



UNITED NATIONS DEVELOPMENT PROGRAMME

PROCUREMENT NOTICE/TERMS OF REFERENCE

International Consultant:	International Consultant: Team Leader/ Impact Evaluation of the "Afghanistan Access to Justice" Project
Project title:	Law and Order Trust Fund (LOTFA) Rule of Law and Human Security Unit
Duration of assignment:	2 months (44 working days)
Duty station:	Kabul, Afghanistan (10 days) and Home Based (34 days)
Budget available for this IC:	Available

BACKGROUND

UNDP GLOBAL MISSION STATEMENT

UNDP is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 166 countries, working with national counterparts on their own solutions to global and national development challenges.

UNDP AFGHANISTAN MISSION STATEMENT

UNDP supports stabilization, state-building, governance and development priorities in Afghanistan. UNDP support, in partnership with the Government, the United Nations system, the donor community and other development stakeholders, has contributed to institutional development efforts leading to positive impact on the lives of Afghan citizens. Over the years UNDP support has spanned such milestone efforts as the adoption of the Constitution; Presidential, Parliamentary and Provincial Council elections; institutional development through capacity-building to the legislative, the judicial and executive arms of the state, and key ministries, Government agencies and commissions at the national and subnational levels.

UNDP Programmes in Afghanistan have benefited from the very active support of donors. UNDP Afghanistan is committed to the highest standards of transparency and accountability and works in close coordination with the United Nations Assistance Mission in Afghanistan and the UN system as a whole to maximize the impact of its development efforts on the ground.

ORGANIZATIONAL CONTEXT

Afghanistan Access to Justice Project has supported populations increased access to justice in particular for vulnerable and marginalized groups. The project includes all government justice institutions and is managed and executed by them. Interventions are organized around following thematic areas: (1) Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid; (2) Increased capacity and coordination among targeted justice institutions in relation to Elimination of Violence against Women (EVAW); (3) The Ministry of Justice strengthens its legislative drafting and human rights capacities; (4) The Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner.

The Mid-term evaluation of the project has confirmed its relevance and alignment with national priorities including the constitution, National Justice and Judicial Reform Plan and Afghanistan National Peace and Development Framework (17-21). The mid-term review found project's outputs being partially effective with some outputs being more successful than the others given geographical coverage, security and other constraints. For example, the MTR could not identify evidence on results achieved in relation to the implemented activities or quality data to support impact analysis with regards to the "Legislative drafting and human rights capacities {of the Ministry of Justice}" at the time of the mid-term review.

At the same time, another of the findings states that the access to justice has been increased through the public consultations at the provincial level, which is a contribution to the demand side of programming and showcases that the project has a basic understanding that "access to justice" requires not only strong institutions but also public awareness.

Having learnt from MTR, UNDP attempts to fill the data gaps and have this evaluation focus entirely on project's impact level results.

OVERARCHING OBJECTIVES OF THE IMPACT EVALUATION AND TWO FUNCTIONAL REVIEWS

This assignment will be two-folded consisting of:

1. Impact evaluation of the entire "Afghanistan Access to Justice" project
2. Separate horizontal Functional Reviews of the two project partners, e.g. BAR Association and Legal Aid Department of the Ministry of Justice

UNDP intends to conduct the Impact Evaluation and the two Functional Reviews with the overarching objective to learn from the present {completing} project and inject the knowledge gained into the new Access to Justice Project(s).

1. The Impact Evaluation on its own has an objective to measure impact of project's activities and results; to understand UNDP's management and implementation approach; to understand effectiveness, constraints and opportunities with regards to

improving citizen's access to justice system; and to inform UNDP, its national and international partners as well as donors about any areas of improvements and lessons learnt.

2. Two separate Functional Reviews of projects partners, namely the BAR Association and the Legal Aid Department of the Ministry of Justice, although conducted independently, will be an integral part of the final impact evaluation report. The functional reviews will be conducted horizontally and have an objective to analyze functions vis-à-vis services provided to and demanded by the citizens.

The mid-term review results should be taken into account while designing present impact evaluations' framework. This assignment will be conducted through a consultative process with UNDP, MOJ, Mol, project donors and beneficiaries.

Results of the Impact Evaluation and Functional Reviews will be officially published and be available for UNDP's national and international partners as well as donors.

PURPOSE OF THE ASSIGNMENT

Against this background, UNDP is hiring four independent consultants (two international and two national) to carry out the Final Impact Evaluation of the AA2J project with two Functional Reviews as part of this process which will be conducted through a consultative process with UNDP, MOJ, Mol, project donors and beneficiaries. The Impact Evaluations team will be comprised of the following members:

1. International Consultant: Team Leader, will focus on evaluation of final outcomes. Responsible for the final report.
2. International Consultant: Researcher, will focus on functional reviews of the two entities
3. Local Consultant: Data Collector in support of the evaluation of final outcomes.
4. Local Consultant: Data Collector in support of the Researcher for functional reviews.

Present TOR is defining the role and responsibilities of the Team Leader, who will be responsible for the final report on the Impact Evaluation as well as the Functional Review of the BAR Association and the Legal Aid Department of the Ministry of Justice being key partners in providing legal aid services to project beneficiaries.

The Team Leader will directly report to the Head of the ROLHS Unit and work under overall supervision of the Access to Justice Analyst and the Senior LOTFA M&E Advisor.

A. EVALUATION SCOPE AND OBJECTIVES

The impact evaluation's main objectives are:

- To inform UNDP, its national and international partners as well as donors about project's achievement, failures and impacts;
- To understand major factors which influenced achievement or non-achievement of

project's sustainability;

- To help national partners and UNDP identify any systematic gaps and issues that could be addressed in the future programming of strategies, policies and legislation;
- To review and report on beneficiaries' experiences and level of satisfaction with services provided within the scope of the project.

More specifically, the impact evaluation will provide an independent perspective about:

- Project's impacts in providing additional access to justice services to disadvantaged groups as specified in the Project Work Plans and evaluate beneficiary's satisfaction with these services;
- Timeliness and effectiveness of achievement of planned outcomes and outputs as specified in the Project Document and Revised Document (as of mid 2018) meeting expectations from partners and donors;
- Assess efficiency and effectiveness of stakeholders' involvement and related coordination mechanism;
- The Evaluation will also review the project's management and implementation approach

The impact evaluation should cover all partners (international and national) as well as programmatically all of its four Outputs:

- Output 1. **Legal Aid and Legal Awareness:** Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid
- Output 2. **Justice Sector capacity and strategic coordination with focus on EVAW:** Increased capacity and coordination among targeted justice institutions in relation to Elimination of Violence against Women (EVAW)
- Output 3. **Legal Protection:** The Ministry of Justice strengthens its legislative drafting and human rights capacities
- Output 4. **Project Management:** The Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner

The impact evaluation will cover Project's duration from April 2016 till end of December 2018.

B. EVALUATION APPROACH AND METHODOLOGY

The impact evaluation's methodology including evaluation framework will be designed by the independent evaluators team recruited for this purpose at the start of their assignment.

The evaluators are expected to suggest the right impact evaluation methodology and framework. The evaluation methodology should include a combination of qualitative and quantitative approach. The evaluation framework should outline the key evaluation questions, the sub-questions and related indicators as well as respective quantitative and qualitative data collection and analysis tools.

The evaluation specialists should review all relevant sources of information including documents and previous evaluations and assessments. The evaluation specialists will also interview all relevant stakeholders including all parties who have been contracted by the project or participate in meetings and discussions with the project.

The evaluation team should use internationally recognized methodologies to conduct present impact evaluation (OECD/DAC, World Bank, UNEG). Overall impact evaluation questions proposed here for the purposes of defining key UNDP's needs in understanding the impact are subject to independent evaluation team's review and further elaboration while designing the evaluation's framework:

Impact

- To which extent project's beneficiaries (men and women) had had a better access to formal justice resolution services provided through the project?
- To which extent had women, children, prisoners and pre-trial detainees, been increasingly aware of their rights following project's interventions in this regard?
- Has improved awareness and knowledge led to their ability to claim and obtain justice services through formal mechanisms?

Relevance

- To which extent did the project contribute to the national priorities? To which extent were the activities and outputs of the project consistent with the overall goals and the attainment of its objectives?
- Have capacities of project partners to draft laws, protect human rights, as well as justice services to the population increased as a result of project's interventions?

Efficiency

- Has project's resources been allocated and spent adequately to fulfill its objectives?
- Were objectives of the project achieved on time?
- Was the project implemented in the most efficient way compared to alternatives?

Effectiveness

- What factors have contributed to achieving/not achieving the intended results?
- To which extent was the project effective in implementing its interventions vis-à-vis the scope and scale of its results?

Sustainability

- Has project and partners undertaken necessary steps towards ensuring sustainability of systems and practices built while implementing project?

- What were the major factors which influenced achievement or non-achievement of sustainability of the project?

II. FUNCTIONAL REVIEW

In addition to assessing the evaluation questions above, the evaluator team should analyze any other pertinent issues that need addressing or which may or should influence future UNDP programming in the area of access to justice. As such, Horizontal Functional Reviews of the two of project's partners is planned as part of the overall impact evaluation scope:

1. BAR Association
2. Legal Department of the Ministry of Justice of Afghanistan

Overall purpose of the Functional Reviews is to advice these institutions and higher-level management on reduced bureaucracy, optimized government expenditures and organizational structures. Secondary purpose includes identification of the gaps in checks and balances for corruption prevention.

DATA COLLECTION

Data collection should be done using ROLHS unit's recruited resource – www.ona.io. Evaluation team will be guided by the ROLHS unit's M&E team on the use of the platform.

TARGET GROUPS AND SOURCES OF INFORMATION:

The evaluation team should strive to reach as many people as possible, ensuring diversity of various stakeholder groups, as well as to review existing reports and data for an enriched evaluation.

A provisional list of stakeholder groups that should be consulted during the evaluation is given below and will be updated once the consultant is on board:

1. Access to Justice Institutions: Ministry of Justice, Courts (Family, Supreme), BAR Association, legal clinics and others
2. Civil Society Organizations partnered with the project
3. Project's direct beneficiaries: women and men detainees, women and men beneficiaries of legal aid services, other target beneficiaries as per Project Document
4. Local leaders and the general public
5. Project's donors and International Partners
6. UNDP Country Office

7. AA2J Project Staff in Kabul

Expected Outputs, Deliverables and Timelines:

The following key deliverables are expected from this assignment:

Impact Evaluation inception report— Evaluation Inception Report should consist of the methodology, evaluations framework (quantitative and qualitative impact evaluation methods), be produced based on a review of all relevant documents and initial consultations. It should be presented to the UNDP Rule of Law Unit, PSRT, UNDP Senior Management and other stakeholders to explain the objectives and methods adopted for the evaluation.

- a. The purpose, objective, and scope
- b. Work Plan with clear timelines
- c. Methodology and Impact Evaluations Framework (with indicators, data collection methods and tools)
- d. Any limitations and assumptions

The Inception phase should embrace a Work Plan and Methodology for the Functional Reviews of the BAR Association and the Legal Aid Department of the Ministry of Justice. Methodology should be complete and have sets of questionnaires presented to the UNDP Team for review and approval.

- 2) **Initial findings presentation** - An initial findings presentation and report, presented on the last day of the Impact Evaluation and Functional Analysis mission.
- 3) **Draft evaluation report** - Full draft report and annexes should be submitted, UNDP and key stakeholders in the evaluation will review the draft evaluation report to ensure that the evaluation meets the required quality criteria. See section below 'Suggested Template to Final Evaluation Report'. **Draft Functional Review Reports** for BAR Association and the Legal Department of the Ministry of Justice.
- 4) **Final evaluation report** - Revised report with audit trail detailing how all received comments have (and have not) been addressed in the final Evaluation report.
- 5) **Final Functional Review Report** - revised report based with audit trail detailing how all received comments have (and have not) been addressed in the final Functional Review Reports

EXPECTED DELIVERABLES:

#	Deliverable	Number of working days	Due date
1	<p>Deliverable 1:</p> <p>Part 1: Submission and Acceptance of Final Impact Evaluation's Inception Report: team clarifies objectives and methods & methodology of final evaluation;</p> <p>Part 2: Submission and Acceptance of Initial Findings Presentation and three Reports: 1. Initial Findings presented; 2. Functional Review of the BAR Association; 3. Functional Review of the Legal Aid Department of the Ministry of Justice;</p>	<p>Inception Report due 1 week (7 days) after signature of contract</p> <p>Initial Findings Presentation and report to be presented on final day of mission to Afghanistan (10 working days in Kabul)</p>	<p>Approx. January 31, 2019 (earlier if possible)</p>
3	<p>Deliverable 3: Submission and Acceptance of Draft Final Reports of the Impact Evaluation and the two functional reviews: Full reports with Annexes – <u>shared deliverable with the Researcher</u></p>	<p>Due 2 weeks (14 days home based) after submission of Initial findings presentation and report</p>	<p>Approx. Feb 14, 2019 (earlier if possible)</p>
4	<p>Deliverable 4: Submission and Acceptance of Final Report: Revised report with audit trail detailing how all received comments have (and have not) been addressed in the final evaluation report; Expected to be completed within 1 week of receiving UNDP comments on draft.</p>	<p>Due 2 weeks (13 days home based) after the submission of the Draft Final Report.</p>	<p>Approx. Feb 28, 2019 (earlier if possible)</p>

NOTE

EXISTING INFORMATION SOURCES:

Process and recommended methodology:

The Evaluation and evaluation report will follow UNDP, World Bank (Impact Evaluations Guide) and UN Evaluation Group (UNEG) Norms and Standards for Evaluations.

Accountabilities:

UNDP project staff will be accountable for coordination of stakeholders' involved, organizing field-visits, focus groups, and other logistical issues. UNDP CO/programme staff will be accountable for reviewing/approving of intermediate and final evaluation results. The evaluator shall be independent in evaluation exercise, however taking into account sensitive issues which may arise during the course of assessment. There are no specific concerns related to conflict of interest.

- Specify the roles and responsibilities of the Programme Unit/Chief PSRT/M&E Specialist/Team leader and team members, as well as other stakeholders and advisory structures involved, e.g. steering committees. This section should clarify who is responsible for:
 - Liaison with the Evaluation/Study/Survey team
 - Providing technical guidance
 - Co-ordinating the stakeholders involved
 - Selection, orientation and training of team members, data collection assistants where applicable, interpreters
 - Approval of intermediate and final products
 - Capacity-building with stakeholders, national or other (a possible responsibility of the evaluation team).
 - Specify any concerns or restrictions related to conflicts of interest.

The AA2J team will serve as the primary contact with the Evaluation team. Technical guidance will be provided both from the Rule of Law Unit, Programme Strategy & Results Team (PSRT) as well as the Regional M&E Advisor (or equivalent). The Programme Unit together with AA2J team will coordinate the e.g. key informant interviews, consultative meetings and field visits with duty-bearers and rights-holders. The Office M&E team will also serve as a consultative body, which will review the preliminary findings and draft report. The Head of the Rule of Law Unit will give approval for the final Evaluation report.

Payment Modality, Schedule and Percentage:

Payments under the contract will be linked to deliverables and made on receipt of the specific milestones indicated above, and including a timesheet according to UNDP procurement formats for individual contractors:

1. The first payment upon completion of Deliverable 1, 30%
2. The second payment upon completion of Deliverable 2, 30%
3. The third payment upon completion of Deliverable 3, 40%

The payments will be paid upon the full completion and acceptance of contractual obligations whereupon the Chief of UNDP Rule of Law and Human Security (ROLHS) Unit signs the certification of acceptance.

WORKING ARRANGEMENTS

Institutional Arrangements:

The International Consultant will work in the ROLHS team led by ROLHS Unit Head and under the overall supervision of the Senior M&E Advisor and the Access to Justice Analyst. The consultant shall work in close collaboration with other members of the M&E team, the UNDP ROLHS Unit, and as well as other units within the UNDP Country Office.

The ROLHS Unit will provide office space and internet facility, logistical and other support service including transport and security applicable to UNDP international personnel. The consultant however is expected to bring his/her own laptop and mobile phone and meet local communications costs (ROLHS Unit will provide a local pre-paid SIM card). Costs to arrange meetings, workshops, travel costs to and DSA during field visits (if any), etc. shall be covered by the ROLHS Unit.

Duration of the Work:

Performance of the works under this contract shall be completed within 2 months (with maximum of 44 working days) after signing the contract, including all preparation works and on-site visits. The target date for the start of the works will be January 1, 2019.

Duty Station

Work will be carried in and out of country. When in-country, the duty station for the contractor staff is Kabul, Afghanistan although some field visits outside Kabul may be necessary. Before planning field visits, Contractor shall provide CV of visiting representatives for approval. When in Kabul, the contractor will be based at and report regularly to the ROLHS Unit (UNOCA) during the working hours, security conditions permitting. The contractor will follow the working hours and weekends as applicable to UNDP CO staff. Contractor's movement for meetings and consultations shall be coordinated by the ROLHS Unit. The contractor is at all times required to observe UNDP security rules and regulations. When out-of-country the contractor may work either at home or at the home-base location.

REQUIREMENTS FOR EXPERTISE & EXPERIENCE

Required expertise and experience:

- At least 10 years of extensive experience in conducting development projects evaluations, impact evaluations, project reviews and/ or research in development context
- At least 10 years of management and leadership experience in managing diverse teams of researchers, data collectors and development practitioners;
- Excellent communication skills both written and verbal
- Previous experience working with the UN and international donors;
- Experience of working in fragile conflict affected states and (desirable) specific experience and expertise in post-conflict reform of law and order.
- Extensive in working in multi-cultural teams.

Language:

- Excellent written and oral English.

Core competencies:

- Promotes ethics and integrity and creates organizational precedents;
- Builds support and political acumen;
- Builds staff competence and creates an environment of creativity and innovation;
- Builds and promotes effective teams;
- Creates and promotes environment for open communications;
- Leverages conflict in the interest of UNDP and sets standards;
- Shares knowledge across the organization and builds a culture of knowledge sharing and learning.

Price Proposal and Schedule of Payments:

The contractor shall submit a price proposal as below:

- **Daily Fee** – The consultant shall propose a daily fee, which should be inclusive of her/his professional fee, local communication costs and insurance (inclusive of medical health insurance and evacuation). The professional daily fee, all inclusive of the above elements, shall be paid upon submission of timesheet. The number of working days for which the daily fee shall be payable under the contract is **44 working days maximum**.
- **UNDP will provide accommodation free of charge to the Consultant.** The contractor is NOT allowed to stay in a place of his choice other than the UNDSS approved places. UN will provide MORSS compliant accommodation in UNOCA to the contractor;
- **Travel & Visa** – All airfares and travels costs for one trip, including visa on arrival charges will be borne by the project.
- **Payment schedule** - Payments shall be done upon verification of completion of specific reports, deliverables and approval by the consultant's supervisor/ UNDP management.

Evaluation Method and Criteria

Individual consultants will be evaluated based on the following methodology:

Cumulative analysis

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

- Responsive/compliant/acceptable; and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

Technical Criteria weight 70%;

Financial Criteria weight 30%.

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.

Technical Criteria 70 points:

Qualification and Experience (70 marks) [evaluation of CV]:

- General Qualification (30 marks);
- Experience relevant to the assignment (40 marks).

Documents to be included when submitting the proposals:

Interested individual consultants must submit the following documents/information to demonstrate their qualifications in one single PDF document:

- Duly accomplished Confirmation of Interest and Submission of Financial Proposal Template using the template provided by UNDP (Annex II) as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references.
- Personal CV indicating all past experience from similar projects.