEPARATE</u> and <u>each of them must be submitted individually with different subject line as mentioned above.</u> Failing to submit the Technical and Financial Proposals in separately will be treated as non-responsive.</b></p>
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Summary of Technical Proposal Evaluation Forms		Score Weight	Points Obtainable
1	Expertise of firm/Organization submitting proposal	20%	200
2	Proposed Work Plan and Approach	30%	300
3	Management expert and qualification of Personnel	20%	200
			700



<b>I. Expertise of firm / organisation submitting proposal (Points obtainable 200 Points)</b>	
1.1 Reputation of Organisation and Staff (Competence / Reliability)	70
1.2 Litigation and Arbitration history	10
1.3 General Organisational Capability which is likely to affect implementation (i.e. loose consortium, holding company or one firm, size of the firm / organisation, strength of project management support e.g. project financing capacity and project management controls)	25
1.4 Extent to which any work would be subcontracted (subcontracting carries additional risks which may affect project implementation, but properly done it offers a chance to access specialised skills.	0
1.5 Quality assurance procedures, warranty	15
<b>Sub total (1.1 to 1.5)</b>	<b>120</b>
1.6 Relevance of:	
- Specialised Knowledge	20
- Experience on Similar Programme / Projects	20
- Experience on Projects in the Region	20
- Work for UNDP/ major multilateral/ or bilateral programmes	20
<b>Sub Total for 1.6</b>	<b>80</b>
<b>Total for Expertise of firm / organisation submitting proposal (I)</b>	<b>200</b>
<b>II. Proposed Work Plan and Approach (Points obtainable 300 Points)</b>	
2.1 To what degree does the Offer or understand the task?	70
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?	10
2.4 Is there evidence that the proposal been prepared based on an in-depth understanding and prior knowledge of the project environment?	50
2.5 Is the conceptual framework adopted appropriate for the task?	70
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
<b>Total for Proposed Work Plan and Approach (II)</b>	<b>300</b>
<b>III. Personnel (Points obtainable 200 Points)</b>	
<b>3.1 Team Leader/Sociologist</b>	
Master's Degree in Sociology and/or any other social sciences (PhD preferred)	15
At least 10 years' experiences in research and development	35
Good understanding of gender and sexual minorities in Nepal	15
Priority will be given to the person having prior work experience in preparation of higher-level policy and strategy document for Government of Nepal	20
Fluent in writing report in English language	15
<b>Sub Total for Team Leader/Sociologist</b>	<b>100</b>
<b>3.2 Gender Expert</b>	
Master's degree in Gender Studies	25
At least 8 years of experience in research related to the assignment	40
Good understanding of gender and sexual minorities in Nepal	20
Excellent skills in writing reports in English	15
<b>Sub Total for the Gender Expert</b>	<b>100</b>
<b>Grand Total of III (3.1 and 3.2)</b>	<b>200</b>
<b>GRAND TOTAL (I+II+III)</b>	<b>700</b>

**FORM FOR SUBMITTING SERVICE PROVIDER'S PROPOSAL<sup>10</sup>*****(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery<sup>11</sup>)***

[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, Latest 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, contract duration, contract value, contact references;*
- e) Certificates and Accreditation – including Quality Certificates, Patent Registrations, Environmental Sustainability Certificates, etc.*
- f) 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.*

**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.*

<sup>10</sup> This serves as a guide to the Service Provider in preparing the Proposal.

<sup>11</sup> Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes

**D. Cost Breakdown per Deliverable\***

	<b>Deliverables</b> <i>[list them as referred to in the RFP]</i>	<b>Percentage of Total Price</b> <i>(Weight for payment)</i>	<b>Price</b> <i>(Lump Sum, All Inclusive)</i>
1.	An inception report with a detailed methodology tools for collecting quantitative and qualitative data and information, structure/outline of the study report including research questionnaire and check list for the study within 15 days of signing the contract.	20%	
2.	Submission of the draft report to the NPC within 90 days of signing the contract	40%	
3	Sharing of draft Study Report in the consultation workshop (organized by NPC/AISN project) within 100 days	None	
3.	Submission of Final Study Report incorporating comments/feedbacks from the consultation workshop within 120 days	40%	
	<b>Total</b>	<b>100%</b>	

*\*This shall be the basis of the payment tranches*

**E. Cost Breakdown by Cost Component:**

<b>SN</b>	<b>Activities</b>	<b>Unit</b>	<b>Rate</b>	<b>No. of Days</b>	<b>Total NPR</b>
<b>A</b>	<b>Key Human Resources</b>				
1	Team Leader/Sociologist			60	
2	Gender Expert			40	
	<b>Sub Total A</b>				
<b>B</b>	<b>Other costs (if any)</b>				
		Lumpsum			
		Lumpsum			
	<b>Sub Total B</b>				
<b>C</b>	<b>Total (A+B)</b>				
<b>D</b>	<b>VAT 13%</b>				
	<b>Grand Total (C+D)</b>				

*N. B. Administrative and other associated costs, if any, should be built into the above headings proportionately.*

***Proposal will be disqualified if it does not follow the above price schedule format.***

*[Name and Signature of the Service Provider's  
Authorized Person]  
[Designation]  
[Date]*

**Annex 3**

***General Terms and Conditions of Contract***

## Study on the Status of Gender and Sexual Minorities in Nepal

**Type:** Consulting Firm

**Institution:** National Planning Commission

**Duration:** 100 person days spread over 4 Months

**Proposed Starting Date:** June 15, 2022

### I. INTRODUCTION

Nepal is considered one of the most progressive countries in South Asia and this has enabled Sexual Minorities to obtain citizenship under their preferred identity and passports under the “Other” category. Gender and Sexual Minorities (LGBTIQA+) people’s rights as a fundamental human right was already recognized by a Supreme Court ruling in 2007. It legalized homosexuality and ensured right to protection of gender and sexual minorities.

The Constitution of Nepal (2015)<sup>12</sup> guarantees the rights of gender and sexual minorities to live a life free of stigma and discrimination including their right of access to public services. Article 12 states that citizens will be allowed to choose their preferred gender identity on their citizenship document. The choices available are male, female or other.<sup>13</sup> Gender and sexual minority are mentioned in article 18 (right to equality) and in article 42 (social justice) of the Constitution. The phrase ‘gender identity’ is mentioned in article 12 (citizenship ID) of the Constitution. Article 18 states that gender and sexual minorities will not be discriminated by the state and by the judiciary in the application of laws. It further adds that the government may

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<sup>12</sup> (Article 12) Citizenship based on lineage and gender identity: Each citizen shall be provided with Nepali citizenship certificate based on lineage of the mother or father along with gender identity.

(Article 18) Right to equality:

(1) All citizens shall be equal before the law. No person shall be denied the equal protection and benefit of the laws.

(2) There shall be no discrimination in the application of general laws on grounds of religion, race, origin, caste, tribe, gender, sexual orientation, physical conditions, health conditions, physical impairment, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology and such other matters.

(3) The state shall not discriminate among citizens on grounds of religion, race, origin, caste, tribe, gender, sexual orientation, physical condition, physical impairment, health conditions, matrimonial status, pregnancy, economic condition, language or geographical region, ideology and such other matters. Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the poor, women lagging behind socially and culturally, Dalits, Adibasi (indigenous groups), ethnic groups, Khas Arya, Madhesi, Tharus, peasants, laborers, excluded groups, Muslims, backward classes, minority groups, marginalized groups, communities on the verge of extinction, youth, children, the elderly, gender and sexual minorities, people with physical impairment, physically incapacitated and the helpless, and the citizens of backward regions.

(Article 42) Right to social justice:

(1) Socially backward women, Dalits, Adibasi, Janjati, Khas Arya, Madhesi, Tharu, minority groups, marginalized groups, Muslim, backward classes, gender and sexual minorities, youth, peasants, laborers, the oppressed and the citizens of backward regions, shall have the right to employment in state structures and public service on the basis of the principle of inclusion.

<sup>13</sup> R. Abarca. (2021). The new constitution of Nepal and LGBT human rights

make special provisions through laws to protect, empower and advance the rights of gender and sexual minorities and other marginalized and minority groups.<sup>14</sup> Article 42 lists gender and sexual minorities among the groups that have a right to participate in state mechanisms and public services to promote inclusion.<sup>15</sup> Article 42 “Right to social justice” of the Constitution ensures the right to special opportunity and facilities in the areas of education, health, housing, employment, food and social security, for their protection, progress, empowerment and development.

LGBTI community members experience stigma, discrimination and victimization across the course of their lives. The nature of the violence faced by lesbian women starts from family since it is where control is exerted over a woman’s sexuality, mobility, and access to resources. Women also faced economic constraints when they had to leave their homes and/or lose their jobs. Perhaps, because of the paucity in social acceptance, including family acceptance, inadequate knowledge on health issues, unfavorable environment in health institutions, and the lack of positive attitude of health service providers, very few members do visit hospital for any health issues. On the other hand, government does not have specific policy or strategy for LBT persons to provide easy access to the health centers.

However, it is often expressed by the gender and sexual minorities (LGBTIQA+) community that these rights enshrined in the Constitution and laws are yet to be implemented. Although the Hindu religion acknowledges the existence of many androgynous deities such as the ‘Ardhanarishwara’, prevailing attitudes and practices still discriminate against gender and sexual minorities (LGBTIQA+) people. This has resulted in the violation of human rights of gender and sexual minorities (LGBTIQA+) community thus depriving them to live a life of dignity in security and equality. On the other side, SDGs 1, 3, 4, 5, 10 and 16 directly address the issues of sexual and gender minority communities. Hence, it is believed that the government puts high priority for mainstreaming sexual and gender minorities’ issues in planning and program for the achievement of SDGs by 2030.

## **II. RATIONALE OF THE STUDY**

The issues of the LGBTIQA+ community are still not taken seriously in Nepal. The wrong perception of sexual orientation confined to the heterogeneous has created many issues for sexual minorities exploiting their human rights and dignity. The most common reality for LBT is that they are commonly targeted, harassed, and punished for their sexual orientation. These people are facing challenges with social acceptance and are victimized with human rights violations. Regarding problems in social acceptance, these community especially faces unfair treatment in the labor market. The lesser mobility of women in general, the issue of identity in achieving of higher education, the certain gender roles and the identity-based classical work division also create difficulties for them to enter into formal as well as informal economy. Decent wages, dignified labor and general respect is denied to greater extent. The issue of these types persons rights is discussed in the framework of The Universal Declaration of Human Rights, Adopted by UN General Assembly Resolution 217A(III) of 10 December 1948. The universal declaration of human rights (UDHR) which proclaims the “inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.” Nepal’s constitution has also recognized LGBT community, and legally our country has decriminalized same-sex relationships and introducing new laws strengthening the community. However, there are still many legal constraints forbidding this section of the community to live dignified life. Further, the participation of these community

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<sup>14</sup> R. Abarca. (2021). The new constitution of Nepal and LGBT human rights

<sup>15</sup> R. Abarca. (2021). The new constitution of Nepal and LGBT human rights

representatives at the mainstream politics and the decision-making role still negligible.<sup>16</sup> Despite the notable advances on paper, the actual lives of the vast majority of LGBT people in Nepal is still challenging due to widespread poverty, rigid social norms, and an unsympathetic legal framework and bureaucracy (UNDP, 2014).

Therefore, the National Planning Commission is proposing to conduct a study on issues faced by the LGBTIQ+ community from a political, economic, social, and legal perspective. The study also aims to highlight the gaps in inclusion of gender and sexual minorities (LGBTIQ+) community in the policy arena and their absence in the policy-making process. The study will also provide evidence for policy-advocacy and policy-making/changes to achieve the Sustainable Development Goals by 2030 for ensuring no one is left behind.

### **III. OBJECTIVE OF THE ASSIGNMENT**

The main objective of this study is to assess and document the political, economic, legal and social status of Gender and Sexual Minorities in Nepal. The specific objectives are to:

- Explore the political, social, economic and legal issues that exclude the gender and sexual minorities (LGBTIQ+) community in Nepal from the decision-making processes,
- Examine the existing patterns and trends of violence against gender and sexual minorities (LGBTIQ+) individuals,
- Identify the barriers and challenges faced by gender and sexual minorities (LGBTIQ+) individuals in accessing health, education, financial and other services,
- Analyze the gaps in the implementation of constitutional provisions made for the gender and sexual minorities (LGBTIQ+) community and make recommendations for the future interventions to address the gaps identified,
- Prepare the national level action plan to implement the proposed recommendations.

### **IV. SCOPE OF WORK**

The Consulting firm will use both quantitative and qualitative methods for the study. The data will be collected by using both primary and secondary sources. The Consulting firm will perform the following (but not limited to) activities during the course of assignment.

- i. Develop and submit the inception report with the detailed methodology, tools for collecting quantitative and qualitative data and information, structure/outline of study report including time-line and bibliography for the study in line with study objectives.
- ii. Desk review of all relevant international instruments, domestic policies and laws at the federal and provincial levels, studies and reports .
- iii. 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. However, the consulting firm will be responsible to propose the appropriate methodology while submitting the proposal and in the inception report if selected for the study.
- iv. 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; This is to ensure that the study is representative.

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<sup>16</sup> <https://bit.ly/3wTgM9J>

- v. Analyze the findings in detail and 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 recommendation and findings. The action plan should clearly identify the actions in immediate term (within a year), medium term (1-2 year's term) and long term (more than 2 years' time). The action plan should be a separate section (Part B) in the main report. This draft version should be sent to NPC to get feedbacks and comments.
- vi. Present the revised draft report after incorporating the feedbacks received from the NPC, in the workshop to be organized by NPC for further discussion to take feedbacks from the stakeholders.
- vii. Finalize the report after incorporating all the comments/feedback received in the stakeholders' consultation meeting and submit it to the NPC.

## **V. TECHNICAL TEAM AND WORKING PERSON DAYS**

It is assumed that the human resources to be proposed by the Consulting Firm will be as following.

<b>S.N.</b>	<b>Resource Person</b>	<b>No.</b>	<b>Working days</b>	<b>Rate in US \$ or NPRs</b>	<b>Amount in US\$ or NPRs</b>
1.	Team Leader/Sociologist	1	60		
2.	Gender Expert	1	40		

## **VI. REQUIREMENTS OF THE CONSULTANCY FIRM AND STUDY TEAM**

The requirements of the Team Leader/Sociologist and Gender Expert and also the Consulting Firm will be as follows:

<b>S/N</b>	<b>Experts</b>	<b>Qualification and Experiences</b>
1.	Team Leader/Sociologist	<ul style="list-style-type: none"> <li>• Master's Degree in Sociology and/or any other social sciences (PhD preferred),</li> <li>• At least 10 years' experiences in research and development,</li> <li>• Good understanding of gender and sexual minorities in Nepal,</li> <li>• Priority will be given to the person having prior work experience in preparation of higher-level policy and strategy document for Government of Nepal,</li> <li>• Fluent in writing report in English language.</li> </ul>
2.	Gender Expert	<ul style="list-style-type: none"> <li>• Master's degree in Gender Studies,</li> <li>• At least 8 years of experience in research related to the assignment,</li> </ul>



		<ul style="list-style-type: none"> <li>• Good understanding of gender and sexual minorities in Nepal,</li> <li>• Excellent skills in writing reports in English</li> </ul>
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### **Competencies of the Consulting Firm:**

- The Consulting firm should be at least 5 years of establishment,
- Good working experience of successfully completion of the various research and studies,
- Working experience with and in partnership with government line agencies in the field of policy research will be given priority,
- The Consulting firm having experience working in the areas of gender and sexual minorities will be given more weightage during evaluation.

## **VII. DELIVERABLES AND PAYMENT SCHEDULE**

The specific deliverables of the Consulting Firm will be as below:

<b>S.N.</b>	<b>Deliverables</b>	<b>Timeframe</b>	<b>Payment Schedule</b>
1.	An inception report with a detailed methodology tools for collecting quantitative and qualitative data and information, structure/outline of the study report including research questionnaire and check list for the study.	Within 15 days of signing the contract.	20% payment after approval of the report.
2.	Submission of the draft report to the NPC	Within 90 days of signing the contract.	40% payment after approval of the draft report.
3.	Sharing of the draft report to the workshop organized by NPC	Within 100 days of signing the contract.	40% payment after approval of the report.
4.	Submission of final report to NPC incorporating all the relevant comments/feedback provided individually and form the workshop.	Within 120 days from the contract signed date.	

## **VIII. WORKING ARRANGEMENT**

The team of the Consulting firm will work under the technical guidance of respective Hon. Member National Planning Commission, and overall guidance of the Joint-Secretary and Division Chief, Social Development Division and in close coordination with the respective Program Director of the Division and respective Policy Specialist of the AISN project. The Consultants during the assignment, shall demonstrate synergies with relevant government agencies (federal, provincial, and local) and relevant private sectors and adopt a strategy to complete the assignment within the given timeframe.

The Consultants 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.

## **IX. ESTIMATED COST**

The financial proposal should be inclusive of all costs required to accomplish this study. This may comprise the cost of the experts, travel cost outside of Kathmandu (tentative 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.

## **X. EVALUATION METHOD**

Applicants will be evaluated on the basis of combined evaluation methodology based on the evaluation criteria taking into consideration the technical strengths of the firm along with the expertise of the consultants.

## **REFERENCES**

- Constitution of Nepal. (2015). Part 2: Citizenship.
- Constitution of Nepal. (2015). Part 3: Fundamental Rights and Duties.
- Mitini Nepal. (2020). Situation Analysis of LGBTI in Nepal 2020.
- Mitini Nepal. (2022). Charter of Demand.
- Khadgi. A. (2020). Nepal might have made progress when it comes to queer rights but it still has a long way to go.
- UNDP. (2014). Being LGBT in Asia: Nepal Country Report