INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: June 14, 2024

Ref: IC-UNSMIL-004

Office: UNSMIL Libya
Description of the assignment: Researcher Consultant
Project name: Housing Land and Property Rights (Seeding Change)
Type of Appointment: Individual Consultant (National)
Duty Station: Home-based and Tripoli
Duration of the contract: 4 months (July-October 2024)
Expected start date: July 2024

The proposal should be submitted by email to Tenders.ly@undp.org and copy Procurement.ly@undp.org by no later than June 25, 2024, at 16:00 hours Libya time ref. www.greenwichmeantime.com.

Any request for clarification must be sent in writing, or by standard electronic communication to the address or e-mail address: procurement.ly@undp.org. UNDP Libya Procurement Unit will respond in writing or by standard electronic mail and will send written copies of the response, including an explanation of the query without identifying the source of inquiry, to all consultants who express their interest.

I. Objectives

The consultant, in coordination with the other members of the research team and under the supervision of the UN country team, will be in charge of:

- Assessing the work of the 2006 Commission for Compensations of Property through a mapping of its database of files (over 25,000 demands) received between 2006 and 2015.
- Providing recommendations to ensure that the continuation of the Commission’s work, as defined through decree 472 of 2023 of the Government of National Unity, will be in line with previous achievements and avoid any duplication, while also correcting potential shortcomings in the provision of reparations as part of any future transitional justice mechanism.

By promoting and advancing compensations for HLP rights violations, as part of the transitional justice/national reconciliation process, the project will promote structural reform to prevent future HLP rights violations. It will ensure a human rights-based, gender and intersectional approach, looking into the specific impact of HLP policies on and violations against women, IDPs and other groups in situations of marginalization or vulnerability.

II. Background

a) State the mandate task(s) that will be advanced through this consultancy;

The project will contribute to the pledge of leaving no one behind and reaching the furthest behind first, as well as the achievement of several SDGs in the 2030 Agenda for Sustainable Development. The project will contribute to ensuring the right to adequate housing as a determinant of the right to an adequate standard of living as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to which Libya is a party.
The project will also contribute to collective Outcome 1.1 of the United Nations Sustainable Development Cooperation Framework for Libya (UNSDCF) 2023-2025 as it includes a focus on resolving HLP violations of IDPs and returnees in harmony and with full respect of the rights of communities hosting or receiving them and to providing remedies, justice, and durable solutions to HLP issues.

b) Describe how this service will help your team accomplish work plan goals;

Systematic HLP rights violations are, in many cases, the root causes of conflict in Libya and have also emerged as new Drivers of conflict, causing great levels of mistrust among citizens and institutions, leading to the erosion of social capital. Only by addressing unresolved grievances, which can feed new conflict and cycles of revenge, can sustainable peace be achieved, and trust between institutions and people be rebuilt. To that extent, the consultant’s work on redressing these HLP related violations/grievances is therefore at the core of reconciliation and transitional justice efforts.

c) Confirm that the required services cannot be provided by serving staff owing to a lack of specialized knowledge and/or expertise or capacity;

The consultancy requires specific knowledge of the Libyan housing, land, and property legal framework, which HRS staff do not have. Furthermore, it will require field research to conduct focus groups and qualitative interviews and access to the 2006 Committee database.

d) Describe the skills or knowledge the consultant possesses that regular staff do not have and confirm that these skills/knowledge is not continuously required. Please see c).

III. Functions to be performed must be SMART (specific, measurable, attainable, results-based and time-bound)

a) List the tasks required. The functions of a consultant normally involve analyzing problems, facilitating seminars or training courses, preparing documents for conferences or meetings or writing reports on matters within their area of expertise on which their advice is sought.

- Review the database of the demands received and filed by the 2006 Committee on Property Compensations from a human rights and gender-sensitive perspective;
- Assess of this dataset would enable us to answer key questions for the promotion of HLP rights as part of transitional justice in the future, such as: what specific requests were received? By whom? Where? How long did it take to address them? What was the outcome? Did the outcome vary per location or period?
- Develop of interview tools, and guide for focus groups discussions, key informant interviews, and qualitative analysis of data;
- Write research report including the results of dataset mapping and analysis;
- Prepare and present findings and recommendations during workshop with government stakeholders and other relevant partners, together with other members of the research team and UN staff.

b) Confirm that the assignments are temporary nature and capable of being completed within a limited and specified period. The assignment is of temporary nature as the report should be completed by the end of 2024.

c) Confirm that the consultant will not perform a representational or supervisory role.

The consultant will perform a research and analysis role. In meetings with external actors, the consultant will not represent UNSMIL. A HRS staff member will supervise the consultant and be present in meetings with government stakeholders.

d) Note where the consultant will be working, whether travel is required to perform the tasks, and whether a security assessment has been undertaken for any non-UN venue at which s/he will be working. The consultant will work remotely from Libya and will liaise with relevant other team members in the field.
IV. **Deliverables/outputs must be SMART (specific, measurable, attainable, results-based and time-bound)**

a) List all tangible and measurable outputs, objectives and targets of the work assignment, as well as specific activities to achieve the required outputs and targets;

1. **Mapping** data analysis related to individual and community property claims and compensations provided by the 2006 Committee to address the legacy of HLP rights violations in Libya. Sources for this mapping will include, among other:

- The 2006 Committee’s archives, which gathered a large amount of casework, copies of land titles, and other paperwork associated with the claims it received between 2006 and 2015.
- Case files and registration documents stored in national institutions such as People’s Courts or the “Socialist Real Estate Registry”, to track the changing title of properties over the years.
- Interviews with families and claimants themselves, who still hold their property documentation from both the pre-1969 and pre-1978 eras.
- Libyan civil society organisations in target areas that have been documenting claims related to property grievances and housing destruction including informal proofs such as utilities bills, local phone books or notarized witness statements.
- Data from FGD and KIIs with victims and victims’ organizations as well as other stakeholders.

2. Based on the research outcomes, proposing measures of restitution, reparations and compensations: the consultant will present, together with the other members of the research team and the UN staff, findings and recommendations during a workshop to be organized with legal experts, victims’ organizations and their representatives, to propose measures of redress and compensations based on the previous work and lessons learned from the 2006 Committee, to inform the future work of the Truth and Reconciliation Commission and Reparations Fund (envisioned by the PC proposed reconciliation law).

In particular, the workshop will look into the following:

a. Learning from Libya’s own experience as well as comparative experiences to identify the best legal framework for reforming property and land rights in Libya in line with international standards.

b. Discussing the pros and cons of various remedies to address land and property grievances for both owners and occupants, including measures of reparations, compensations, and restitution.

c. Exploring the possibility of identifying a legal framework for the installation of a future National Commission on Land and Property, building upon the work of the 2006 Committee.

d. Proposing a concrete roadmap to address housing and property grievances and legacies in Libya through political, social and legal measures, as part of a comprehensive transitional justice process and wider economic and governance reforms.

b) **Specific delivery dates and details as to how the work must be delivered (e.g. electronic submission, hard copy). Ensure that deliverables for remote work (e.g., home country) are separately explained with specific timeframe. The dates and details shall be subdivided into “milestones” where appropriate, linking deliverables with specific dates or periods. The payment of any instalments must be linked to satisfactory deliverable at specific time intervals as certified by the manager;**

Progress reports in English or Arabic should be required regularly to ensure the supervisor is holding the consultant accountable and monitoring progress. The consultant will have weekly calls with the supervisor/HRS transitional justice
team and will share biweekly written progress reports (max ½ page).
  o  Mapping and analysis – week 1-5
  o  Field research – week 5-6
  o  Submission of first draft of mapping report – week 8
  o  Workshop to present findings – week 10
  o  Review of report and recommendations based on workshop’s outcomes – week 12

c) Specify that advice given to counterparts should be reflected in memos shared with, or progress reports provided to, the UNSMIL supervisor. Seminars, trainings or workshops prepared or conducted by the consultant must result in a participant list and brief report on the objectives and outcomes of the event.

  N/A

d) Provide indicators for the evaluation of outputs, including timeliness, achievement of goals and quality of work;

Submission of all items listed in section IV/ a) according to the timeframe specified in IV/ b:

- Mapping and assessment of 2006 Committee database from a human rights and gender-sensitive perspective
- First draft of report
- Final draft of report

e) A final report is required, in English, approved by the supervisor, before the consultant will receive a final payment.

Payment will be made upon submission of all deliverables. Payment of fees will be explicitly subject to satisfactory completion of services at appropriate milestones.

V.  Duty Station:

Home-based and Tripoli, Libya

VI.  Duration of the Work

a) State expected duration of work. Emphasize expected date of full completion.
   • 4 months
   • End date: October 2024

b) List number of round-trip tickets required to meet work demands. Travel will not be paid for breaks within an on-going work period. 2 round trip ticket to Tripoli for the workshop (lump sum)

c) Indicate number of days in Libya and number of days working remotely.

The assignment will be carried at home and in Tripoli for the final workshop.

VII.  Eligibility criteria - Qualifications and Experience

a) Minimum level of education acceptable and the fields of studies preferred, if any. Masters in social science, law, political science or related field.

b) Minimum number of years of work experience in the preferred field of practice. 7 years of experience in legal analysis and research in related fields.

c) Identify special skills/experience and other qualifications that are either required or desirable for the tasks.

  ▪ Significant understanding of human rights, including HLP rights in international law and in Libyan context.
- Good contextual knowledge and understanding of human rights, justice and accountability efforts in Libya, especially HLP rights and IDPs in target areas.
- Good knowledge of international policy discussions around international humanitarian law and human rights, especially HLP rights and IDPs.
- Experience delivering evaluations of human rights projects, particularly with a multi-stakeholder involvement (i.e., (local) governments, civil society, communities).
- Access to target areas.
- Fluency in Arabic and English.

VIII. Documents to be included When Submitting the Proposals

Consultant shall submit the following documents:

- Personal CV or P11, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- Financial proposal in the UNDP format – Annex 3 and 3A.
- Applicants must submit a duly completed and signed Annex II Offeror’s letter to UNDP on behalf of OHCHR confirming interest and availability for the Individual Contractor (IC) assignment.

IX. Financial proposal

Lump sum contract

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

The Consultant will be responsible for all personal administrative expenses associated with undertaking this assignment.

Evaluation of applicants

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- Only those applications which are responsive and compliant will be evaluated.
- Offers will be evaluated according to the Combined Scoring method – where the technical criteria will be weighted at 70% and the financial offer will be weighted at 30%.
- Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.
- The financial proposal shall specify an all-inclusive daily fee and hourly fee.
- The top applicant with the Highest Combined Scores and that have accepted UNDP’s General Terms and Conditions will be awarded the Framework Agreements.
## EVALUATION CRITERIA

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<tr>
<th>Technical evaluation (70 points).</th>
<th>70 POINTS</th>
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<tr>
<td><strong>Academic Requirement</strong></td>
<td>20 Points</td>
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<td>Masters in social science, law, political science or related field.</td>
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<td><strong>Experience</strong></td>
<td>20 Points</td>
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<td>Minimum number of 7 years of experience in legal analysis and research in related fields, including land and property rights</td>
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<td><strong>Experience</strong></td>
<td>25 Points</td>
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<td>▪ Significant understanding of human rights, including housing, land and property rights and transitional justice in international law and in the Libyan context.</td>
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<td>▪ Good contextual knowledge and understanding of human rights, justice and accountability efforts in Libya, especially property rights in target areas.</td>
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<tr>
<td>▪ Good knowledge of international policy discussions around international humanitarian law and human rights, especially property rights and grievances as well as transitional justice</td>
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<td>▪ Experience working with victims</td>
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<td>▪ Experience delivering evaluations of human rights projects, particularly with a multi-stakeholder involvement (i.e., (local) governments, civil society, communities).</td>
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<td><strong>Language</strong></td>
<td>5 Points</td>
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<td>Fluency in Arabic and English.</td>
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<td><strong>Financial Evaluation</strong></td>
<td>MAX 30 POINTS</td>
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<td>Candidates obtaining a minimum of 49 points over 70 points would be considered for the Financial Evaluation - 30 points</td>
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<td>Lowest Price will be qualified with the maximum of 30 points. Higher prices will be qualified according the following calculation:</td>
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\text{FE} = \frac{\text{LFP}}{\text{FPI}} \times 30
\] | |
| FE= Financial Evaluation | |
| LFP = Lowest Financial Proposal FPI= | |
| Financial Proposal of bidder i | |
| **FINAL EVALUATION: TECHNICAL + FINANCIAL** | MAX 100 POINTS |
Note:

Applications without i) financial offer, ii) P11 form and iii) Documents mentioned under Technical Proposal will NOT be considered for evaluation. Financial proposal should be on provided format (i.e Annex 3- OFFEROR’S LETTER TO UNDP); Firms are not eligible for this consultancy assignment (open only for national individual consultants). Incomplete application will not be considered, it will be disqualified automatically. Please complete the Statement of Health form and submit along with proposal ANNEX- Statement of Good health ANNEX 1- TERMS OF REFERENCES (TOR) ANNEX 2 - INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS ANNEX 3- FINANCIAL PROPOSAL TEMPLATE