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## ADVERTISEMENT

### INDIVIDUAL CONSULTANT PROCUREMENT NOTICE (ICPN)

**National Consultant: Mid-term Evaluation of the UNDP Rule of Law and Sustaining Peace and Social Cohesion Portfolio**

**(IC – National)**

**Date: September 16, 2022**

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**Procurement Notice No.: SLE/ICPN/GOV/2022/016**

**Country: Sierra Leone**

**Description of the assignment: National Consultant, Mid-term Evaluation of the UNDP Rule of Law and Sustaining Peace and Social Cohesion Portfolio**

**Project Name: Rule of Law and Sustaining Peace and Social Cohesion**

**Period of Assignment: Thirty-Five (35) Days**

Applicants are requested to apply online at <https://jobs.undp.org> no later than 5:00pm Sierra Leone time (17:00 hours), on Tuesday September 27, 2022.

Please send your queries to [vendors.sle@undp.org](mailto:vendors.sle@undp.org) which will be answered within 48 hours through the UNDP Jobs website <https://jobs.undp.org> accessible to all potential vendors.

Please ensure that your proposals (Technical and Financial) in separate sealed envelopes and placed in one big enveloped also sealed, reached UNDP Reception Area or the designated email: [procure.sle@undp.org](mailto:procure.sle@undp.org) on or before the deadline. For proposals submitted in hardcopy, please register your submission, indicating among other things, the name of the Consultant submitting proposals, the name and telephone number of the bearer submitting the proposal at Receptionist Desk and further ensure you deposits the envelop into the Tender Box located at the Reception Area.

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## 1. BACKGROUND AND OBJECTIVES

In the last decade, Sierra Leone experienced improved investment to strengthen reform initiatives within the justice sector, human rights protection, peace and social cohesion. This was due to the recognition that supporting rule of law and human rights are prerequisites to achieving sustainable peace, promoting social cohesion and peacebuilding which contributes to the achievement of the Sustainable Development Goals (SDGs).

The delivery of justice and human rights services as well as the maintenance of peace and social cohesion is shaped by persisting challenges relating to people's access to justice particularly vulnerable groups including women and children, victims of human rights violation with an essentially polarized political environment that hampers the consolidation of peaceful initiatives. Poor and limited court infrastructure and paucity of legal personnel affect the capacity of justice sector institutions to respond to the justice needs and deliver services to the population. The Human Rights Commission of Sierra Leone (HRCSL) is also challenged in carrying out its human right protection and promotion mandate amidst prevalent human rights issues in remote communities.

In 2020, the Rule of Law (ROL) and Sustaining Peace and Social Cohesion Portfolio Programme (2020-2023) was developed incorporating components to strengthen capacity of the HRCSL (2019-2020) to effectively deliver on its statutory mandate, enhance the ability of the Judiciary and the justice sector to expedite justice service delivery with focus on strengthening access to justice for women and girls at community level, and supporting initiatives geared toward promoting peace and social cohesion. The project seeks to contribute to the following four outputs:

1. Inclusive and gender responsive rule of law and human rights institutions and systems are strengthened to uphold human rights, expedite access to justice and security at national and local levels strengthened.
2. Social cohesion and security of local communities to prevent conflict and promote peace in Sierra Leone strengthened.
3. National policy formulation and implementation improved and inclusive.
4. Civil society and community peace and security structures' capacity strengthened to address injustices and conflict in local communities.

In 2021, the support to strengthening capacity of the HRCSL phase II project was developed to span from April 2021 to December 2022.

The overall objective of the programme is to consolidate gains made during the previous rule of law and human rights project through support to initiatives aimed at strengthening capacity of justice sector and human rights institution, structures, and processes. Strategically, the project contributes to the UNDP Sierra Leone Country Programme Document (2020-2023) through strengthening capacities of oversight institutions and fostering access to justice and protection of fundamental human rights within the Inclusive Democratic Governance Cluster (CPD 2020-2023 P.5-6). The project complements the efforts of the Government of Sierra Leone (GoSL) to advance rule of law and promote justice and human rights (GOSL Medium Term National Development Program – MTNDP 2019-2023, Vol. 1, P. 125). It contributes to Cluster 4: Governance and Accountability of the Sierra Leone Medium-Term National Development Plan (MT-NDP 2019–2023), the Sierra Leone Justice Sector Reform Strategy and Investment Plan (JSRSIP IV) 2019-2023, Sustainable Development Goals (SDGs) 5 and 16, and the priorities of the African Union Agenda (AUA) Goals 11 and 17.

The project utilizes a combination of National and Direct Implementation (NIM/DIM) modalities to deliver

outputs in partnership with the Judiciary of Sierra Leone (JoSL), Justice Sector Coordination Office (JSCO) within the Ministry of Justice, Ministry of Foreign Affairs and International Cooperation (MOFAIC), Sierra Leone Correctional Services (SLCS), Legal Aid Board (LAB), HRCSL, and the Independent Police Complaint Board (IPCB). The project also supports civil society organisations (CSOs) to complement the work of government institutions and expand legal aid services to rural communities to enable survivors/victims of sexual and gender-based violence (SGBV) have access to justice and increase awareness on the United Nations Guiding Principles on Business and Human Rights (UNGP BHR).

The need to be responsive to the COVID-19 pandemic was critical in defining project interventions. The project's priorities in this context did not only strive to meet the capacity needs of relevant institutions to respond to COVID-19, but emphasis was also placed on ensuring specific interventions address the immediate needs of officials and inmates in correctional facilities and litigants attending court sessions. The implementation process was mainly guided by strict adherence with NaCOVERC COVID-19 regulations to ensure the safety of staff and project beneficiaries especially in remote communities in the regions. Between 2019-2021, the project supported targeted short-term interventions geared towards addressing the immediate needs and priorities of justice sector institutions and the HRCSL with a strong focus on strengthening the staff and institutional capacities and to empower right-holders with the requisite knowledge on human rights and the laws of Sierra Leone.

To contribute towards government efforts for sustaining peace, the project partnered with Ministries, Department and Agencies (MDAs), civil society, private sector and communities to promote local capacities for peace, Working with the Office of the Vice President as one of the key government coordinating agency, the programme supported the establishment and/or strengthening of local conflict management structures at the community, chiefdom and district level to mitigate and resolve conflicts between private companies and host communities; promote accountability in local development structures and business and human rights. In partnership with the Ministry of Youth Affairs and other government agencies, the programme supported initiatives aimed at transforming youth-at-risk into agents of sustainable peace and resilience.

### **Purpose of the evaluation**

The purpose of this evaluation is to assess the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio which comprises of four projects: (1) Support to capacity strengthening of the Human Rights Commission of Sierra Leone, (2) Strengthening judicial reforms within the ROL sector, (3) Mitigating Localized Resource-based Conflicts and Increasing Community Resilience in Pujehun and Moyamba districts; and Empowering youth at risk as resources for sustaining peace and community resilience in Tonkolili and Kenema districts. It will assess the progress, achievements and lessons learned, as well as challenges faced regarding capacity strengthening support to rule of law and human rights institutions, and civil society organizations working to strengthen peace and social cohesion initiatives. The evaluation will review the impact of project interventions at local, regional and national levels within the wider context of the technical and financial assistance provided by UNDP and its partners. Specifically, the evaluation will assess the impact of UNDP's support towards strengthening capacity of oversight institutional, increasing access to justice for the indigent, vulnerable people and victims of human rights violations, and support to legal reforms as well as sustaining peace and social cohesion.

## **2. SCOPE OF WORK**

The evaluation will focus mainly on assessing the achievements of the various components within the Rule of Law, Sustaining Peace and Social Cohesion Portfolio document. It will focus on assessing the impact of programme interventions spanning from July 2020 to present. Specifically, it will examine the impact of UNDP's

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support to the SLCS with a focus on the rehabilitation and reintegration of inmates as well as decongestion of overcrowded facilities including vocational training and earning scheme, water and sanitation within correctional centres, capacity strengthening of the civil society and Judiciary to address sexual offences, and support to IPCB and LAB provision of legal aid services to the vulnerable in rural communities and persons in detention.

Focus will as well be placed on efforts towards sustaining peace and social cohesion through key specific interventions including the support and impact of the Grievance Redress Committees (GRC) and Multi-Stakeholder Platforms (MSP), and Community Development Funds (CDF). The Assessment will also examine the innovative approach of partnership between private sector, government and civil society in conflict management. The consultancy will further explore the impact of programme support aimed at empowering youth at risk as resources for sustaining peace and community resilience in Tonkolili and Kenema districts in Sierra Leone through civic education, capacity building and increase their representation in local decision-making structures and providing psychoeducation on drug and substance abuse to increase reintegration and inclusion in decision-making of youth-at-risk.

The evaluation of the support to the Human Rights Commission will examine project interventions relating to institutional capacity (technical, policy and legal) strengthening, complaint handling (mobile and office-based) procedures, HRCSL engagement on the UPR, Business and Human Rights (BHR), capacity building support to District Human Rights Committee (DHRCs) and the establishment human rights and peace clubs at district level.

Specific objectives of the evaluation include:

- Review the performance of the rule of law, human rights, and social cohesion programme in achieving the outputs stated in the programme document and their contributions to CPD outcomes.
- Review of performance of the sustaining peace and social cohesion interventions focusing on support for conflict management and youth-at-risk.
- Assess the factors that have been affecting national ownership and the outcome and its sustainability.
- Assess the knowledge and behavioural change of stakeholders and youth at risk on integration and involvement of youths and peace and social cohesion (Youth Empowerment).
- Assess the appropriateness of the project strategy, implementation approach, and programme institutional/management arrangements.
- Assess the contributions of the portfolio to enhancing gender equality, human rights and empowerment of youth and indigenous groups.
- Document best practices and lessons learned from the programme to feed into the next phase of the programme cycle.
- Proffer concrete recommendations that may be required for enhancing the relevance, coherence, effectiveness, efficiency, impact, and sustainability of a future programme.

### **Evaluation criteria and key questions**

The evaluation will follow the Organization of Economic Cooperation Development (OECD), Development Assistance Committee (DAC)'s evaluation criteria – relevance, coherence, effectiveness, efficiency, impact and sustainability. Partnership, Gender Empowerment and Social Inclusion (GESI) and human rights will be added as cross cutting criteria. The guiding questions outlined below should be further refined by the consultant and agreed with UNDP prior to the commencement of the evaluation: The assessment on the contribution of the projects to development results through its activities will be made in accordance with the following evaluation criteria:

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- Relevance of projects outputs.
- Effectiveness of project interventions in terms of achieving stated goals.
- Efficiency of project interventions in terms of use of human and financial resources.
- Sustainability of the results to which the project contributes.

#### Relevance

- To what extent does UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio respond to the priorities of the Government of Sierra Leone National Development Plan (2019-2023) and similar strategies, the UNDP Country Programme Document (2020-2023), Embassy of Ireland Mission Strategy 2019-2023 and the Sustainable Development Goals?
- How relevant are the sustaining peace and social cohesion, the rule of law, security and human right interventions to the needs of Sierra Leone's supply-side justice institutions and to demand side beneficiaries' lives?
- How does the support for project interventions contribute to the longer-term development results in terms of approaches, capacities, policies and strategies?
- How relevant have project interventions been in leveraging the UPR recommendations to support sustainable development?
- Does the intervention meet the practical and strategic needs of all genders, persons with disability, and other disadvantaged and marginalized groups?

#### Coherence

- To what extent the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio is coherent with Government's policies?
- To what extent does the intervention support national legislation and initiatives that aim to improve gender equality and human rights? What lessons can be learned?
- To what extent the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio addressed the synergies and interlinkages with other interventions carried out by UN and other development partners?
- To what extent the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio interventions is coherent with existing gender policies and laws?

#### Efficiency

- Has the programme been implemented within its stated timeframe and cost estimates?
- Did the programme interventions focus on the set of activities that were expected to produce significant results?
- Were there sufficient (human and financial) resources allocated towards achievement of the programme objectives?
- Were different resources allocated in ways that considered gender equality, and inclusion of person with disability and youth? If so, how were they allocated? Was differential resource allocation appropriate?
- Was there any identified synergy between UNDP-funded interventions and other similar interventions that contributed to reducing costs while supporting results?
- Has there been over expenditure or under expenditure in programme interventions?
- Were there any unanticipated events, opportunities or constraints? What could be done differently in the future?
- What measures were taken to assure the quality of development results and management practices, both in relation to process and products, and to partnership strategies?
- What monitoring and evaluation procedures were applied by UNDP and partners to ensure greater

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accountability?

- Were adequate measures were put in place during implementation to ensure efficiency of gender interventions?

#### Effectiveness

- Have the expected programme (quantitative and qualitative) results been achieved and what were the supporting or impeding factors?
- Were the approaches, resources and conceptual frameworks relevant to achieve intended outputs?
- What are the main lessons learned from the partnership strategies and what are the possibilities of replication?
- To what extent have interventions' objectives and results contributed to gender equality, women and youth empowerment, empowering indigenous and the vulnerable groups as well as impunity of SGBV crimes and human rights violations?
- Which aspects of the interventions had the greatest achievements? What have been the supporting factors? How can UNDP build upon or replicate these achievements?
- In which areas does the programme component have the least achievements? What have been the constraining factors and why? How can they be overcome?
- Were the approaches, resources and conceptual frameworks used relevant to the achievement of planned outcomes/outputs?
- What were the unintended results (positive/negative) of project interventions?

#### Impact

- Are the portfolio interventions causing a significant change in the lives of the intended beneficiaries?
- How did the portfolio interventions cause higher-level effects (such as changes in norms or systems)? To what extent have impacts contributed to equal power relations between people of different genders?
- Are all the intended target groups, including the most disadvantaged and vulnerable, including women benefiting equally from the portfolio interventions?
- Are the portfolio interventions transformative – does it create enduring changes in norms – including gender norms – and systems, whether intended or not?  
Are the interventions leading to other changes, including “scalable” or “replicable” results? How will the interventions contribute to changing society for the better?

#### Sustainability

- To what extent were sustainability considerations taken into account in the design and implementation of interventions? How was this concern reflected in the design of the programme component and in the implementation of activities at different levels?
- Were exit strategies programme interventions appropriately defined and implemented, and what steps have been taken to ensure sustainability of results?
- How did the development of partnerships at local and national level contribute to sustainability of the results?
- How were different stakeholders engaged in the design and implementation? Have interventions been implemented with appropriate and effective partnership strategies? What has been the nature and added value of these partnerships?
- To what extent do mechanisms, procedures and policies exist to carry forward the results attained on gender equality, empowerment of women, human rights, and human development by primary stakeholders?



## Human right, Gender equality and disability inclusion

- To what extent have poor, indigenous and physically challenged, women, men and other disadvantaged and marginalized groups benefited from the project?
- To what extent has the portfolio integrated Human Rights Based Approach in the design, implementation, and monitoring of the project? Have the resources been used in an efficient way to address Human Rights in the implementation?
- Is the gender marker assigned to this project representative of reality?
- To what extent has the project promoted positive changes in gender equality and the promoting the rights of women and persons with disability? Did any unintended effects emerge for women, men or vulnerable groups?

## Evaluation methodology

The methodology mentioned in this section is indicative. The evaluators should propose a final detail methodological framework in the inception report based on the systematic review of the portfolio documents. Evaluators should adopt both quantitative and qualitative approaches. The quantitative data includes project data. The qualitative data assessment should include the secondary project data for more insight into the project's accomplishments and lessons learned. In addition, the evaluators will collect qualitative data from the field through interviews and observation. The evaluation stages include (i) desk review, (ii) prepare inception report, (iii) field visits to project's provinces and districts to collect data, (iv) data analysis and interpretation, and (v) evaluation report writing and finalization.

The consultants/evaluators will be responsible for designing appropriate theory-based evaluation methodology including designing tools, developing questionnaire and other instruments for data collection and analysis. A kick-off meeting should be organized with UNDP and evaluation partners to discuss data collection plan, expectations, and tools and techniques to be adhered for collection of primary information. The consultants should use, but not limited, the following methods for data collection:

### Desk review

The evaluators should review portfolio documents which includes portfolio notes, project proposals, progress reports, consolidated quarterly and annual reports, minutes of project board meetings, project modification document, knowledge products, research, monitoring reports and legal review reports, communication and visibility reports, case stories, IEC Materials etc. Please see annex -1 for relevant portfolio documents. In addition, the evaluators will review literatures, relevant research, and donors' and government's reports.

### Interview/Consultation

The consultants will conduct in-depth key informant interviews (online or virtual) to gather primary data from key stakeholders. For this, evaluators should develop checklist and evaluation questions. This includes interviewing representatives from donors and partners. The evaluators also conduct group interview, Focus Group discussion, with portfolio stakeholders and beneficiaries. Interview should also include relevant UN agencies and other implementing partners. While organizing interviews and consultations with beneficiaries, the evaluators should ensure the participation of women, persons with disabilities and other vulnerable groups.

### Field observation

Evaluators are expected to directly observe portfolio interventions in provinces and districts. This also includes functioning of the project supported community and stakeholder's groups and infrastructures. The evaluators will follow the COVID-19 protocols while during the mission. If field mission is not possible due to COVID-19 crisis, it should be discussed and mutually agreed with UNDP.

## Case story

Using thematic case studies, evaluators may assess the impact of the project on the beneficiaries, particularly the benefits they accrued from the project and the visible changes in their lives, and overall well-being. The

gender and social inclusion should be well considered while capturing and documenting the stories in the report.

Role (Who)	Responsibilities (What)
Evaluation Advisory Group	<p>The senior management will provide advisory role throughout the evaluation implantation. This group includes Resident Representative as Evaluation Commissioner, Deputy Resident Representative, Team Lead of Programme Support Unit and Cluster Team Leads. The key roles include:</p> <ul style="list-style-type: none"> <li>▪ Ensure the timely implementation of the evaluation plan through monitoring and advising the process</li> <li>▪ Safeguard the independence of the evaluation exercise and ensure quality of evaluations</li> <li>▪ Ensure that all steps in the evaluation process are applied as defined in the UNDP evaluation guidelines</li> <li>▪ Ensure that gender equality and woman's empowerment and other cross-cutting issues are considered in all steps of the evaluation process</li> <li>▪ Ensure management responses are prepared for all evaluations with time-bound key actions for their implementation</li> <li>▪ Approval of final terms of reference (TORs), final evaluation reports and management responses before final submission to the Evaluation Resource Centre (ERC)</li> </ul>
Evaluation Manager	<p>The principal responsibility for managing this evaluation resides with the UNDP CO in Sierra Leone. The UNDP CO will contract the consultants and ensure the timely implementation of the evaluation. The evaluators will directly report to the Evaluation Manager i.e., M&amp;E Specialist in this case. The Evaluation Manager will assure smooth, quality and independent implementation of the evaluation with needful guidance from UNDP's Senior Management.</p> <ul style="list-style-type: none"> <li>▪ Assure smooth, quality, and independent implementation of the evaluation with needful guidance from UNDP's Senior Management.</li> <li>▪ Participate in hiring consultants by reviewing proposals and complete the recruitment process.</li> <li>▪ Supervise, guide, and provide feedback and comments to the evaluation consultants.</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ Ensure quality of the evaluation.</li> <li>▪ Organize a briefing to evaluation team.</li> <li>▪ Upload the ToR, report and management response and action plan to ERC.</li> <li>▪ Ensure the implementation of management response and action plans.</li> </ul>
Portfolio Team	<p>The portfolio team led by RoL Programme Specialist consists of programme and support staff. Their key roles include:</p> <ul style="list-style-type: none"> <li>▪ Provide required portfolio documents</li> <li>▪ Arrange all the field visits, stakeholder consultations and interviews as needed.</li> <li>▪ With evaluation manager, the portfolio team will further provide briefing to evaluation team</li> <li>▪ Provide comments and clarification on the ToR, inception report and draft evaluation reports</li> <li>▪ Assist in circulating and getting the feedback on ToR, inception and evaluation report from stakeholders</li> <li>▪ Respond to evaluation recommendations by providing management responses and key actions to all recommendations addressed to UNDP</li> <li>▪ Ensure dissemination of the evaluation report to all the stakeholders including the project board</li> <li>▪ Implement relevant key actions on evaluation recommendations</li> </ul>
Evaluation Reference Group	<p>Evaluation Reference Group (ERG) includes government partners and/ or donors including representatives from project management board. The key roles of ERG include:</p> <ul style="list-style-type: none"> <li>▪ Perform advisory role throughout the evaluation process providing inputs into and review of ToR, inception reports and draft evaluation reports.</li> <li>▪ Ensure that gender equality and women's empowerment and other cross-cutting issues are considered in all steps of the evaluation process.</li> <li>▪ Ensure that the United Nations Evaluation Group (UNEG) evaluation standards are adhered to, including safeguarding of transparency and independence.</li> <li>▪ Provide advice on the evaluation relevance, the</li> </ul>

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appropriateness of evaluation questions and methodology, and the extent to which conclusions are credible, considering the evidence presented, and recommendations action oriented.

- Support and provide input to the development of the management responses and key actions.

### ***Deliverables and Timelines***

Under the supervision of the UNDP Rule of Law Programme Specialist, and in coordination with the UNDP Program Support Unit (PSU) and in collaboration with relevant partners, the Consultants will accomplish the following deliverables in accordance with the stipulated timelines covering a total period of Thirty (30) working days.

S/N	Deliverable	Timelines	Payments
1	<b>Inception report:</b> An inception report detailing the evaluators' understanding of the assignment and why, showing how each evaluation question will be answered by way of proposed methods, proposed sources of data and data collection procedures. The inception report will also include an evaluation matrix, a proposed schedule of tasks with activities and deliverables.	5 Days	20%
2	<b>Draft report:</b> including desk review and analysis, power point presentation for a half-day debrief session to discuss findings and recommendation.	21 Days	50%
3	<b>Second draft report:</b> A revised report based on the comments from stakeholders with annexes  <b>A PowerPoint Presentation</b> for evaluation dissemination <b>Final MTE report:</b> A final report in prescribed format with annexes including the response in the evaluation audit trail form	4 Days	30%
<b>Total</b>		<b>30 Days</b>	<b>100%</b>

### **3. DURATION OF THE WORK AND DUTY STATION**

The expected duration of work to be performed is Thirty (30) working days.

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#### 4. Evaluation team and their competencies

This Mid-term evaluation will be conducted by two external independent consultants, one international (team leader) and one national expert. Both consultants shall be specialists on Justice and have knowledge of Justice and Human Rights initiatives in Africa. The International consultant will be responsible for the achievements of the objective of the evaluation and for the submission of the deliverable, whilst the national consultant will be providing overall support to the team leader, and any other task required throughout the evaluation process.

##### Corporate Competencies

- Display cultural, gender, religion, race, nationality, and age sensitivity and adaptability.
- Demonstrate diplomacy and tact in dealing with sensitive and complex situations.
- Strong communication, team building, interpersonal, analysis, and planning skills.

##### Professionalism

- Effective communication.
- Problem Solving skills.
- Demonstrated ability to negotiate and apply good judgment.
- Shows pride in work and in achievements.
- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results.
- Superior leadership and strategic management skills with an excellent understanding of international development issues and knowledge of the UN system.
- Strong written and verbal communication skills, in a multi-cultural setting; ability to conduct results-based management and reporting, objectivity and ability to analyze large multi-country data sets in short period.
- Basic gender understanding, skills, experience and commitment to gender issues.

##### Planning & Organizing

- Organizes and accurately completes multiple tasks by establishing priorities while taking into consideration special assignments, frequent interruptions, deadlines, available resources, and multiple reporting relationships.
- Plan, coordinate and organize workload while remaining aware of changing priorities and competing deadlines.
- Establish, build and maintain effective working relationships with staff, partners and beneficiaries to achieve the planned results.
- Experience working collaboratively in small teams with tight deadlines.



## 5. Ethical considerations

This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation'. The contractors must safeguard the rights and confidentiality of information providers, interviewees, and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The contractors must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses without the express authorization of UNDP and partners.

The contractors will be held to the highest ethical standards and are required to sign a Code of Conduct upon acceptance of the assignment.

6. Required Qualification and Experience	
<b>Education:</b>	<ul style="list-style-type: none"> <li>Advanced university degree in Development Studies, Monitoring and Evaluation, Human Rights, Law, Peace Studies or Political Science for Lead Consultant.</li> <li>Advanced university degree in development, monitoring and evaluation or Political Science for the National Consultant.</li> </ul>
<b>Experience:</b>	<ul style="list-style-type: none"> <li>At least 7 years of international development experience in project /programme design and implementation and evaluation for the Lead Consultant.</li> <li>At least 5 years of experience in project/programme design and implementation for the National Consultant.</li> <li>Relevant professional experience in evaluation of rule of law and human rights and sustaining peace programmes or other relevant programmes at all levels.</li> <li>Strong monitoring and evaluation background, sound methodological skills and knowledge of evaluation methods and techniques including inclusive evaluation approach.</li> <li>Extensive experience in working with the UN/multilateral development agencies and UNDP country offices.</li> <li>Demonstrate experience in working with a variety of stakeholders.</li> </ul>
<b>Language Requirements:</b>	<ul style="list-style-type: none"> <li>Ability to communicate clearly in written and spoken English..</li> </ul>
7. Submission of Application	
Qualified applicants are required to submit both technical and financial proposals through the link provided.	
<b>Technical proposal comprising of the following:</b>	

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- Personal CV or P11, ([P11 form<sup>1</sup>](#)); indicating all past experience from similar consultancy, as well as the contact details (email and telephone number) of the candidate and three (3) professional references;
- Brief description (max. 1 page) of why you consider yourself as the most suitable for the assignment, and a methodology (max. 1 page) for how you will approach and complete the assignment.
- Proposal containing a summary description of proposed strategy and how the strategy will ensure the achievement of the required tasks, proposed methodology, draft agenda for half-day session on discussing the findings of the evaluation (max 2-3 pages).

**Financial proposal:** Financial proposals are expected to be realistic indicating the all-inclusive, fixed total contract price, supported by a breakdown of costs.

All application materials should be submitted through <https://jobs.undp.org>

**Please note that applications will only be considered if they include ALL of the items listed above. Also note that UNDP job portal website only allows for one document to be uploaded, so please combine all of the above-mentioned items into one single Word or PDF document before uploading**

For any further clarification, you may contact the Head Procurement via email at [vendors.sle@undp.org](mailto:vendors.sle@undp.org)

**Note:**

Relevant documents and annexes will be shared with the evaluator after selection process is completed and the evaluator is on board.

## 8. Evaluation Criteria

Offers received will be evaluated using a combined scoring method, where the qualifications and proposed methodology will be weighted 70%, and combined with the price offer, which will be weighted 30%.

### Criteria to be used for rating the qualifications and methodology

#### Technical evaluation criteria (total 70 points)

- Proposed methodology of approach to the consultancy [25 marks].
- Demonstrated experience in similar consultancy work especially in evaluation of rule of law and human rights programmes in developing countries especially working within the UN system. [25 marks].
- Demonstrated/evidence of relevant education and experience in M&E, Development Studies, Human Rights and Law. [20 marks].

Only candidates obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.

<sup>1</sup>[https://www.undp.org/content/dam/undp/library/corporate/Careers/P11\\_Personal\\_history\\_form.doc](https://www.undp.org/content/dam/undp/library/corporate/Careers/P11_Personal_history_form.doc)

**Financial evaluation (total 30 points)**

All technically qualified proposals will be rated out of 30 points. The maximum points (30) will be assigned to the lowest financial proposal.

**UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidence.**

DocuSigned by:



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**Sayed Sahibzada**  
**Deputy Resident Representative**

**ANNEX**

**ANNEX 1- TERMS OF REFERENCES (TOR)**

**ANNEX 2- INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITION**

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# UNITED NATIONS DEVELOPMENT PROGRAMME

## TERMS OF REFERENCE



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### 1. Basic Evaluation Information

<b>Evaluation Title</b>	Mid-term Evaluation of the UNDP Rule of Law and Sustaining Peace and Social Cohesion Portfolio
<b>Department/Unit</b>	Inclusive Democratic Governance Cluster
<b>Country</b>	Sierra Leone
<b>Duration</b>	30 working days
<b>Type of Contract</b>	International (1) and National (1) Consultants
<b>Location</b>	Freetown with travel to the regions
<b>Application deadline</b>	20 September 2022

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### 2. Background

In the last decade, Sierra Leone experienced improved investment to strengthen reform initiatives within the justice sector, human rights protection, peace and social cohesion. This was due to the recognition that supporting rule of law and human rights are prerequisites to achieving sustainable peace, promoting social cohesion and peacebuilding which contributes to the achievement of the Sustainable Development Goals (SDGs).

The delivery of justice and human rights services as well as the maintenance of peace and social cohesion is shaped by persisting challenges relating to people's access to justice particularly vulnerable groups including women and children, victims of human rights violation with an essentially polarized political environment that hampers the consolidation of peaceful initiatives. Poor and limited court infrastructure and paucity of legal personnel affect the capacity of justice sector institutions to respond to the justice needs and deliver services to the population. The Human Rights Commission of Sierra Leone (HRCSL) is also challenged in carrying out its human right protection and promotion mandate amidst prevalent human rights issues in remote communities.

In 2020, the Rule of Law (ROL) and Sustaining Peace and Social Cohesion Portfolio Programme (2020-2023) was developed incorporating components to strengthen capacity of the HRCSL (2019-2020) to effectively deliver on its statutory mandate, enhance the ability of the Judiciary and the justice sector to expedite justice service delivery with focus on strengthening access to justice for women and girls at community level, and supporting initiatives geared toward promoting peace and social cohesion. The project seeks to contribute to the following four outputs:

5. Inclusive and gender responsive rule of law and human rights institutions and systems are



strengthened to uphold human rights, expedite access to justice and security at national and local levels strengthened.

6. Social cohesion and security of local communities to prevent conflict and promote peace in Sierra Leone strengthened.
7. National policy formulation and implementation improved and inclusive.
8. Civil society and community peace and security structures' capacity strengthened to address injustices and conflict in local communities.

Basic Portfolio Information		
<b>Portfolio Title</b>	Rule of Law and Sustaining Peace and Social Cohesion	
<b>Department/Unit</b>	Inclusive Democratic Governance Cluster	
<b>Country</b>	Sierra Leone	
<b>Region</b>	Africa	
<b>Award IDs</b>	<p><b>00104225:</b> Strengthening rule of Law, Access to Justice, Human Rights and security in Sierra Leone.</p> <p><b>00108282:</b> Strengthening Capacity of Human Rights Commission of Sierra Leone for Human Rights Protection and Promotion</p> <p><b>00117906:</b> Mitigating Localized Resource-based Conflicts and Increasing Community Resilience.</p> <p><b>00126487:</b> Empowering youth at risk as resources for sustaining peace and community resilience.</p>	
<b>Contributing outcome and output</b>	<p><b>UNSDCF Outcome 2:</b> By 2023, people in Sierra Leone benefit from more gender- and youth-responsive institutions that are innovative, accountable, and transparent at all levels and can better advance respect for human rights and the rule of law, equity, peaceful coexistence, and protection of children, girls, and persons with disability.</p> <p><b>CPD Output 2.1:</b> Targeted oversight and accountability institutions (Parliament, HRC, NEC, ACC and IPCB) are strengthened to perform their mandates.</p> <p><b>CPD Output 2.2:</b> Rule of law institutions (Judiciary, SLP, IPCB, HRC, MOJ, SLCS) are strengthened to uphold human rights, access to justice and security.</p> <p><b>CPD Output 2.3:</b> Gender-responsive institutional frameworks strengthened for peace, citizen's voice and participation for social cohesion.</p>	
<b>Portfolio dates</b>	<b>Start</b>	<b>Planned end</b>
	1 July 2020	30 June 2024
<b>Funding sources</b>	US Bureau for International Narcotics and Law Enforcement Affairs, Embassy of Ireland, Global Rule of Law, Peace Building Fund, Irish Aid, GROL Programme, Funding Window, Germany.	
<b>Implanting Partners</b>	Human Rights Commission (HRCSL), Judiciary, Sierra Leone Correctional Service (SLCS), Justice Sector Coordination Office (JSCO), Civil Society Organizations.	
<b>Supervisor</b>	Rule of Law Programme Specialist	

In 2021, the support to strengthening capacity of the HRCSL phase II project was developed to span from April 2021 to December 2022.

The overall objective of the programme is to consolidate gains made during the previous rule of law and

human rights project through support to initiatives aimed at strengthening capacity of justice sector and human rights institution, structures, and processes. Strategically, the project contributes to the UNDP Sierra Leone Country Programme Document (2020-2023) through strengthening capacities of oversight institutions and fostering access to justice and protection of fundamental human rights within the Inclusive Democratic Governance Cluster (CPD 2020-2023 P.5-6).<sup>2</sup> The project complements the efforts of the Government of Sierra Leone (GoSL) to advance rule of law and promote justice and human rights (GOSL Medium Term National Development Program – MTNDP 2019-2023, Vol. 1, P. 125). It contributes to Cluster 4: Governance and Accountability of the Sierra Leone Medium-Term National Development Plan (MT-NDP 2019–2023), the Sierra Leone Justice Sector Reform Strategy and Investment Plan (JSRSIP IV) 2019-2023, Sustainable Development Goals (SDGs) 5 and 16, and the priorities of the African Union Agenda (AUA) Goals 11 and 17.

The project utilizes a combination of National and Direct Implementation (NIM/DIM) modalities to deliver outputs in partnership with the Judiciary of Sierra Leone (JoSL), Justice Sector Coordination Office (JSCO) within the Ministry of Justice, Ministry of Foreign Affairs and International Cooperation (MOFAIC), Sierra Leone Correctional Services (SLCS), Legal Aid Board (LAB), HRCSL, and the Independent Police Complaint Board (IPCB). The project also supports civil society organisations (CSOs) to complement the work of government institutions and expand legal aid services to rural communities to enable survivors/victims of sexual and gender-based violence (SGBV) have access to justice and increase awareness on the United Nations Guiding Principles on Business and Human Rights (UNGP BHR).

The need to be responsive to the COVID-19 pandemic was critical in defining project interventions. The project's priorities in this context did not only strive to meet the capacity needs of relevant institutions to respond to COVID-19, but emphasis was also placed on ensuring specific interventions address the immediate needs of officials and inmates in correctional facilities and litigants attending court sessions. The implementation process was mainly guided by strict adherence with NaCOVERC COVID-19 regulations to ensure the safety of staff and project beneficiaries especially in remote communities in the regions. Between 2019-2021, the project supported targeted short-term interventions geared towards addressing the immediate needs and priorities of justice sector institutions and the HRCSL with a strong focus on strengthening the staff and institutional capacities and to empower right-holders with the requisite knowledge on human rights and the laws of Sierra Leone.

To contribute towards government efforts for sustaining peace, the project partnered with Ministries, Department and Agencies (MDAs), civil society, private sector and communities to promote local capacities for peace, Working with the Office of the Vice President as one of the key government coordinating agency, the programme supported the establishment and/or strengthening of local conflict management structures at the community, chiefdom and district level to mitigate and resolve conflicts between private companies and host communities; promote accountability in local development structures and business and human rights. In partnership with the Ministry of Youth Affairs and other government agencies, the programme supported initiatives aimed at transforming youth-at-risk into agents of sustainable peace and resilience.

### 3 3. Purpose of the Evaluation

The purpose of this evaluation is to assess the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio which comprises of four projects: (1) Support to capacity strengthening of the Human Rights Commission of Sierra Leone, (2) Strengthening judicial reforms within the ROL sector, (3) Mitigating Localized Resource-based Conflicts and Increasing Community Resilience in Pujehun and Moyamba districts; and Empowering youth at risk as resources for sustaining peace and community resilience in Tonkolili and Kenema districts. It will assess the progress, achievements and lessons learned, as well as challenges faced regarding capacity strengthening support to rule of law and human rights institutions, and civil society organizations working to strengthen peace and social cohesion initiatives. The evaluation will review the impact of project interventions at local, regional and national levels within the wider context of the technical and financial assistance provided by UNDP and its partners. Specifically, the evaluation will assess the impact of UNDP's support towards strengthening capacity of oversight institutional, increasing access to justice for the indigent, vulnerable people and victims of human rights violations, and support to legal reforms as well as sustaining peace and social cohesion.

### 4. Scope and objectives of evaluation

The evaluation will focus mainly on assessing the achievements of the various components within the Rule of Law, Sustaining Peace and Social Cohesion Portfolio document. It will focus on assessing the impact of programme interventions spanning from July 2020 to present. Specifically, it will examine the impact of UNDP's support to the SLCS with a focus on the rehabilitation and reintegration of inmates as well as decongestion of overcrowded facilities including vocational training and earning scheme, water and sanitation within correctional centres, capacity strengthening of the civil society and Judiciary to address sexual offences, and support to IPCB and LAB provision of legal aid services to the vulnerable in rural communities and persons in detention.

Focus will as well be placed on efforts towards sustaining peace and social cohesion through key specific interventions including the support and impact of the Grievance Redress Committees (GRC) and Multi-Stakeholder Platforms (MSP), and Community Development Funds (CDF). The Assessment will also examine the innovative approach of partnership between private sector, government and civil society in conflict management. The consultancy will further explore the impact of programme support aimed at empowering youth at risk as resources for sustaining peace and community resilience in Tonkolili and Kenema districts in Sierra Leone through civic education, capacity building and increase their representation in local decision-making structures and providing psychoeducation on drug and substance abuse to increase reintegration and inclusion in decision-making of youth-at-risk.

The evaluation of the support to the Human Rights Commission will examine project interventions relating to institutional capacity (technical, policy and legal) strengthening, complaint handling (mobile and office-based) procedures, HRCSL engagement on the UPR, Business and Human Rights (BHR), capacity building support to District Human Rights Committee (DHRCs) and the establishment human rights and peace clubs at district level.

Specific objectives of the evaluation include:

- Review the performance of the rule of law, human rights, and social cohesion programme in achieving the outputs stated in the programme document and their contributions to CPD

outcomes.

- Review of performance of the sustaining peace and social cohesion interventions focusing on support for conflict management and youth-at-risk.
- Assess the factors that have been affecting national ownership and the outcome and its sustainability.
- Assess the knowledge and behavioural change of stakeholders and youth at risk on integration and involvement of youths and peace and social cohesion (Youth Empowerment).
- Assess the appropriateness of the project strategy, implementation approach, and programme institutional/management arrangements.
- Assess the contributions of the portfolio to enhancing gender equality, human rights and empowerment of youth and indigenous groups.
- Document best practices and lessons learned from the programme to feed into the next phase of the programme cycle.
- Proffer concrete recommendations that may be required for enhancing the relevance, coherence, effectiveness, efficiency, impact, and sustainability of a future programme.

## 5. Evaluation criteria and key questions

*The evaluation will follow the Organization of Economic Cooperation Development (OECD), Development Assistance Committee (DAC)'s evaluation criteria – relevance, coherence, effectiveness, efficiency, impact and sustainability. Partnership, Gender Empowerment and Social Inclusion (GESI) and human rights will be added as cross cutting criteria. The guiding questions outlined below should be further refined by the consultant and agreed with UNDP prior to the commencement of the evaluation: The assessment on the contribution of the projects to development results through its activities will be made in accordance with the following evaluation criteria:*

- *Relevance of projects outputs.*
- *Effectiveness of project interventions in terms of achieving stated goals.*
- *Efficiency of project interventions in terms of use of human and financial resources.*
- *Sustainability of the results to which the project contributes.*

### Relevance

- To what extent does UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio respond to the priorities of the Government of Sierra Leone National Development Plan (2019-2023) and similar strategies, the UNDP Country Programme Document (2020-2023), Embassy of Ireland Mission Strategy 2019-2023 and the Sustainable Development Goals?
- How relevant are the sustaining peace and social cohesion, the rule of law, security and human right interventions to the needs of Sierra Leone's supply-side justice institutions and to demand side beneficiaries' lives?
- How does the support for project interventions contribute to the longer-term development results in terms of approaches, capacities, policies and strategies?
- How relevant have project interventions been in leveraging the UPR recommendations to support sustainable development?
- Does the intervention meet the practical and strategic needs of all genders, persons with disability, and other disadvantaged and marginalized groups?

### Coherence

- To what extent the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio is coherent with Government's policies?

- To what extent does the intervention support national legislation and initiatives that aim to improve gender equality and human rights? What lessons can be learned?
- To what extent the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio addressed the synergies and interlinkages with other interventions carried out by UN and other development partners?
- To what extent the UNDP Rule of Law, Security, Human Rights and Social Cohesion Portfolio interventions is coherent with existing gender policies and laws?

### **Efficiency**

- Has the programme been implemented within its stated timeframe and cost estimates?
- Did the programme interventions focus on the set of activities that were expected to produce significant results?
- Were there sufficient (human and financial) resources allocated towards achievement of the programme objectives?
- Were different resources allocated in ways that considered gender equality, and inclusion of person with disability and youth? If so, how were they allocated? Was differential resource allocation appropriate?
- Was there any identified synergy between UNDP-funded interventions and other similar interventions that contributed to reducing costs while supporting results?
- Has there been over expenditure or under expenditure in programme interventions?
- Were there any unanticipated events, opportunities or constraints? What could be done differently in the future?
- What measures were taken to assure the quality of development results and management practices, both in relation to process and products, and to partnership strategies?
- What monitoring and evaluation procedures were applied by UNDP and partners to ensure greater accountability?
- Were adequate measures were put in place during implementation to ensure efficiency of gender interventions?

### **Effectiveness**

- Have the expected programme (quantitative and qualitative) results been achieved and what were the supporting or impeding factors?
- Were the approaches, resources and conceptual frameworks relevant to achieve intended outputs?
- What are the main lessons learned from the partnership strategies and what are the possibilities of replication?
- To what extent have interventions' objectives and results contributed to gender equality, women and youth empowerment, empowering indigenous and the vulnerable groups as well as impunity of SGBV crimes and human rights violations?
- Which aspects of the interventions had the greatest achievements? What have been the supporting factors? How can UNDP build upon or replicate these achievements?
- In which areas does the programme component have the least achievements? What have been the constraining factors and why? How can they be overcome?
- Were the approaches, resources and conceptual frameworks used relevant to the achievement of planned outcomes/outputs?
- What were the unintended results (positive/negative) of project interventions?

**Impact**

- Are the portfolio interventions causing a significant change in the lives of the intended beneficiaries?
- How did the portfolio interventions cause higher-level effects (such as changes in norms or systems)? To what extent have impacts contributed to equal power relations between people of different genders?
- Are all the intended target groups, including the most disadvantaged and vulnerable, including women benefiting equally from the portfolio interventions?
- Are the portfolio interventions transformative – does it create enduring changes in norms – including gender norms – and systems, whether intended or not?  
Are the interventions leading to other changes, including “scalable” or “replicable” results? How will the interventions contribute to changing society for the better?

**Sustainability**

- To what extent were sustainability considerations taken into account in the design and implementation of interventions? How was this concern reflected in the design of the programme component and in the implementation of activities at different levels?
- Were exit strategies programme interventions appropriately defined and implemented, and what steps have been taken to ensure sustainability of results?
- How did the development of partnerships at local and national level contribute to sustainability of the results?
- How were different stakeholders engaged in the design and implementation? Have interventions been implemented with appropriate and effective partnership strategies? What has been the nature and added value of these partnerships?
- To what extent do mechanisms, procedures and policies exist to carry forward the results attained on gender equality, empowerment of women, human rights, and human development by primary stakeholders?

**Human right, Gender equality and disability inclusion**

- To what extent have poor, indigenous and physically challenged, women, men and other disadvantaged and marginalized groups benefited from the project?
- To what extent has the portfolio integrated Human Rights Based Approach in the design, implementation, and monitoring of the project? Have the resources been used in an efficient way to address Human Rights in the implementation?
- Is the gender marker assigned to this project representative of reality?
- To what extent has the project promoted positive changes in gender equality and the promoting the rights of women and persons with disability? Did any unintended effects emerge for women, men or vulnerable groups?

**6. Evaluation methodology**

The methodology mentioned in this section is indicative. The evaluators should propose a final detail methodological framework in the inception report based on the systematic review of the portfolio documents. Evaluators should adopt both quantitative and qualitative approaches. The quantitative data includes project data. The qualitative data assessment should include the secondary project data for more insight into the project's accomplishments and lessons learned. In addition, the evaluators will collect

qualitative data from the field through interviews and observation. The evaluation stages include (i) desk review, (ii) prepare inception report, (iii) field visits to project's provinces and districts to collect data, (iv) data analysis and interpretation, and (v) evaluation report writing and finalization.

The consultants/evaluators will be responsible for designing appropriate theory-based evaluation methodology including designing tools, developing questionnaire and other instruments for data collection and analysis. A kick-off meeting should be organized with UNDP and evaluation partners to discuss data collection plan, expectations, and tools and techniques to be adhered for collection of primary information. The consultants should use, but not limited, the following methods for data collection:

### **Desk review**

The evaluators should review portfolio documents which includes portfolio notes, project proposals, progress reports, consolidated quarterly and annual reports, minutes of project board meetings, project modification document, knowledge products, research, monitoring reports and legal review reports, communication and visibility reports, case stories, IEC Materials etc. Please see annex -1 for relevant portfolio documents. In addition, the evaluators will review literatures, relevant research, and donors' and government's reports.

### **Interview/Consultation**

The consultants will conduct in-depth key informant interviews (online or virtual) to gather primary data from key stakeholders. For this, evaluators should develop checklist and evaluation questions. This includes interviewing representatives from donors and partners. The evaluators also conduct group interview, Focus Group discussion, with portfolio stakeholders and beneficiaries. Interview should also include relevant UN agencies and other implementing partners. While organizing interviews and consultations with beneficiaries, the evaluators should ensure the participation of women, persons with disabilities and other vulnerable groups.

### **Field observation**

Evaluators are expected to directly observe portfolio interventions in provinces and districts. This also includes functioning of the project supported community and stakeholder's groups and infrastructures. The evaluators will follow the COVID-19 protocols while during the mission. If field mission is not possible due to COVID-19 crisis, it should be discussed and mutually agreed with UNDP.

### **Case story**

Using thematic case studies, evaluators may assess the impact of the project on the beneficiaries, particularly the benefits they accrued from the project and the visible changes in their lives, and overall well-being. The gender and social inclusion should be well considered while capturing and documenting the stories in the report.



## 7. Evaluation management and institutional arrangement

Role (Who)	Responsibilities (What)
Evaluation Advisory Group	<p>The senior management will provide advisory role throughout the evaluation implantation. This group includes Resident Representative as Evaluation Commissioner, Deputy Resident Representative, Team Lead of Programme Support Unit and Cluster Team Leads. The key roles include:</p> <ul style="list-style-type: none"> <li>▪ Ensure the timely implementation of the evaluation plan through monitoring and advising the process</li> <li>▪ Safeguard the independence of the evaluation exercise and ensure quality of evaluations</li> <li>▪ Ensure that all steps in the evaluation process are applied as defined in the UNDP evaluation guidelines</li> <li>▪ Ensure that gender equality and woman's empowerment and other cross-cutting issues are considered in all steps of the evaluation process</li> <li>▪ Ensure management responses are prepared for all evaluations with time-bound key actions for their implementation</li> <li>▪ Approval of final terms of reference (TORs), final evaluation reports and management responses before final submission to the Evaluation Resource Centre (ERC)</li> </ul>
Evaluation Manager	<p>The principal responsibility for managing this evaluation resides with the UNDP CO in Sierra Leone. The UNDP CO will contract the consultants and ensure the timely implementation of the evaluation. The evaluators will directly report to the Evaluation Manager i.e., M&amp;E Specialist in this case. The Evaluation Manager will assure smooth, quality and independent implementation of the evaluation with needful guidance from UNDP's Senior Management.</p> <ul style="list-style-type: none"> <li>▪ Assure smooth, quality, and independent implementation of the evaluation with needful guidance from UNDP's Senior Management.</li> <li>▪ Participate in hiring consultants by reviewing proposals and complete the recruitment process.</li> <li>▪ Supervise, guide, and provide feedback and</li> </ul>

	<p>comments to the evaluation consultants.</p> <ul style="list-style-type: none"> <li>▪ Ensure quality of the evaluation.</li> <li>▪ Organize a briefing to evaluation team.</li> <li>▪ Upload the ToR, report and management response and action plan to ERC.</li> <li>▪ Ensure the implementation of management response and action plans.</li> </ul>
Portfolio Team	<p>The portfolio team led by RoL Programme Specialist consists of programme and support staff. Their key roles include:</p> <ul style="list-style-type: none"> <li>▪ Provide required portfolio documents</li> <li>▪ Arrange all the field visits, stakeholder consultations and interviews as needed.</li> <li>▪ With evaluation manager, the portfolio team will further provide briefing to evaluation team</li> <li>▪ Provide comments and clarification on the ToR, inception report and draft evaluation reports</li> <li>▪ Assist in circulating and getting the feedback on ToR, inception and evaluation report from stakeholders</li> <li>▪ Respond to evaluation recommendations by providing management responses and key actions to all recommendations addressed to UNDP</li> <li>▪ Ensure dissemination of the evaluation report to all the stakeholders including the project board</li> <li>▪ Implement relevant key actions on evaluation recommendations</li> </ul>
Evaluation Reference Group	<p>Evaluation Reference Group (ERG) includes government partners and/ or donors including representatives from project management board. The key roles of ERG include:</p> <ul style="list-style-type: none"> <li>▪ Perform advisory role throughout the evaluation process providing inputs into and review of ToR, inception reports and draft evaluation reports.</li> <li>▪ Ensure that gender equality and women's empowerment and other cross-cutting issues are considered in all steps of the evaluation process.</li> <li>▪ Ensure that the United Nations Evaluation Group (UNEG) evaluation standards are adhered to, including safeguarding of transparency and independence.</li> <li>▪ Provide advice on the evaluation relevance, the</li> </ul>

	<p>appropriateness of evaluation questions and methodology, and the extent to which conclusions are credible, considering the evidence presented, and recommendations action oriented.</p> <ul style="list-style-type: none"> <li>▪ Support and provide input to the development of the management responses and key actions.</li> </ul>
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## 8. Deliverables and timelines

Under the supervision of the UNDP Rule of Law Programme Specialist, and in coordination with the UNDP Program Support Unit (PSU) and in collaboration with relevant partners, the Consultants will accomplish the following deliverables in accordance with the stipulated timelines covering a total period of Thirty (30) working days.

S/N	Deliverable	Timelines	Payments
1	<b>Inception report:</b> An inception report detailing the evaluators' understanding of the assignment and why, showing how each evaluation question will be answered by way of proposed methods, proposed sources of data and data collection procedures. The inception report will also include an evaluation matrix, a proposed schedule of tasks with activities and deliverables.	5 Days	30%
2	<b>Draft report:</b> including desk review and analysis, power point presentation for a half-day debrief session to discuss findings and recommendation.	21 Days	50%
3	<p><b>Second draft report:</b> A revised report based on the comments from stakeholders with annexes</p> <p><b>A PowerPoint Presentation</b> for evaluation dissemination</p> <p><b>Final MTE report:</b> A final report in prescribed format with annexes including the response in the evaluation audit trail form</p>	4 Days	20%
<b>Total</b>		<b>30 Days</b>	<b>100%</b>

## 4 9. Evaluation team and their competencies

This Mid-term evaluation will be conducted by two external independent consultants, one international (team leader) and one national expert. Both consultants shall be specialists on Justice and have knowledge of Justice and Human Rights initiatives in Africa. The International consultant will be responsible for the achievements of the objective of the evaluation and for the submission of the deliverable, whilst the national consultant will be providing overall support to the team leader, and any other task required throughout the evaluation process.

### Corporate Competencies

- Display cultural, gender, religion, race, nationality, and age sensitivity and adaptability.
- Demonstrate diplomacy and tact in dealing with sensitive and complex situations.

- Strong communication, team building, interpersonal, analysis, and planning skills.

### **Professionalism**

- Effective communication.
- Problem Solving skills.
- Demonstrated ability to negotiate and apply good judgment.
- Shows pride in work and in achievements.
- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results.
- Superior leadership and strategic management skills with an excellent understanding of international development issues and knowledge of the UN system.
- Strong written and verbal communication skills, in a multi-cultural setting; ability to conduct results-based management and reporting, objectivity and ability to analyze large multi-country data sets in short period.
- Basic gender understanding, skills, experience and commitment to gender issues.

### **Planning & Organizing**

- Organizes and accurately completes multiple tasks by establishing priorities while taking into consideration special assignments, frequent interruptions, deadlines, available resources, and multiple reporting relationships.
- Plan, coordinate and organize workload while remaining aware of changing priorities and competing deadlines.
- Establish, build and maintain effective working relationships with staff, partners and beneficiaries to achieve the planned results.
- Experience working collaboratively in small teams with tight deadlines.

## **5 10. Ethical considerations**

- 6 This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation. The contractors must safeguard the rights and confidentiality of information providers, interviewees, and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The contractors must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses without the express authorization of UNDP and partners.
- 7 The contractors will be held to the highest ethical standards and are required to sign a Code of Conduct upon acceptance of the assignment.

## **8 11. Required qualification and experience**

- Education:**
- Advanced university degree in Development Studies, Monitoring and Evaluation, Human Rights, Law, Peace Studies or Political Science for Lead Consultant.
  - Advanced university degree in development, monitoring and evaluation or Political Science for the National Consultant.
- Experience:**
- At least 7 years of international development experience in project /programme design and implementation and evaluation for the Lead Consultant.
  - At least 5 years of experience in project/programme design and implementation for

the National Consultant.

- Relevant professional experience in evaluation of rule of law and human rights and sustaining peace programmes or other relevant programmes at all levels.
- Strong monitoring and evaluation background, sound methodological skills and knowledge of evaluation methods and techniques including inclusive evaluation approach.
- Extensive experience in working with the UN/multilateral development agencies and UNDP country offices.
- Demonstrate experience in working with a variety of stakeholders.

**Language Requirements:**

- Ability to communicate clearly in written and spoken English.

## 9 12. Submission of application

Qualified applicants are required to submit both technical and financial proposals through the link provided.

### Technical proposal comprising of the following:

- **Personal CV or P11**, indicating all experience from similar consultancy, as well as the contact details (email and telephone number) of the candidate and three (3) professional references.
- **Brief description** (max. 1 page) of why you consider yourself as the most suitable for the assignment, and a methodology (max. 1 page) for how you will approach and complete the assignment.
- **Proposal** containing a summary description of proposed strategy and how the strategy will ensure the achievement of the required tasks, proposed methodology, draft agenda for half-day session on discussing the findings of the evaluation (max 2-3 pages).
- **Example of works** demonstrating the individual past experiences working on evaluations for the UN system (document's links)

**Financial proposal:** Financial proposals are expected to be realistic indicating the all-inclusive, fixed total contract price, supported by a breakdown of costs. No adjustment thereafter would be allowed.

For any further clarification, you may contact the Head of Procurement.

## 13. Evaluation criteria

Offers received will be evaluated using a combined scoring method, where the qualifications and proposed methodology will be weighted 70%, and combined with the price offer, which will be weighted 30%.

### Criteria to be used for rating the qualifications and methodology

#### Technical evaluation criteria (total 70 points)

- Proposed methodology of approach to the consultancy [25 marks].
- Demonstrated experience in similar consultancy work especially in evaluation of rule of law and

human rights programmes in developing countries especially working within the UN system. [25 marks].

- Demonstrated/evidence of relevant education and experience in M&E, Development Studies, Human Rights and Law. [20 marks].

Only candidates obtaining a minimum of 49 points in the Technical Evaluation will be considered for the Financial Evaluation.

**Financial evaluation (total 30 points)**

All technically qualified proposals will be rated out of 30 points. The maximum points (30) will be assigned to the lowest financial proposal.

**UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidence.**



*Empowered lives.  
Resilient nations.*

## **UNDP**

### **GENERAL CONDITIONS OF CONTRACT FOR SERVICES**

#### **1.0 LEGAL STATUS:**

The Contractor shall be considered as having the legal status of an independent contractor vis-à-vis the United Nations Development Programme (UNDP). The Contractor's personnel and sub-contractors shall not be considered in any respect as being the employees or agents of UNDP or the United Nations.

#### **2.0 SOURCE OF INSTRUCTIONS:**

The Contractor shall neither seek nor accept instructions from any authority external to UNDP in connection with the performance of its services under this Contract. The Contractor shall refrain from any action that may adversely affect UNDP or the United Nations and shall fulfill its commitments with the fullest regard to the interests of UNDP.

#### **3.0 CONTRACTOR'S RESPONSIBILITY FOR EMPLOYEES:**

The Contractor shall be responsible for the professional and technical competence of its employees and will select, for work under this Contract, reliable individuals who will perform effectively in the implementation of this Contract, respect the local customs, and conform to a high standard of moral and ethical conduct.

#### **4.0 ASSIGNMENT:**

The Contractor shall not assign, transfer, pledge or make other disposition of this Contract or any part thereof, or any of the Contractor's rights, claims or obligations under this Contract except with the prior written consent of UNDP.

#### **5.0 SUB-CONTRACTING:**

In the event the Contractor requires the services of sub-contractors, the Contractor shall obtain the prior written approval and clearance of UNDP for all sub-contractors. The approval of UNDP of a sub-contractor shall not relieve the Contractor of any of its obligations under this Contract. The terms of any sub-contract shall be subject to and conform to the provisions of this Contract.



**6.0 OFFICIALS NOT TO BENEFIT:**

The Contractor warrants that no official of UNDP or the United Nations has received or will be offered by the Contractor any direct or indirect benefit arising from this Contract or the award thereof. The Contractor agrees that breach of this provision is a breach of an essential term of this Contract.

**7.0 INDEMNIFICATION:**

The Contractor shall indemnify, hold and save harmless, and defend, at its own expense, UNDP, its officials, agents, servants and employees from and against all suits, claims, demands, and liability of any nature or kind, including their costs and expenses, arising out of acts or omissions of the Contractor, or the Contractor's employees, officers, agents or sub-contractors, in the performance of this Contract. This provision shall extend, inter alia, to claims and liability in the nature of workmen's compensation, products liability and liability arising out of the use of patented inventions or devices, copyrighted material or other intellectual property by the Contractor, its employees, officers, agents, servants or sub-contractors. The obligations under this Article do not lapse upon termination of this Contract.

**8.0 INSURANCE AND LIABILITIES TO THIRD PARTIES:**

**8.1** The Contractor shall provide and thereafter maintain insurance against all risks in respect of its property and any equipment used for the execution of this Contract.

**8.2** The Contractor shall provide and thereafter maintain all appropriate workmen's compensation insurance, or the equivalent, with respect to its employees to cover claims for personal injury or death in connection with this Contract.

**8.3** The Contractor shall also provide and thereafter maintain liability insurance in an adequate amount to cover third party claims for death or bodily injury, or loss of or damage to property, arising from or in connection with the provision of services under this Contract or the operation of any vehicles, boats, airplanes or other equipment owned or leased by the Contractor or its agents, servants, employees or sub-contractors performing work or services in connection with this Contract.

**8.4** Except for the workmen's compensation insurance, the insurance policies under this Article shall:

**8.4.1** Name UNDP as additional insured;

**8.4.2** Include a waiver of subrogation of the Contractor's rights to the insurance carrier against the UNDP;

**8.4.3** Provide that the UNDP shall receive thirty (30) days written notice from the insurers prior to any cancellation or change of coverage.

**8.5** The Contractor shall, upon request, provide the UNDP with satisfactory evidence of the insurance required under this Article.

## **9.0 ENCUMBRANCES/LIENS:**

The Contractor shall not cause or permit any lien, attachment or other encumbrance by any person to be placed on file or to remain on file in any public office or on file with the UNDP against any monies due or to become due for any work done or materials furnished under this Contract, or by reason of any other claim or demand against the Contractor.

**1.0 TITLE TO EQUIPMENT:** Title to any equipment and supplies that may be furnished by UNDP shall rest with UNDP and any such equipment shall be returned to UNDP at the conclusion of this Contract or when no longer needed by the Contractor. Such equipment, when returned to UNDP, shall be in the same condition as when delivered to the Contractor, subject to normal wear and tear. The Contractor shall be liable to compensate UNDP for equipment determined to be damaged or degraded beyond normal wear and tear.

## **11.0 COPYRIGHT, PATENTS AND OTHER PROPRIETARY RIGHTS:**

**11.1** Except as is otherwise expressly provided in writing in the Contract, the UNDP shall be entitled to all intellectual property and other proprietary rights including, but not limited to, patents, copyrights, and trademarks, with regard to products, processes, inventions, ideas, know-how, or documents and other materials which the Contractor has developed for the UNDP under the Contract and which bear a direct relation to or are produced or prepared or collected in consequence of, or during the course of, the performance of the Contract, and the Contractor acknowledges and agrees that such products, documents and other materials constitute works made for hire for the UNDP.

**11.2** To the extent that any such intellectual property or other proprietary rights consist of any intellectual property or other proprietary rights of the Contractor: (i) that pre-existed the performance by the Contractor of its obligations under the Contract, or (ii) that the Contractor may

develop or acquire, or may have developed or acquired, independently of the performance of its obligations under the Contract, the UNDP does not and shall not claim any ownership interest thereto, and the Contractor grants to the UNDP a perpetual license to use such intellectual property or other proprietary right solely for the purposes of and in accordance with the requirements of the Contract.

**11.3** At the request of the UNDP; the Contractor shall take all necessary steps, execute all necessary documents and generally assist in securing such proprietary rights and transferring or licensing them to the UNDP in compliance with the requirements of the applicable law and of the Contract.

**11.4** Subject to the foregoing provisions, all maps, drawings, photographs, mosaics, plans, reports, estimates, recommendations, documents, and all other data compiled by or received by the Contractor under the Contract shall be the property of the UNDP, shall be made available for use or inspection by the UNDP at reasonable times and in reasonable places, shall be treated as confidential, and shall be delivered only to UNDP authorized officials on completion of work under the Contract.

**12.0 USE OF NAME, EMBLEM OR OFFICIAL SEAL OF UNDP OR THE UNITED NATIONS:**

The Contractor shall not advertise or otherwise make public the fact that it is a Contractor with UNDP, nor shall the Contractor, in any manner whatsoever use the name, emblem or official seal of UNDP or THE United Nations, or any abbreviation of the name of UNDP or United Nations in connection with its business or otherwise.

**13.0 CONFIDENTIAL NATURE OF DOCUMENTS AND INFORMATION:**

Information and data that is considered proprietary by either Party and that is delivered or disclosed by one Party ("Discloser") to the other Party ("Recipient") during the course of performance of the Contract, and that is designated as confidential ("Information"), shall be held in confidence by that Party and shall be handled as follows:

**13.1** The recipient ("Recipient") of such information shall:

**13.1.1** use the same care and discretion to avoid disclosure, publication or dissemination of the Discloser's Information as it uses with its own similar information that it does not wish to disclose, publish or disseminate; and,

**13.1.2** use the Discloser's Information solely for the purpose for which it was disclosed.

**13.2** Provided that the Recipient has a written agreement with the following persons or entities requiring them to treat the Information confidential in accordance with the Contract and this Article 13, the Recipient may disclose Information to:

**13.2.1** Any other party with the Discloser's prior written consent; and,

**13.2.2** the Recipient's employees, officials, representatives and agents who have a need to know such Information for purposes of performing obligations under the Contract, and employees officials, representatives and agents of any legal entity that it controls, controls it, or with which it is under common control, who have a need to know such Information for purposes of performing obligations under the Contract, provided that, for these purposes a controlled legal entity means:

**13.2.2.1** A corporate entity in which the Party owns or otherwise controls, whether directly or indirectly, over fifty percent (50%) of voting shares thereof; or,

**13.2.2.2** Any entity over which the Party exercises effective managerial control; or,

**13.2.2.3** for the UNDP, an affiliated Fund such as UNCDF, UNIFEM and UNV.

**13.3** The Contractor may disclose Information to the extent required by law, provided that, subject to and without any waiver of the privileges and immunities of the United Nations, the Contractor will give the UNDP sufficient prior notice of a request for the disclosure of Information in order to allow the UNDP to have a reasonable opportunity to take protective measures or such other action as may be appropriate before any such disclosure is made.

**13.4** The UNDP may disclose Information to the extent as required pursuant to the Charter of the UN, resolutions or regulations of the General Assembly, or rules promulgated by the Secretary-General.

**13.5** The Recipient shall not be precluded from disclosing Information that is obtained by the Recipient from a third party without restriction, is disclosed by the Discloser to a third party without any obligation of confidentiality, is previously known by the Recipient, or at any time is developed by the Recipient completely independently of any disclosures hereunder.

**13.6** These obligations and restrictions of confidentiality shall be effective during the term of the Contract, including any extension thereof, and, unless otherwise provided in the Contract, shall remain effective following any termination of the Contract.

#### **14.0 FORCE MAJEURE; OTHER CHANGES IN CONDITIONS**

**14.1** In the event of and as soon as possible after the occurrence of any cause constituting force majeure, the Contractor shall give notice and full particulars in writing to the UNDP, of such occurrence or change if the Contractor is thereby rendered unable, wholly or in part, to perform its obligations and meet its responsibilities under this Contract. The Contractor shall also notify the UNDP of any other changes in conditions or the occurrence of any event that interferes or threatens to interfere with its performance of this Contract. On receipt of the notice required under this Article, the UNDP shall take such action as, in its sole discretion; it considers to be

appropriate or necessary in the circumstances, including the granting to the Contractor of a reasonable extension of time in which to perform its obligations under this Contract.

**14.2** If the Contractor is rendered permanently unable, wholly, or in part, by reason of force majeure to perform its obligations and meet its responsibilities under this Contract, the UNDP shall have the right to suspend or terminate this Contract on the same terms and conditions as are provided for in Article 15, "Termination", except that the period of notice shall be seven (7) days instead of thirty (30) days.

**14.3** Force majeure as used in this Article means acts of God, war (whether declared or not), invasion, revolution, insurrection, or other acts of a similar nature or force.

**14.4** The Contractor acknowledges and agrees that, with respect to any obligations under the Contract that the Contractor must perform in or for any areas in which the UNDP is engaged in, preparing to engage in, or disengaging from any peacekeeping, humanitarian or similar operations, any delays or failure to perform such obligations arising from or relating to harsh conditions within such areas or to any incidents of civil unrest occurring in such areas shall not, in and of itself, constitute force majeure under the Contract.

#### **15.0 TERMINATION**

**15.1** Either party may terminate this Contract for cause, in whole or in part, upon thirty (30) days notice, in writing, to the other party. The initiation of arbitral proceedings in accordance with Article 16.2 ("Arbitration"), below, shall not be deemed a termination of this Contract.

**15.2** UNDP reserves the right to terminate without cause this Contract at any time upon 15 days prior written notice to the Contractor, in which case UNDP shall reimburse the Contractor for all reasonable costs incurred by the Contractor prior to receipt of the notice of termination.

**15.3** In the event of any termination by UNDP under this Article, no payment shall be due from UNDP to the Contractor except for work and services satisfactorily performed in conformity with the express terms of this Contract.

**15.4** Should the Contractor be adjudged bankrupt, or be liquidated or become insolvent, or should the Contractor make an assignment for the benefit of its creditors, or should a Receiver be appointed on account of the insolvency of the Contractor, the UNDP may, without prejudice to any other right or remedy it may have under the terms of these conditions, terminate this Contract forthwith. The Contractor shall immediately inform the UNDP of the occurrence of any of the above events.

## **16.0 SETTLEMENT OF DISPUTES**

**16.1 Amicable Settlement:** The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this Contract or the breach, termination or invalidity thereof. Where the parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then obtaining, or according to such other procedure as may be agreed between the parties.

**16.2 Arbitration:** Any dispute, controversy, or claim between the Parties arising out of the Contract or the breach, termination, or invalidity thereof, unless settled amicably under Article 16.1, above, within sixty (60) days after receipt by one Party of the other Party's written request for such amicable settlement, shall be referred by either Party to arbitration in accordance with the UNCITRAL Arbitration Rules then obtaining. The decisions of the arbitral tribunal shall be based on general principles of international commercial law. For all evidentiary questions, the arbitral tribunal shall be guided by the Supplementary Rules Governing the Presentation and Reception of Evidence in International Commercial Arbitration of the International Bar Association, 28 May 1983 edition. The arbitral tribunal shall be empowered to order the return or destruction of goods or any property, whether tangible or intangible, or of any confidential information provided under the Contract, order the termination of the Contract, or order that any other protective measures be taken with respect to the goods, services or any other property, whether tangible or intangible, or of any confidential information provided under the Contract, as appropriate, all in accordance with the authority of the arbitral tribunal pursuant to Article 26 ("Interim Measures of Protection") and Article 32 ("Form and Effect of the Award") of the UNCITRAL Arbitration Rules. The arbitral tribunal shall have no authority to award punitive damages. In addition, unless otherwise expressly provided in the Contract, the arbitral tribunal shall have no authority to award interest in excess of the London Inter-Bank Offered Rate ("LIBOR") then prevailing, and any such interest shall be simple interest only. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such dispute, controversy, or claim.

**17.0 PRIVILEGES AND IMMUNITIES:**

Nothing in or relating to this Contract shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

**18.0 TAX EXEMPTION**

**18.1** Section 7 of the Convention on the Privileges and Immunities of the United Nations provides, inter-alia that the United Nations, including its subsidiary organs, is exempt from all direct taxes, except charges for public utility services, and is exempt from customs duties and charges of a similar nature in respect of articles imported or exported for its official use. In the event any governmental authority refuses to recognize the United Nations exemption from such taxes, duties

or charges, the Contractor shall immediately consult with the UNDP to determine a mutually acceptable procedure.

**18.2** Accordingly, the Contractor authorizes UNDP to deduct from the Contractor's invoice any amount representing such taxes, duties or charges, unless the Contractor has consulted with the UNDP before the payment thereof and the UNDP has, in each instance, specifically authorized the Contractor to pay such taxes, duties or charges under protest. In that event, the Contractor shall provide the UNDP with written evidence that payment of such taxes, duties or charges has been made and appropriately authorized.

**19.0 CHILD LABOUR**

**19.1** The Contractor represents and warrants that neither it, nor any of its suppliers is engaged in any practice inconsistent with the rights set forth in the Convention on the Rights of the Child, including Article 32 thereof, which, inter alia, requires that a child shall be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical mental, spiritual, moral or social development.

**19.2** Any breach of this representation and warranty shall entitle UNDP to terminate this Contract immediately upon notice to the Contractor, at no cost to UNDP.

**20.0 MINES:**

**20.1** The Contractor represents and warrants that neither it nor any of its suppliers is actively and directly engaged in patent activities, development, assembly, production, trade or manufacture of mines or in such activities in respect of components primarily utilized in the manufacture of Mines. The term "Mines" means those devices defined in Article 2, Paragraphs 1, 4 and 5 of Protocol II annexed to the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 1980.

**20.2** Any breach of this representation and warranty shall entitle UNDP to terminate this Contract immediately upon notice to the Contractor, without any liability for termination charges or any other liability of any kind of UNDP.

**21.0 OBSERVANCE OF THE LAW:**

The Contractor shall comply with all laws, ordinances, rules, and regulations bearing upon the performance of its obligations under the terms of this Contract.

**22.0 SEXUAL EXPLOITATION:**

**22.1** The Contractor shall take all appropriate measures to prevent sexual exploitation or abuse of anyone by it or by any of its employees or any other persons who may be engaged by the

Contractor to perform any services under the Contract. For these purposes, sexual activity with any person less than eighteen years of age, regardless of any laws relating to consent, shall constitute the sexual exploitation and abuse of such person. In addition, the Contractor shall refrain from, and shall take all appropriate measures to prohibit its employees or other persons engaged by it from, exchanging any money, goods, services, offers of employment or other things of value, for sexual favors or activities, or from engaging in any sexual activities that are exploitive or degrading to any person. The Contractor acknowledges and agrees that the provisions hereof constitute an essential term of the Contract and that any breach of this representation and warranty shall entitle UNDP to terminate the Contract immediately upon notice to the Contractor, without any liability for termination charges or any other liability of any kind.

**22.2** The UNDP shall not apply the foregoing standard relating to age in any case in which the Contractor's personnel or any other person who may be engaged by the Contractor to perform any services under the Contract is married to the person less than the age of eighteen years with whom sexual activity has occurred and in which such marriage is recognized as valid under the laws of the country of citizenship of such Contractor's personnel or such other person who may be engaged by the Contractor to perform any services under the Contract.

**23.0 AUTHORITY TO MODIFY:**

Pursuant to the Financial Regulations and Rules of UNDP, only the UNDP Authorized Official possesses the authority to agree on behalf of UNDP to any modification of or change in this Agreement, to a waiver of any of its provisions or to any additional contractual relationship of any kind with the Contractor. Accordingly, no modification or change in this Contract shall be valid and enforceable against UNDP unless provided by an amendment to this Agreement signed by the Contractor and jointly by the UNDP Authorized Official.