

Term of Reference (ToR)

GENERAL INFORMATION

Services/Work Description:	National Consultant for assessment on Judicial Mapping and the need for Geographical Rezoning of Federal Courts
Project/Program Title:	Support to Judicial Reform in Ethiopia
Type of Contract:	Individual Consultant- legal expert
Duty Station:	Addis Ababa, Ethiopia
Duration:	30 working days
Expected Start Date:	Immediately after Signing the Contract
Number of Consultants:	One

I. BACKGROUND / PROJECT DESCRIPTION

In November 2018 with the change of presidents and vice president, the Federal Supreme Court of Ethiopia launched a reform agenda with the objective of restoring public trust in the judiciary.

The reform agenda rolled out in phases with quick win activities and a three years' reform plan. The quick win activities include re-establishing the Judicial Affairs Advisory Council (JAAC) which was part of the Legal and Justice Affairs Advisory Council (LJAC) under the Office of the Attorney General and developing a detailed action plan to guide the reform. With the reestablishment of the JAAC the FSC commissioned the revision of the Federal Courts Proclamation law and the Judicial Administration Council Establishment of Proclamation. These two laws were deemed to be foundational for the reform activities. Parallel to the legislative revision the FSC embarked on implementing its three years' reform plan. The plan aims at strengthening judicial independence and accountability, increasing access to justice and legal empowerment, and enhancing court performance through effective and efficient service delivery.

The geographical location of federal courts, especially that of Federal First Instance Courts is made following administrative zoning. Through the reform agenda, federal courts aim at increasing access to justice and improving judicial efficiency. In order to achieve this objective, the federal courts would like to assess whether the existing geographical zoning of federal courts is suitable to enhance access to justice, legal empowerment and judicial efficiency.

Therefore, as part of its overall support to the reform agenda, the United Nations Development Programme (UNDP) in collaboration with the Federal Supreme Court, is providing assistance in the implementation of the three years' reform project plan through

a project titled 'Support to Judicial Reform in Ethiopia Project'. As part of this support, and in response to the request from the FSC, UNDP is recruiting two consultants to conduct an assessment on the existing federal judicial map and the need for geographical rezoning.

II. OBJECTIVES OF THE SERVICE / WORK

The primary objective of the assignment is to evaluate the suitability of the existing judicial map to enhance access to justice and judicial efficiency. The assessment is expected to identify whether the judicial map of federal courts is appropriate and responsive to the realities of federal territory and efficient judicial activities. Closely related, the assignment aims at evaluating the rationality of the existing geographical distribution of the federal courts as well as the suboptimal distribution of resources and how they contribute to the efficiency in the discharge of judicial responsibilities. In addition, the assessment is expected to draw detailed and practical conclusion and recommendation on the need for geographical rezoning of federal courts in light of the findings.

III. SCOPE OF THE ASSESSMENT

The scope of the consultancy work covers the federal judiciary. The consultants will be responsible to:-

- Prepare a work plan consisting detailed assessment methodology, time frame, and illustrative list of materials to be reviewed and stakeholders to be interviewed;
- Conduct an in-depth analysis on the existing judicial mapping of federal courts in light of access to justice and efficiency.
- Conduct research on best practices of judicial mapping in contexts similar to Ethiopia.
- Produce an assessment report showing whether or not the existing judicial map is suitable to enhance access to justice and judicial efficiency; and to draw detailed and practical conclusion and recommendation on the need for geographical rezoning of federal courts in light of the findings ;
- Present progress report and findings of the assessment for the leadership of federal courts and during consultation forums;
- Document and incorporate comments and feedbacks from federal courts leadership and consultation forums;
- Submit final assessment report incorporating feedbacks.

IV. DURATION OF THE WORK

The overall consultancy period for all activities is 30 working days.

V. QUALIFICATIONS

a) Technical Competencies:

A team of two consultants with expertise and competence in justice and legal matters as well as geography, development planning or similar fields will be engaged in the work.

b) The requirements for the team leader are:

- Masters or advanced degree in law, political science, or related disciplines.
- Ten (10) years of relevant experience in the justice sector in the areas of legal and judicial reform, political economy analysis, and research.
- Working experience in federal systems, judicial organization and structures, institutional analysis is preferable.

c) Functional Competencies: -

1. Exhibits professionalism.
2. Effective communication skills;
3. Open mind and critical thinking;
4. Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
5. Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

d) Language Requirements

The consultants shall demonstrate proficiency in English and Amharic.

VI. METHODOLOGY

The assessment shall be conducted using mix of qualitative and quantitative methodologies including primary and secondary sources.

The Consultant will be expected to carry out this assignment through:

- Desk review to identify the territorial jurisdiction of Federal Courts and analyze impact on access to justice of citizens; conduct data analysis from CSA and other reliable sources.
- Comparative study of experience of other countries with federal structure;
- Survey and collect relevant information and data on the operations of federal, as well as partnership and collaboration between the courts.
- Collect data from concerned parties such as judges, lawyers and other stakeholders to identify gaps and strengths.

While this is indicative, it is anticipated that prospective consultants would design appropriate methodologies using their knowledge and experience to carry out the assignment at the required level. Both consultants are expected to work as a team. Hence, terms of the ToR regarding deliverables and the duration will be applicable to both.

VII. EXPECTED OUTPUTS AND DELIVERABLES

The Consultant will be the team leader of this consultancy service. He/She will be responsible for ensuring quality and coordination of the work of the research team; lead and oversee all processes undertaken by the team and serve as focal point for communication with UNDP, FSC and other relevant counterparts.

He/She will be expected to carry out the following activities:

- Conduct an in-depth analysis on the existing judicial mapping of federal courts in light of access to justice, assessment of existing relevant legal framework and practical application of the laws.
- Comparative study of experience of other countries with federal structure.
- Survey and collect relevant information and data on the accessibility of federal courts to the users
- Consultation with concerned parties such as judges, lawyers, institutions of justice, court users and other stakeholders to collect opinions, identify gaps and strengths.
- Provide relevant legal guidance to the second consultant while preparing the geographic map of Federal Courts
- Prepare report with recommendations for judicial map, zoning of federal courts in federal territories.
- Has overall responsibility for delivery of the outputs and deliverables of the assignment.

No.	Deliverables / Outputs	Estimated Duration to Complete the Assignment	Review and Approvals Required
I.	Inception Report	5	Federal Supreme Court/UNDP
ii.	Conduct the Assessment and submit draft report	15	
iii.	Incorporating Comments and submission of final report	10	



Unless otherwise provided, all deliverables shall be produced in **Amharic**. The final report shall be submitted in soft and hard copies.

VIII. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The consultants are responsible for arranging their respective working environment. The consultants will be working under the overall supervision and guidance of relevant staff within the FSC and UNDP. The consultants will closely liaise with experts/focal points and the leadership of the FSC. The consultants shall submit the required reports to the FSC and UNDP. UNDP's Democratic Governance and Peace Building Unit will be the primary focal point and as such it will manage the overall financial and contractual arrangement with the consultants.

The consultants are expected to review and edit the deliverables of the assignment according to feedback provided by the FSC/UNDP and shall respond to questions and concerns from the FSC /UNDP in a timely manner.

VX. CRITERIA FOR SELECTING THE BEST OFFER

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both Technical and Financial Proposals. Accordingly, the Consultant will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals is:
 - a. Technical Criteria weight is **70%**
 - b. Financial Criteria weight is **30%**

Criteria		Weight	Max. Point
Technical Competence (based on CV, Proposal and interview (if required))		70%	100 pts.
✦ Criteria a. Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal		40	pts*
✦ Criteria b. Educational background,		10	pts
✦ Criteria b. Previous experience in the areas of assignment		20	pts
Financial (Lower Offer/Offer*100)		30%	30 pts
Total Score	Technical Score * 70% + Financial Score * 30%		

X. PAYMENT MILESTONES AND AUTHORITY

The prospective consultant will indicate the cost of services for each deliverable in US dollar **all-inclusive lump-sum contract amount** when applying for this consultancy. The consultant will be paid based on the effective UN exchange rate (where applicable), and only after approving authority confirms the successful completion of each deliverable as stipulated hereunder.

The qualified consultant shall receive his/her lump sum service fees upon certification of the completed tasks satisfactorily, as per the following payment schedule:

Installment of Payment/ Period	Deliverables or Documents to be Delivered	Approval should be obtained		Percentage of Payment
1 st Installment	Upon submission, presentation and approval of Inception Report	"		30%
2 nd Installment	Upon submission, presentation and approval of draft assessment report	"		30%
3 rd Installment	Upon submission and approval of the final assessment report	"		40 %

XI. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating quotations whose contents are uniformly presented and to facilitate their comparative review, prospective Consultants are given a proposed **Table of Contents**. Therefore, prospective Consultants Proposal Submission must have at least the preferred contents which are outlined in the IC Proposal Submission Form incorporated hereto.

TECHNICAL PROPOSAL COVER PAGES

Cover Page
Cover Letter

SECTION I. TECHNICAL PROPOSAL SUBMISSION FORM

- 1.1 Letter of Motivation
- 1.2 Proposed Methodology
- 1.3 Past Experience in Similar Consultancy and/or Projects
- 1.4 Implementation Timelines
- 1.5 List of Personal Referees
- 1.6 Bank Reference
- 1.7 Academic Credentials

SECTION II. ANNEXES

Annex a. Duly Signed Offeror's Letter to UNDP Confirming Interest and Availability (use the template hereto) – use separate pdf file

Annex b. Duly Signed Personal CV's/P11 (use the template hereto) – use separate pdf file

Annex c. Financial Proposal–BREAKDOWN OF COSTS Template (use the template hereto) use separate pdf file

XII. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of FSC.