



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



Form: 3.2

Date: 30th Sep 2022

Request for Proposal (RFP) for

REFERENCE: A2J/RFP/2022/03:

Lot 1: To conduct the assessment of the situation of women and marginalized communities in access to justice in Karnali Province

Lot 2: To conduct the assessment of the situation of women and marginalized communities in access to justice in Sudurpaschim Province

Dear Proposers,

You are requested to submit a proposal for the undertaking:

"The assessment of the situation of women and marginalized communities in access to justice in Province", as per the enclosed Terms of Reference (TOR).

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

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

2. Your offer comprising of technical and financial proposals for the task, in two **separate sealed envelopes**, should reach the following address no later than **17:00 hrs. NST on Sunday, 16 October 2022**.

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

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

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

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

Yours sincerely,

Basant Prasad Adhikari
National Project Manager

INSTRUCTIONS TO PROPOSERS

A. Introduction

Definitions

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

1. General

Enhancing Access to Justice through Institutional Reform Project-II (*A2J Project*) aims at supporting the legal aid providers and authorities to effectively manage and provide legal aid services to people, in particular women, and other marginalized groups, in a sustainable and quality manner to increase Access to Justice, strengthening the justice sector institutions to provide effective legal/judicial remedies as well as protection of human rights in line with national and international standards and empowering People, in particular women, Dalit, PWD, LGBTQI+, poor and other marginalized groups to claim their rights and participate in judicial governance/civic life. The right of access to justice for women and marginalized is essential to the realization of all the rights protected under national and international instruments. This includes the ability of women and marginalized to seek and obtain a fair and just remedy through formal and informal justice systems and the ability to influence and participate in law-making processes and institutions.

The 2030 Agenda for Sustainable Development prioritizes those who are furthest behind, and in many cases, this means women and marginalized communities. Women and marginalized communities' justice needs, and experiences may, however, be different from others due to higher levels of poverty and power dynamics in the family and community. Women and marginalized who face intersecting forms of discrimination are more likely to be excluded from justice institutions and justice outcomes, often resulting in a cyclical pattern of marginalization. Globally, women, Dalits, PWD, LGBTQI+, poor and marginalized communities face barriers to obtaining justice in their capacities as claimants, victims, witnesses or offenders, often driven by institutional, policy and legislative failure to remove discrimination, gender bias, stereotyping, stigma, indifference, corruption and impunity. Women,



Dalit, PWD, LGBTQI+, poor and marginalized communities face multiple and intersecting forms of discrimination as well as those affected by conflict and its aftermath, are often at the backend of justice service delivery.

A critical part of the project is to invest in legal empowerment women and marginalized community to access to justice institutions, process and mechanism to claim their rights and entitlements. For this, the Project requires to conduct a comprehensive assessment on the access to justice situation of women and marginalized group grounded on the realities of the specific province. The study will make the assessment of the overall situation into account from demand centric approach.

2. Cost of proposal

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

B. Solicitation Documents

3. Contents of solicitation documents

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

4. Clarification of solicitation documents

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

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

Subject line of email: **REFERENCE: A2J/RFP/2022/03:**

Lot 1: To conduct the assessment of the situation of women and marginalized communities in access to justice in Karnali Province

Lot 2: To conduct the assessment of the situation of women and marginalized communities in access to justice in Sudurpaschim Province

Written inquiries must be submitted on or before 5:00 PM Nepal Standard Time on **Tuesday 11 October 2022**. *A2J Project* shall upload or send email responses to inquiries on the website by **Wednesday, 12 October 2022**.

Insert Web link: <https://www.undp.org/nepal/procurement>

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

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

Note:

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

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

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

4. Amendments of solicitation documents



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

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

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

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a small flourish.

C. Preparation of Proposals

5. Language of the proposal

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

6. Documents comprising the proposal

The Proposal shall comprise of the following components:

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

7. Proposal form

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

(a) Management Plan

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

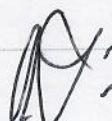
This section should also describe background of the organization, understanding to ToR, Profile of the organization describing the nature of business, field of expertise, Proof of concept of similar assignment the organizational unit(s) that will become responsible for the contract, and the general management approach toward a project of this kind. The Proposer should comment on its experience in similar projects and identify the person(s) representing the Proposer in any future dealing with the procuring A2J Project entity.

(b) Resource plan

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

(c) Proposed methodology

This section should demonstrate the Proposer's responsiveness to the specification by identifying the specific components proposed, addressing the requirements, as specified, point by point; providing a detailed description of the essential performance characteristics proposed warranty; and demonstrating how the proposed methodology meets or exceeds the specifications. This section should also streamline the detailed survey plan (including methodology, sampling techniques, data collection process, quality assurance plan, data analysis plan, work plan to conduct the study, sample questionnaire, checklist for FGD and KII).



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

It is mandatory that the Proposer's Proposal numbering system corresponds with the numbering system used in the body of this RFP. All references to descriptive material and brochures should be included in the appropriate response paragraph, though material/documents themselves may be provided as annexes to the Proposal/response.

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

8. Proposal prices

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

9. Proposal currencies

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

10. Period of validity of proposal

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

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

11. Format and sign of proposal

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

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

12. Payment

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

D. Submission of Proposal

13. Sealing and marking of proposal

(a) The outer envelope shall be:

Addressed to:

National Project Manager

A2J Project,

Babarmahal, Kathmandu, Nepal



Marked with Task: –

(Insert assignment name),

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

14. Joint Venture, Consortium or Association

If the Proposer is a group of legal entities that will form or have formed a joint venture, consortium or association at the time of the submission of the Proposal, they shall confirm in their Proposal that:

- (i) they have designated one party to act as a lead entity, duly vested with authority to legally bind the members of the joint venture jointly and severally, and this shall be duly evidenced by a duly notarized Agreement among the legal entities, which shall be submitted along with the Proposal; and
- (ii) if they are awarded the contract, the contract shall be entered into, by and between *A2J Project* and the designated lead entity, who shall be acting for and on behalf of all the member entities comprising the joint venture.

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

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

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

The description of the organization of the joint venture/consortium/association must clearly define the expected role of each of the entity in the joint venture in delivering the requirements of the RFP, both in the Proposal and the Joint Venture Agreement. All entities that comprise the joint venture shall be subject to the eligibility and qualification assessment by *A2J Project*.

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

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

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

Previous contracts completed by individual experts working privately but who are permanently or were temporarily associated with any of the member firms cannot be claimed as the experience of the joint venture or those of its members, but should only be claimed by the individual experts themselves in their presentation of their individual credentials.

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

15. Deadline for submission of proposal

Proposals must be received by the procuring A2J Project entity at the address specified under clause Sealing and marking of Proposals no later than **Sunday 16 October 2022, 17:00 hrs. Nepal Standard Time (NST)**. **If the deadline for proposal submission falls under a public holiday, then the next working day will be added up.**

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

16. Late Proposal

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

17. Modification and withdrawal of Proposal

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

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

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

E. Opening and Evaluation of Proposal

18. Opening of proposal

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

19. Clarification of proposal

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

20. Preliminary examination

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

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

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

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

21. Evaluation and comparison of proposal

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

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

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

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

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

Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms	Score Weight	Points Obtainable
Expertise of Firm / Organisation submitting Proposal	20%	200
Understanding on the overall proposal and Proposed Work Plan and Approach	40%	400
Personnel	30%	300
Working experience with UN/UNDP in conducting survey in law and justice	10 %	100
Total		1000

Program Proposal Evaluation		Points available	300				
Form 1			A	B	C	D	E
Expertise of Firm / Organization submitting Proposal in Study/Assessment of the Situation of Women and Marginalized Communities in Access to Justice of a similar nature of work							
1.1	The reputation of Organization and Staff (Competence / Reliability)	20					
1.2	Demonstrated experience and expertise in the research, assessment, situation analysis, survey, access to justice situation mapping of women and marginalized communities	40					
1.3	General organizational capability which is likely to affect implementation (i.e., loose consortium, holding company or one firm, size of the firm / organization, strength of project management support e.g., project financing capacity and project management controls)	20					
1.4	Capacity of the organization to mobilize partners, coordination with law and justice sector actors.	20					

1.6	Quality assurance procedures, warranty, proof of concept	20					
1.7	Registration of the organization (particular Province or national)	10					
Subtotal (1.1 to 1.6)		130					
1.6	Relevance of:						
	Specialized Knowledge	30					
	Experience on Similar Programme / Projects in conducting survey/studies/assessment in law and justice	40					
	Working experience with UN/UNDP/ major multilateral/ or bilateral programmes in conducting survey, research studies in law and justice	100					
	Sub Total for 1.6	170					
Total for Expertise of Service Provider submitting proposal (I)		300					

Proposal Evaluation Form 2		Points Available	400				
			A	B	C	D	E
Understanding on the Overall Proposal and Proposed Work Plan, Approach and Methodology							
2.1	To what degree does the Offeror understand the task?	60					
2.2	Have the important aspects of the task been addressed in sufficient detail?	50					
2.3	Are the different components of the project adequately weighted relative to one another?	75					
2.4	Is there evidence that the proposal been prepared based on an in-depth understanding and prior knowledge of the project on access to justice of marginalized community and their perception?	75					
2.5	Is the conceptual framework adopted appropriate for the task?	50					
2.6	Is the scope of task well defined and does it correspond to the TOR?	60					
2.7	Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project?	30					
Total for Proposed Work Plan and Approach (II)		400					

Proposal Evaluation		Points Available	300				
Form 3			A	B	C	D	E
Proposed Project Team/Personnel							
3.1	Team Leader -Access to Justice (1)	100					

	Experience in leading survey and conducting research, situation assessment, perception baseline/endline survey, research design and drafting of quality reports	30					
	Experience in the area of Governance, rule of law and human rights, law and access to justice	25					
	Work experience of similar projects handled/carried out, project's working areas and working with women, Dalits and marginalized communities	25					
	Academic Qualifications (including language)	20					
	Sub-total	100					
3.2	GESI Expert (1)	75					
	Experience in leading survey and conducting research, situation assessment, perception baseline/endline survey, research design and analyse the study questionnaire for Gender and Social Inclusiveness perspective	25					
	Experience in the areas of rule of law, access to justice and legal, judicial system and GESI	20					
	Work experience of similar projects handled/carried out, project's working areas and working with women, Dalits and marginalized communities	20					
	Academic Qualifications	10					
	Sub-total	75					
3.3	Data Analyst (1)	100					
	Experience and knowledge in data analysis software like; Statistical Package for Social Science (SPSS), STATA or R programing Python/R. Developing tools for mobile data collection using Kobo/ Field Task/ other ODK based tools.	25					
	Experience of work with similar assignment specifically on designing sampling frame including sample size, sampling technique and tools for varied and integrated set of indicators	20					
	Work experience in the survey/assessment of governance, rule of law and access to justice	20					
	Academic Qualifications (including language)	10					
	Sub-total	75					
3.4	Enumerators (5)	50					
	Suitability for the project and professional experience in the area of specialisation	25					
	Knowledge of the region and language qualification	25					
	Sub-total	50					
	Total Form 3	300					
	Grand Total (Form 1 + Form 2 + Form 3)	1000					

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

Form 1: Expertise of Firm/Organisation submitting Proposal in Study/Assessment of the Situation of Women and Marginalized Communities in Access to Justice of a similar nature of works

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

Form 2: Understanding on the Overall Proposal and Proposed Work Plan, Approach and Methodology

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

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

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

Form 3: Management structure and key personnel

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

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

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

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




22. Award criteria, award of contract

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

23. Signing of the contract

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

A handwritten signature in black ink, consisting of a stylized, cursive letter 'A' with a small '2' or similar mark to its right.



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

Annex II



Terms of Reference (TOR)

**Lot 1: To conduct the assessment of the situation of women and marginalized communities in access to justice in
Karnali Province**

**Lot 2: To conduct the assessment of the situation of women and marginalized communities in access to justice in
Sudurpaschim Province**

September 2022

Title of services¹:

Lot 1: To conduct the assessment of the situation of women and marginalized communities in access to justice in Karnali Province

Lot 2: To conduct the assessment of the situation of women and marginalized communities in access to justice in Sudurpaschim Province

1. PROJECT BACKGROUND

Enhancing Access to Justice through Institutional Reform Project-II (A2J Project) is being implemented under the overall leadership of Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) and in a close partnership with UNDP Nepal. The Project aims at supporting the legal aid providers and authorities to effectively manage and provide legal aid services to people, in particular women, and other marginalized groups, in a sustainable and quality manner to increase Access to Justice, strengthening the justice sector institutions to provide effective legal/judicial remedies as well as protection of human rights in line with national and international standards and empowering People, in particular women, Dalit, PWD, LGBTQI+, poor and other marginalized groups to claim their rights and participate in judicial governance/civic life. The Project has focused more on the enhancing access to justice of women and marginalized communities through offering institutional and technical support to the justice sector actors and criminal justice systems in Nepal.

A critical part of the project is to invest in legal empowerment women and marginalized community to access to justice institutions, process and mechanism to claim their rights and entitlements. In order to support supply side, the project also engages with the justice sector service providers to build the capacity and strengthening the judicial sector institutions at the federal, provincial level and local level. In order for the project to inform the planning, advocacy for law/policy reform to both at federal and provincial level, the Project requires to conduct a comprehensive assessment on the access to justice situation of women and marginalized group grounded on the realities of the specific province. The study will make the assessment of the overall situation into account from demand centric approach and also assesses the overall capacity and response in regard to the province and local bodies in empowering women and marginalized communities and also taking the role of formal and informal justice system including the role of police into account.

2. RATIONALE

Access to justice implies the right to an effective remedy, the right to equal access to judicial institutions, the right to quality legal support systems that improve access to courts and access to legal representation to ensure effective implementation of the law and practical enjoyment of rights by individuals. The right of access to justice for women and marginalized is essential to the realization of all the rights protected under national and international instruments. This includes the ability of women and marginalized to seek and obtain a fair and just remedy through formal and informal justice systems and the ability to influence and participate in law-making processes and institutions.

¹ The assessment of the situation of women and marginalized communities in access to justice has been planned to conduct in Karnali and Sudurpaschim province separately, and two separate reports should be produced. Therefore, service providers are informed to regard each lot of assignment as a different.

1. **Geographical coverage and sample size in Karnali Province:** The service provider shall propose at least 1210 sample size in their proposal. Samples should cover from 6 districts including project working districts Jajarkot, Dolpa, Mugu and Rukum West
2. **Geographical coverage and sample size in Sudurpaschim Province:** The service provider shall propose at least 1210 sample size in their proposal. Samples should cover 6 districts including project working districts Bajhang, Bajura, Doti and Kanchanpur

The 2030 Agenda for Sustainable Development prioritizes those who are furthest behind, and in many cases, this means women and marginalized communities. The diversity of women's personal characteristics and circumstances can lead to complex forms of exclusion, aggravating systemic and structural discrimination, prejudice and stereotyping. Justice programming must therefore strive to be inclusive, which means that no woman and marginalized communities can be denied justice due to personal and situational circumstances. Inclusive justice signals a system of justice that is pro-poor and responsive to the rights and needs of all categories of women, particularly those who are marginalized and excluded².

Women and marginalized communities' justice needs, and experiences may, however, be different from others due to higher levels of poverty and power dynamics in the family and community. With variations by country, a wide range of formal and informal institutions play a significant role in justice delivery. Discriminatory justice systems deny women, marginalized and their families, protection, accountability and reparation—leading to impunity for perpetrators and a cyclical pattern of further violations. Justice is a right in itself as well as an enabler of all other rights. Yet many women and marginalized groups— particularly those who face multiple and intersecting forms of discrimination—experience the justice system not as a bastion for the vulnerable but rather as a preserve of a privileged few³. Women and marginalized who face intersecting forms of discrimination are more likely to be excluded from justice institutions and justice outcomes, often resulting in a cyclical pattern of marginalization. Globally, women, Dalits, PWD, LGBTQI+, poor and marginalized communities face barriers to obtaining justice in their capacities as claimants, victims, witnesses or offenders, often driven by institutional, policy and legislative failure to remove discrimination, gender bias, stereotyping, stigma, indifference, corruption and impunity. Women, Dalit, PWD, LGBTQI+, poor and marginalized communities face multiple and intersecting forms of discrimination as well as those affected by conflict and its aftermath, are often at the backend of justice service delivery.

Factors to determine situation of women, Dalit, PWD, LGBTQI+, and marginalized communities from access to justice point of view

- Affordability, equity, justiciability, availability, accessibility, good-quality, provision of remedies and accountability of justice systems
- Discrimination based on caste, structural barriers and exclusion
- Stereotyping and gender bias in the justice system and the importance of capacity building
- Education and awareness-raising on impact of stereotypes
- Education in a gender perspective
- Situation of socio-economic status of the women and marginalized groups

Since the Project is also being implemented in the provinces in partnership with provincial government and provincial database is necessary to inform plan in analyzing the access to justice situation from women and marginalized people's perspective that shall be a baseline indicator for intervening in policy/law reform to remove hurdles and simplify the processes. Furthermore, it will source database for national and international reporting and province evidence for implementing activities particularly for women, Dalit, PWD, LGBTQI+, poor and other marginalized groups to claim their rights and participate in judicial governance/civic life

A2J/UNDP in collaboration with Ministry of Law, Justice and Parliamentary Affairs and Office of Chief Minister and Minister of Council, Province will undertake the assessment of situation of women and marginalized communities from access to justice point of view which is the subject of this TOR in four Provinces separately

3. OBJECTIVE OF SURVEY

The primary objective of the assessment is to establish perceptive baseline and its indicator to assess the situation of women and marginalized communities from access to justice point of view. The assessment will offer a realistic picture of access to justice situation of the provinces with validated process and methodologies. This will also provide challenges, gaps and inconsistencies in accessing justice at institutional as well as individual level. More specifically, this survey is aiming to:

² https://www.unodc.org/pdf/criminal_justice/WA2J_Consolidated.pdf

³ https://www.unodc.org/pdf/criminal_justice/WA2J_Consolidated.pdf

- To bring the factual perception of women and marginalized communities from access to justice point of view in forth front.
- Analyze the overall situation of women and marginalized communities from access to justice point of view.
- analyze the data and information in regard to complaints registered, legal aid received, and response taken from women and marginalized communities and Dig out the issues/ and challenges and bottlenecks in regard to accessibility to formal and informal justice and legal aid services.
- Identify the way forward (practical and immediate as well as long term means and measures).
- Suggest the role of government, province and local bodies, CSOs and stakeholders.

4. ASSESMENTN/SURVEY DESIGN AND METHODOLOGY

The assessment should use mixed methods approach, covering both quantitative and qualitative methods to ensure that data collected is adequate, reliable, representative and valid. The field level survey will be conducted reaching out the women and marginalized communities. Hence, the necessary data and information will be collected directly through survey while focused group discussion, interaction, KII, interview will be carried out to collect and verify the information. Literature review will be conducted as source to design this study, fill the gaps and substantiate/triangulate the data collection from primary sources.

The proposed assessment/study will use both qualitative and quantitative approaches to study which consists of structured population-based sample survey, focus group discussion on thematic issues and key informant interview. The quantitative survey should be done using digital technology for data collection processes such as Kobo, Field Task or relevant.

4.1 Study sites

The proposed assessment/study of the situation of women and marginalized communities in access to justice will be conducted in dividing the Particular Province's population into two strata: rural and urban covering at least 6 districts from each province.

Study sites in Karnali Province: 6 districts including project working districts Jajarkot, Dolpa, Mugu and Rukum West

Study sites in Sudurpaschim Province: 6 districts including project working districts Bajhang, Bajura, Doti and Kanchanpur

4.2 Household Survey: sample size and sampling procedures

The household survey will be the key data collection component for this study. **In each Province, a sample of 1210** pursuing the multi-stage probability sampling selected households in stratified 2-stage will be applied to gather information on the following indicators in the study areas:

- a) Proportion of population subjected to physical, psychological or sexual violence in the last 12 months.
- b) Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age
- c) Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law
- d) Level of confidence over justice system
- e) Ratio of the complaints registered and overall situation
- f) % of cases registered on GBV, caste based discriminations and steps taken forth to resolve them.
- g) Numbers of women, Dalit and other marginalized people approached to the police and lawyers for legal aid services.
- h) Number of cases of discriminations and GBV happened, and response made.
- i) % of people who know what impartial justice institutions means.
- j) % of people who are satisfied with the outcome of the justice institution.
- k) % of people who are satisfied with the mechanism for combating exclusion.

4.2.1 Focus Group Discussions (FGDs)

Focus group discussions will be conducted on thematic areas and issues developed by the survey conducting company and approved by A2J/UNDP. From each Province, a total of 10 FGDs shall be carried out based on determined/approved thematic issues. The FGD will be conducted among the representative of but not limited to:

- Judicial committees
- Police
- Courts
- Prosecutors
- Lawyers
- Human rights defenders and NHRIs representatives
- Local bodies and officials from province government
- Representatives of CSOs working in access to justice of women and marginalized people

4.2.2. Key Informant Interview (KII)

KII is used as an effective method to collect individual perspectives on access to justice situation. Through this approach, informants' opinions, perspectives and experiences are captured. The respondents of the KII will be the policy level people and authorities responsible to deliver justice at the federal, province, district and local levels.

From each Province a total of 10 KIIs will be conducted with a range of representatives from different agencies and organizations with structured checklist.

4.2.3 Sample size, sampling procedures and survey questionnaires

The institution/NGO/company shall propose **at least 1210 sample size (for very province)** and survey design, and sampling procedures in their proposal. A sample should cover 6 districts including 4 districts where the project is currently working⁴ including rural and urban geographical coverage to estimate population percentage of the country within 5% error margin with 95% confidence coefficient. The sample selection procedure has been attached in annex 1.

4.2.4 Developing questionnaire and methodology for Survey

The institution/NGO/firm shall develop the questionnaire, thematic issues for FGDs and methodology of survey based on the procedure and guideline /thematic issues. Such procedure and guideline /thematic issues should be submitted to the A2J project and get approved from A2J/UNDP. A draft questionnaire incorporating thematic issues for FGDs and methodology for survey should be proposed in the proposal.

4.2.5. Validation meeting: A validation meeting with all relevant stakeholders and the Ministry of Law, Justice and Federal Affairs, and OCMCM shall be conducted to make review over the draft report and provide third eye and independent lens to make sure the quality of the product.

5. EXPECTED OUTPUTS/KEY DELIVERABLES/TIMEFRAME

The main output of this assignment is to produce a final assessment report on situation of women and marginalized communities from access to justice point of view in Karnali Province. The key deliverables of the assignment are the following:

- 5.1 Inception report:** Refined survey design and methodology, sample size, sampling procedures and survey questionnaires, thematic issues for FGDs, work plan detailing activities and steps to be taken. The Service Provider shall deliver an inception report with a clear survey design and methodology, work-plan including

⁴ Karnali: Jajarkot, Dolpa, Mugu and Rukum West
Sudurpaschim: Bajhang, Bajura, Doti and Kanchanpur

survey questionnaires, thematic issues for FGDs to accomplish the task within 10 days upon signing the contract.

5.2 Draft report: A draft report on assessment report on the situation of women and marginalized communities from access to justice point of view in Karnali Province presented data as per the 'Dummy output table' and interpreted and analyzed the information. The service provider shall complete the survey and submit the draft report before/within one month and a week upon signing the contract.

5.3 Validation meeting and presentation: A validation meeting with all relevant stakeholders and the Ministry of Law, Justice and Federal Affairs, and OCMCM shall be conducted no later than one week before the draft report is finalized.

5.4 Final report: A finalized and edited version of the report of assessment of the situation of women and marginalized communities from access to justice point of view in Karnali Province along with presented data as per the 'Dummy output table' and interpreted and analyzed the information. The service provider shall submit the final report one month and half months upon signing the contract.

6. EXPERTISE

The consultancy agency/service provider/NGO/Firm⁵ should have a study team comprising of a multidisciplinary group of experts for this assignment:

1. Team Leader-Access to Justice -1
2. GESI Expert-1,
3. Data Analyst - 1
4. Enumerators – at least 5

1) **Team Leader-Access to Justice:** The team leader who shall be also the access to justice expert must hold advanced degree (at least Master's or equivalent) in law, sociology, justice or related fields from a recognized university with more over 10 years of professional experience in survey design and conducting research, situation assessment along with designing sampling frame including sample size, sampling technique and tools for varied and integrated set of indicators, design and develop survey tools and methodology, train enumerators for data collection, ensure quality control throughout the study and communicate with the A2J personnel Additionally, the team leader will deliver the quality study report.

Previous working experience in the working with marginalized community, justice system and legal field would be advantageous. The team leader/access to justice shall be a team player with strong inter-personal coordination skills. S/he shall be responsible for the overall design of the study framework and ultimate delivery of the outputs in stipulated time frame. S/he shall develop necessary ToR for its members to accomplish the assignment.

2) **GESI Expert:** The GESI expert should have at least Master's degree from a recognized university in Gender Studies, Gender Justice, Law, Human Rights Social inclusion, Sociology, Development studies or related field. S/he should have experience in the areas of rule of law, access to justice and legal, judicial system and research related works S/he will contribute to develop and analyse the study questionnaire for Gender and Social Inclusiveness perspective and ensure GESI mainstreaming in the study process which should be spelled out in survey methodology and scrutinize GESI lens analysis in documents (inception report and final report). S/he should have at least 5 years of relevant work experience and knowledge in conducting assessment and study with substantive experience in GESI is research and justice system.

3) **Data Analyst:** The Data analyst who acts as a statistician shall have at least Master's or equivalent in statistics, Applied Mathematics or information management from a recognized university with over 5 years of working experiences in survey design specifically on designing sampling frame including sample size, sampling

⁵ If the consultancy agency/service provider/NGO/Firm intends to submit the proposal to conduct assessment in both of the provinces, it should propose a separate team of experts for each province. Same team members are not allowed to be the part of study in more than one province.

technique and tools for varied and integrated set of indicators. S/he will support to design and develop survey tools and methodology and ensure quality control throughout the study from the point of view of justice. S/he should have proven experience in (1.) Developing tools for mobile data collection using Kobo/ Field Task/ other ODK based tools, (2.) Handling large data sets a using data analysis tool such as SPSS/ STATA/ Python/ R. Additionally, the data analyst will be responsible for developing mobile-based data collection questionnaire, data analysis plan (to be submitted in the inception report) data sheet development and analysis results with key findings

- 4) **Enumerators:** Should have completed High school (12th grade) and possess with android mobile phone and experienced in data collection.

7. ELIGIBILITY CRITERIA/REQUIREMENTS

- Interested Company/Institutions/NGOs (Service Provider) must be legally constituted and registered under the laws of Nepal. Company/Institutions/NGOs (Service Provider) registered in **the Particular Province** will be given first preference for this assignment.
- The Service Provider must have sufficient technical expertise, human resources and infrastructure as specified in the TOR.
- The Service Provider must have registered in VAT/(in case of NGO PAN).
- The Service Provider must submit the relevant work experiences in the past in a similar kind of assignment including the following documents:
 - a) Technical proposal which should be streamlined with:
 - Organization background
 - Understanding of ToR including
 - Detailed survey plan (including methodology, sampling techniques, data collection process, quality assurance plan, data analysis plan, work plan to conduct the study, sample questionnaire, checklist for FGD and KII)
 - Human Resource
 - b) Proof of concept of similar assignment (please attach reports)
 - c) Profile of the organization describing the nature of business, field of expertise, licenses, certifications, accreditations,
 - d) Business Licenses: Registration Papers, Tax Payment Certification,
 - e) Latest Two Years Audited Financial Statement report: income statement and balance sheet to indicate its financial stability, liquidity, credit standing, and market reputation,
 - f) Track Record – list of clients for similar services as those required by UNDP, indicating description of contract scope, contract duration, contract value, contract references,
 - g) Certificates and Accreditation including Quality Certificates, Patent Registrations, Environmental Sustainability Certificates.
 - h) Written Self-Declaration that the company is not in the UN Security Council 1267/1989 List, UN Procurement Division List or Other UN Ineligibility List.

In addition, the Service Provider also include:

- a. Names and qualifications of the key personnel that will perform the services, indicating who is Team Leader-Access to Justice, GESI Expert, Data Analyst and Enumerators.
- b. CVs of proposed team demonstrating qualifications must be submitted if required by the RFP; and
- c. Written confirmation from each personnel that they are available for the entire duration of the contract if required by the RFP.

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

8. DURATION AND PERIOD OF ASSESMENTN/SURVEY

The duration of the proposed assignment will be no longer than 1.5 months from the date of commencement and expected to complete by 30 November 2022. The service provider should spend adequate time in the field to collect data and information. The service provider should propose a draft indicative detailed weekly timeline of the assignment during the proposal submission and finalize with inputs from project before starting the full phase work.

9. GUIDANCE

The necessary administrative/operational guidance will be provided to implementing institution by Ministry of Law, Justice and Parliamentary Affairs/ A2J Project/UNDP.

10. COMMUNICATION AND COORDINATION

The assessment team leader- access to justice and study team will closely work with Project Management Specialist and Monitoring, Evaluation and Reporting Specialist of the project in Kathmandu and Province. S/he will work directly with in close coordination and support from National Project Manager, Legal Aid Outreach Officer in Province and Province Government partners as well.

11. PAYMENT

A2J Project/ UNDP shall be effective of payments to the Contractor after acceptance by A2J Project/UNDP of the invoices submitted by the contractor, upon achievement of the corresponding milestones. 30% of the agreed amount will be paid upon the signing of the contract to start the program.

12. EVALUATION CRITERIA

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

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

In the Second Stage, the price proposal of all contractors, who have attained minimum 70% score in the technical evaluation will be compared. The contractor will be awarded to the Contractor offering the lowest price.

Technical Evaluation Criteria

Summary of Technical Proposal Evaluation Forms	Score Weight	Points Obtainable	Company / Other Entity				
			A	B	C	D	E
Expertise of Firm / Organisation submitting Proposal	20%	200					
Understanding on the overall proposal and proposed work Plan, approach and methodology	40%	400					
Personnel	30%	300					
Working experience with UN/UNDP in conducting survey in law and justice	10 %	100					
Total		1000					

PROPOSAL SUBMISSION FORM

Dear Sir / Madam,

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

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

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

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

Dated this day /month of year

Signature

(In the capacity of)

Duly authorized to sign Proposal for and on behalf of

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned above a horizontal line.

TECHNICAL PROPOSAL FORMAT

i) RFP Information

RFP Title:

(Insert assignment name),

Basic Organization Information

Name of the organization:

Contact person's name:

Contact details :

Telephone:

E-mail:

Address:

ii) Organizational Profile:

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

iii) Organization's Experience

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

iv) Technical Proposal

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

- A) Detailed survey plan (including methodology, sampling techniques, data collection process, quality assurance plan, data analysis plan, detailed work plan to conduct the study, sample questionnaire, checklist for FGD and KII), , manpower schedule, and narrative on how you would approach/ intend to meet the deliverables mentioned in the TOR.*
- B) A detailed outline of the approach taken to supervise and monitor the project to ensure all components can be delivered on time and to a high quality. Please describe reporting and monitoring mechanism, risks / mitigation measures and also provide proof of concept of similar assignment.*
- C) Identification of any risks and/or obstacles your organization may encounter while undertaking this project, how they may impact your ability to meet the deliverables, and how you might address these to ensure successful delivery.*

v) Human Resources

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



PRICE SCHEDULE

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

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

The specification has been developed for different packages. The name and number of packages shall be clearly mentioned in the proposal cover page, cover letter and inside proposal. **To conduct the assessment of the situation of women and marginalized communities in access to justice),**

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

Cost Breakdown per Deliverables

Price Schedule for: REFERENCE: A2J/RFP/2022/03: To conduct the assessment of the situation of women and marginalized communities in access to justice in Karnali Province					
Request for Proposals for Services					
S. N.	Description	Unit (person, days etc.)	Quantity/ days	Rate	Amount (NPR)
Lot1	To conduct the assessment of the situation of women and marginalized communities in access to justice in Karnali Province				
1	Human resource cost				
1.1	Team Leader -Access to Justice (1)	Person			
1.2	GESI Expert (1)	Person			
1.3	Data Analyst (1)	Person			
1.4	Enumerators (5)	Person			
	Subtotal of human resources (1)				
2	Out of Pocket Expenses				
2.1	Travel Costs				
2.2	Daily Subsistence Allowance				
2.3	Communications				
2.4	Reproduction				
	Sub-total (2)				
	VAT @ 13%				
	GRAND TOTAL [1+2]				

Price Schedule for REFERENCE: A21/RFP/2022/03: " To conduct the assessment of the situation of women and marginalized communities in access to justice in Sudurpaschim Province					
Request for Proposals for Services					
S. N.	Description	Unit (person, days etc.)	Quantity/ days	Rate	Amount (NPR)
Lot2	To conduct the assessment of the situation of women and marginalized communities in access to justice in Sudurpaschim Province				
1	Human resource cost				
1.1	Team Leader -Access to Justice (1)	Person			
1.2	GESI Expert (1)	Person			
1.3	Data Analyst (1)	Person			
1.4	Enumerators (5)	Person			
	Subtotal of human resources (1)				
2	Out of Pocket Expenses				
2.1	Travel Costs				
2.2	Daily Subsistence Allowance				
2.3	Communications				
2.4	Reproduction				
	Sub total (2)				
	VAT @ 13%				
	GRAND TOTAL [1+2]				

Partial Quotes	<input type="checkbox"/> Not Permitted <input checked="" type="checkbox"/> Permitted [Contract will be awarded to the technically qualified lowest bidder in each lot] however partial quote within the same lot is not permitted.
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(Amount in Word:)

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

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



GENERAL TERMS AND CONDITIONS IN EXECUTION OF THE TASK**1. Force Majeure**

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

2. Arbitration

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

3. Termination

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

4. Law Applicable

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

5. Independent Relationship

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

6. Party's General Responsibilities

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

7. Workmen's compensation and other insurance

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

8. Source of Instruction

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

9. Prohibition on conflicting activities

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

10. Officials not to benefit

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

11. Assignment

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

12. Records, Accounts, Information and Audit

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

13. Language

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

14. Confidential Nature of Documents

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

15. Amendments

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

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

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

17. Taxation

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

18. Right of *A2J Project*

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

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

Late Delivery

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

19. Settlement of Disputes**Amicable Settlement**

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

STATEMENT OF COMPLIANCE WITH TERMS AND CONDITIONS

MUST BE DULY COMPLETED AND RETURNED WITH PROPOSAL.

Please confirm acceptance of the following:

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

Submitted by:

Name:

Organization:

Designation:

Address:

Telephone:

Email:

Web Portal:

Date:

Organization Seal: