

Activating Village Courts in Bangladesh Phase II Project

Local Government Division (LGD)

Terms of Reference (ToR)

for Individual Contract (IC International -Team Leader)

For Mid-term Review of AVCB II Project

Location	Home-based and at Dhaka, Bangladesh
Application deadline	
Type of Contract	Individual Contract
Post Level	IC-International/Team Leader
Languages required:	English
Duration of Initial Contract:	30 working days over the period of 45 calendar days after signing the contract

BACKGROUND

Extensive case backlogs in the lower (formal) courts and complex, long and cumbersome procedural requirements is excluding large proportions of the population of Bangladesh, particularly the citizens living in poverty and makes them vulnerable to access to justice. To address these issues the Government of Bangladesh passed Village Courts Act 2006 which amended in 2013. For some, the Act was not functional and the local citizenry had limited enticements and/ or confidence in taking disputes to the village courts.

To overcome these, the Local Government Division (LGD) under the Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) implemented a pilot project Activating Village Courts in Bangladesh (AVCB) Project (2009-2015) in 351 unions of Bangladesh with financial and technical supports of EU and UNDP. The aim of the project was to improve access to justice by activating village courts in 351 unions of Bangladesh. In this regard, the piloted project provided supports for building the capacity of service providers, creating demand of village courts through its awareness raising initiatives, policy reform actions and strengthening institutional monitoring system.

The success of the piloted AVCB project has motivated the UNDP, EU, and GOB to increase the scale of the project in Bangladesh and launched the 2nd phase of AVCB project (2016-2019) in January 2016 targeting 21 million people of 1080 unions of Bangladesh in 27 districts under eight divisions. The Local Government Division (LGD) of the Ministry for Local Government, Rural Development and Cooperatives (MoLGRD&C) has been implementing this project with financial and technical support from the EU, GOB and UNDP. The overall objective of the project is to contribute to improving access to justice for disadvantaged and marginalised groups in Bangladesh. The specific objectives are

1. To make local authorities more responsive to local justice needs and offer appropriate legal services in the form of well- functioning village courts.
2. To empower local people, especially women, the poor and vulnerable groups to seek remedies for injustices and to resolve their disputes at the local level in an expeditious, transparent and affordable manner.

Phase II of the project has a strong focus on increasing gender equality and women's participation in, and access to, Village Courts from both quantitative and qualitative aspects. To contribute that women and other disadvantaged population can equally benefit from the project by accessing justice through VC, issues of gender equality are integrated in all aspects of the project implementation as a cross cutting issue. Project implementation strategy as outlined in the ProDoc includes the principle (principle four) on women's increased participation. Project planning documents (ProDoc, TPP) outlines different activities in this regard.

This project is implementing under National Implementation Modality (NIM) and there is a Project Management Unit (PMU) headed by National Project Coordinator. The day-to-day activities of the project are being implemented with the support of three components named Programme Components, M&E and Knowledge Management Component and Operations Component. In addition, four NGOs who have experience in dispute resolution and/or supporting Village Courts have hired by UNDP under Responsible Party Agreement (RPA) to implement several activities of the project. Besides this, two committees- the Project Steering Committee (PSC) headed by Secretary, LGD and the Project Implementation Committee (PIC) headed by Additional Secretary, LGD and National Project Director (NPD) have been providing policy guidelines and monitoring the progress of the programme, and guiding Project personnel in the preparation of the annual work plan.

According to TPP and ProDoc, a Midterm Review (MTR) are supposed to undertake just after two years (no later than 2 years after starting the activation phase) of the project implementation through commissioning one international and one national consultant. Hence the project has planned to hire one International and one National consultant to conduct the Midterm Review (MTR) of AVCB II Project.

The MTR will focus on the relevance, effectiveness, efficiency, and sustainability of project implementation. The findings of the review will be used for effective implementation during the rest of the period of the project.

Objective of Mid-Term Review:

To assess at what extent the AVCB II project is successfully achieving its desired outputs or results (short and medium-term), make strategic recommendations on how the Project and its partners can strengthen the programme for achieving the eventual objectives.

DUTIES AND RESPONSIBILITIES OF INTERNATIONAL CONSULTANT

- **Scope of Work:** The consultant will accomplish the following task as a team leader where one National Specialist will support him/her to produce and ensure the contractual deliverables: Prepare an inception report including methodologies and detailed action plan of the entire mission within four days from signing the contract;
- Meeting or interview with relevant Govt. officials, UNDP and EU authorities;
- A debriefing on the last day of the field mission with UNDP authorities (including project), the Local Government Division, MoLGRD&C , EU Delegation and other relevant stakeholders;

- Organize validation workshop at the end of the data collection and analysis to present preliminary findings, assessments, conclusions and, possibly, emerging recommendations to the evaluation reference group and other key stakeholders, and to obtain their feedback to be incorporated in the final drafts of the report.
- Prepare and Submit a draft MTR report (both hard and electronic versions);
- Prepare and submit high quality hard copy and electronic copy of Final MTR report including feedbacks of different stakeholders;
- The consultant will have to provide all soft copy of clean data (if applicable). Data file must be of an internationally recognized format for future necessary use.

With regard to the policy oriented progress, the review work will focus on:

- Assess GoB priority and status in relation to the law amendment process;
- Review various Government Orders (GO) issued to local administration and UPs in relation to strengthening the functions of village courts;
- Institutionalization of the sustainability issue with regard to Monitoring and Evaluation system and capacity building;
- Synergy and linkage with other Governance Project for mainstreaming village courts as a service delivery package of UPs;

Outputs/Deliverables:

It is anticipated that the contracted consultant will provide the following outputs to AVCB II project, UNDP:

- An inception report including methodologies and detailed action plan of the entire mission within four days of signing the contract;
- Field visit plan including meeting or interview schedule with the Govt. officials, UNDP, EU authorities ;
- Share preliminary findings including conclusions and possible recommendations after the field visits that will be presented in the validation workshop;
- Submission of draft MTR report (both hard and electronic versions);
- Submission of high quality hard copy and electronic copy of Final MTR report;
- The consultant will have to provide all soft copy of clean data (if applicable). Data file must be of an internationally recognized format for future necessary use.

Team Combination and Supervision:

The team will constitute with two members. One is Team Leader (IC- International) and another one is National Specialist (IC-National):

- One Team Leader (IC-International), with overall responsibility of providing guidance and leadership for conducting the assessment, and for preparing and revising draft and final report. The Team Leader will be an international professional with significant experience across a broad range of development issues. It is estimated that workload of the Team Leader will be 30 working days and the task under the assignment will have to be done in line with below mentioned Section – Time frame of the assignment.
- One National Specialist (IC-National), who will support the Team Leader and provide the expertise in specific subject areas of the evaluation, and will be responsible for data collection through qualitative and quantitative method, data analysis and interpretation, and drafting

relevant parts of the report with the guidance of Team Leader. The Specialist will be contracted to cover the following areas: evaluation expert, human rights and governance expert, Local justice and cross-cutting issues. It is estimated that workload of the team specialist will be 30 working days and the task under the assignment will have to be done in line with below mentioned Section – Time frame of the assignment.

- The UNDP will nominate one person from cluster or project as contract administrator of the contract, who will be responsible for the coordination of activities under this contract. Contract Administrator will be responsible for certifying that the work, tasks, assignment have been satisfactorily and also for receiving and approving invoices for payment etc.

Institutional Arrangement:

The evaluation team will consult and provide regular updates to the concern Port Folio Manager of Democratic Governance (DG) Cluster, UNDP. In addition, overall supervision and guidance will be provided by the Assistant Country Director, DG Cluster, UNDP.

Inputs (UNDP):

The client (AVCBII/UNDP) is only responsible to provide working/office space, transport facilities for field visit and limited logistic supports for report writing, and venue facilities for meeting and workshop (as needed). No ICT equipment and computer supports will be provided for this assignment to the consultant.

Time frame of the assignment:

This assignment can be for maximum of 30 working days over a period of 45 calendar days from signing of the contract. Tentatively-

- 04 days for literature review and submission of inception report-Home based work (for international consultant, it includes travel days from his/her home country to UNDP Bangladesh);
- 04 days for consultation with stakeholders- residing in Bangladesh;
- 10 days for field mission- residing in Bangladesh;
- 04 days for preparing debriefing note and preliminary findings on field findings and share with stakeholders in validation workshop- residing in Bangladesh
- 08 days for Final report preparation and submission–home based work (for international consultant, it is including travel days from Bangladesh to his home country)

Duty Station:

- **Home based work:** 12 days (preparation of inception reports and final report residing his/her home country) for international consultant, it includes travel to and from
- **Bangladesh:** 18 days (for consultation with stakeholders, field visit, preparing preliminary findings and debriefing note on field findings and share with stakeholders in validation workshop residing in Bangladesh).

REQUIRED SKILLS AND EXPERIENCE

Academic Qualifications:

Minimum Master degree in Law/ Social Science/ Public Policy/ Public Administration/ Sociology/ International Relations or any other relevant discipline. Advance degree in law will be given preference.

Experiences:

- Must be an international professional with at least 15 years of experience in governance, justice and human rights and have practical experience in formulating and evaluating governance and human rights related works specially in local justice/rule of law.
- Strong capacity of writing evaluation report including data collection using qualitative methods and data analysis;
- Good understanding of contemporary thinking on development practices and justice and human rights issues;
- Experience or knowledge of local justice, and broadly human rights and governance in Bangladesh and regional countries is essential;
- Previous experience of minimum five evaluations especially in the field of local justice and human rights;
- Publication on access to justice/Human Rights will be considered as an asset;
- Training on law and justice, paralegals, conflict resolution will be an added value;

Competencies:

- Good understanding of contemporary thinking on development practices and justice and human rights issues;
- Good understanding of local justice, and broadly human rights and governance in Bangladesh and regional countries is essential;
- Ability to plan, organize, implement and report on work Demonstrate Team Management Skill
- Excellent presentation and facilitation skills.
- Demonstrated review team management skills

Language requirements:

- Fluency in written and spoken English;
- Knowledge of Bangladeshi would be an asset.

Financial Proposal and Payment schedule:

The consultants would be required to submit a financial proposal. The proposal should consist of a lump sum figure for the whole assignment, which will include the daily consultant's fee, travel expenses to and from his/her residence/country to UNDP office at Dhaka, and per diem while on mission (in Bangladesh). Payment will be made to the consultant based on the payment schedule and full submission of the deliverables, upon its verification and approval by the contract administrator. Any travel costs outside Dhaka, but within Bangladesh, will be borne by UNDP/AVCBII.

Payment will be made as per following schedule:

Installment	Milestone/Deliverables	Days Worked	Payment %
1 st	Submission of Inception Report including detailed action plan	Within 05 working days from signing of the contract	20% of total fee
Final	Submission of hard copies and electronic copy of final report and getting approval from contract administrator	Within 30 working days from the signing of the contract	80% of total fee

Travel:

All envisaged travel cost must be included in the financial proposal. This includes all travel to join at duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. If the IC wish to travel on a higher class, s/he should do so using their own resource.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging, and terminal expenses should be agreed upon, between the respective business unit and IC, prior to travel and will be reimbursed.

Evaluation Method and Criteria:

The individual consultant will be evaluated based on the following methodologies:

Cumulative analysis:

A two-stage Cumulative Analysis procedure will be followed in evaluating the Individual Consultant. Evaluation of the technical proposal will be completed prior to any price proposal being opened and compared during desk review. The price proposal of the applicant will be asked and opened only for the consultant that passed the minimum technical score of 70% of the obtainable score of 70 points in the technical evaluation.

The financial proposal should be submitted following the UNDP guidelines and formats. UNDP's Procurement reserves the right to accept or reject any proposal.

At first stage the technical evaluation will be done based on following criteria:

Sl no	Criteria	Weight	Points
A.	Technical	70%	70
	Education of the consultant		10
1.	Professional experience in review/evaluation of development project and strategic framework development		25
2	Proposed methodology and approach in responding to the Terms of Reference		10
3.	Data analysis and report writing		10

4.	Practical experience or knowledge in justice system, governance, human rights related issues and cross cutting issues in south Asia with special focus in Bangladesh		10
5.	Training on law and justice, paralegals and conflict resolution		05
	Total		70

In the second stage, the price proposal of all qualified consultant, who have attained minimum 70% score in the technical evaluation, will be compared. The contract will be awarded to the consultant offering the “best value for money” based on the cumulative method.

In this methodology, Technical Criteria weight is 70 and Financial Criteria weight is 30. Accordingly, the maximum number of points assigned to the financial proposal is allocated to the lowest price proposal. All other price proposals receive points in inverse proportion. A formula is as follows:

$$p = y (\mu/z)$$

Where:

p = points for the financial proposal being evaluated

y = maximum number of points for the financial proposal

μ = price of the lowest priced proposal

z = price of the proposal being evaluated.

Document required:

Interested individual consultant should submit the following documents/information:

- A technical proposal (i) explaining their understanding of the work and (ii) provide a brief methodology on how they will conduct the work (500 words max);
- A financial proposal (including fees, international travel costs if applicable and per diems);
- Curriculum Vitae indicating relevant experience in similar field and at least 3 references.

Incomplete proposals will not be considered for evaluation.

REVIEW MANAGEMENT ARRANGEMENTS

The Review Team:

The Review Team (comprised of national and international consultants) will be responsible for conducting the evaluation in line with this ToR. This will entail, inter alia, preparing the inception report, conducting data collection, structured data documentation and analysis, presenting preliminary findings, conclusions and recommendations at debriefings and the stakeholder workshop, and preparing the first, second and final drafts of the assessment report as well as a draft Evaluation Brief.

Review Reference Group (RRG):

A review reference group as mentioned below will discuss key outputs from the review process and provide comments to the review team. The reference group will include representatives from:

- government stakeholders (ERD, IMED, LGD)
- key international development partners (EU, UNDP)

Phase 1: Data collection and analysis as disaggregated by sex and by other socio-economic, cultural identities

Data collection:

- The review team should establish a tentative schedule of its activities in consultation with UNDP CO, RRG. The field visits and observations should normally be arranged through CO. The schedule may need to be further adjusted during the data collection.
- The team will collect data according to the methodology proposed by him/her and as further defined by the RRG .

Data analysis:

The review team will analyse the data collected to reach preliminary assessments, conclusions and recommendations.

- Once the data is collected, the review team should dedicate some time to its analysis.
- Where possible, the review team should develop data displays to illustrate key findings;
- The outcome of the data analysis will be preliminary assessments for each review criterion/question, general conclusions, and strategic and operational recommendations;
- Once the preliminary assessments, conclusions and recommendations are thus formulated, the review team will debrief ERD, IMED, concern ministry (LGD) and CO to obtain feedback so as to avoid factual inaccuracies and gross misinterpretation.

Phase 2: Feedback workshop

A validation workshop will be organized by the team at the end of the data collection and analysis phase to present preliminary findings, assessments, conclusions and, possibly, emerging recommendations to the Review Reference Group and other key stakeholders, and to obtain their feedback to be incorporated in the early drafts of the report. AVCBP (Phase-II) will provide financial support and technical assistance to the team in organizing the workshop.

Phase 3: Drafting and reviews

First draft and the quality assurance – The Team Leader will submit a complete draft of the report to UNDP within two days after the feedback/validation workshop (but no later than 24 working days from signing of the contract). UNDP will accept the report as a first draft when it will be in compliance with the Terms of Reference, and satisfies basic quality standards. The draft is also subject to a quality assurance process through the Review Reference Group.

Final draft and the verification and stakeholder comments – The first draft will be revised by the Team Leader to incorporate the feedback from the external review process. Once satisfactory revisions to the draft are made, it becomes the second draft. The second draft will be shared with EU, UNDP CO and Government of Bangladesh for factual verification and identification of any errors of omission and/or interpretation. The Team Leader will revise the second draft accordingly, preparing an audit trail that indicates changes that are made to the draft, and submit it as the Final Draft. UNDP may request further revisions if it considers as necessary.

BACKGROUND DOCUMENTS:

The following documents will be provided to the consultant by UNDP/AVCB Project in order to perform the contract.

Core contextual documents

- Village Courts Act (Amended in 2013) 2006
- Village Courts Rules 2016
- Local Government (UP) Act 2009

Core UNDP and EU

- United Nations Development Assistance Framework (UNDAF)
- Country Programme document (CPD)
- EU Country Strategy Paper Bangladesh

Core programme documents

- ProDoc, TPP and other planning documents
- Baseline Survey Report and other study reports
- M & E Plan and LFA, Training Manual on Village Courts
- All Quarterly Progress Reports
- All Annual Progress Reports
- Field visit reports
- Approved AWP
- NGO Performance Evaluation Reports
- PSC meeting minutes
- PIC meeting minutes
- FAPAD Audit Reports
- Copy of the NGO contracts
- Other knowledge products produced under the project intervention