



UNITED NATIONS DEVELOPMENT PROGRAMME

PROCUREMENT NOTICE/TERMS OF REFERENCE

International Consultant:	International Consultant: Researcher for the Impact Evaluation and the Functional Reviews 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.

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 Researcher, who will be responsible for providing support to the Team Leader in Implementing Counterfactual Analysis with regards to the Impact Evaluation and responsible for conducting and reporting on 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 Researcher will directly report to the International Consultant/ Team Leader and work under overall supervision of the Access to Justice Analyst and the Senior LOTFA M&E Advisor.

I. SCOPE AND FOCUS

Final Evaluation of the "Afghanistan Access to Justice" project should cover 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.

Project's duration is from April 2016 till end of December 2018. The limits of the Evaluation should be acknowledged within the scope of the project and the project document.

FUNCTIONAL REVIEW

In addition to assessing the evaluation questions, the evaluation 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 advise 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.

Following key elements should be assessed during functional review of the abovementioned organizations separately for each and should be part of the methodological note:

- I. Organizational structure mapping with outline of the mandate as per policies
- II. Analysis of the actual service delivery vis-à-vis functions/functional responsibilities of key staff members of the BAR Association and the Legal Aid Department of the Ministry of Justice. An outcome of this process among others should be the list of **existing services matched with functions in the "tashkeels"**. As part of this process, a comprehensive review and analysis of the human resources policies and practices should be conducted: recruitment process; analysis of the budget allocation for staffing: pay-scale, grading system.
- III. Analysis of the demand for the services, functions by institution's clients: rapid citizens' expectations survey. An outcome of this process among other should be the identification of **demanded services by the citizens** (men and women separately).

Another aspect of the process should help in identification of opportunities for increased quality and comprehensiveness of service delivery by these institutions. Review of "check and balances" put place for corruption prevention to be documented.

- IV. Recommendations on optimized organization structure and additional if any services or new approach to service provision should be clearly articulated (functional composition of teams based on identified services; budget needs if any).

Where possible, a small rapid corruption survey may be considered.

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, representatives of beneficiary groups and direct beneficiaries
3. Project's direct beneficiaries: clients of services, 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:

- 1) **Functional Review inception report**

The Inception phase should embrace a Work Plan and Methodology for the Functional Reviews of the BAR Association and the Legal 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 Functional Review Reports as part of the Impact Evaluation Report with Annexes** for BAR Association and the Legal Department of the Ministry of Justice
- 4) **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
- 5) **Support provided to the Team Leader** – support to the team leader in conducting Impact Evaluation of the AA2J project, particularly in part related to the Counterfactual Analysis process together with the Data Collectors.

EXPECTED DELIVERABLES:

#	Deliverable	Number of working days	Due date
1	Deliverable 1 Part 1: Functional Review inception report as part of the Impact Evaluation Inception Report (submitted jointly by the Evaluation Team) Part 2: Initial findings presentation - an initial findings presentation and report, presented on the last day of the Impact Evaluation and Functional Analysis mission	Inception Report due 1 week (7 days) after signature of contract Initial Findings Presentation and report to be presented on final day of mission to Afghanistan (10 working days in Kabul) 30%	Approx. January 31, 2019 (earlier if possible)
3	Deliverable 3: Submission and Acceptance of Draft Final Reports of the Impact Evaluation and the two functional reviews: Full reports with Annexes	Due 2 weeks (14 days home based) after submission of Initial findings presentation and report 30%	Approx. Feb 14, 2019 (earlier if possible)

4	Deliverable 4: 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	Due 2 weeks (13 days home based) after the submission of the Draft Final Report. 40%	Approx. Feb 28, 2019 (earlier if possible)
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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:

- Hands-on experience in conducting functional, institutional reviews and capacity assessments (at least 5 years)
- Experience in conducting evaluations and research in development context (at least 5 years)
- 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/LOTFA 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.