

MID TERM EVALUATION

Strengthening Accountability and Rule of Law (SARL)

Evaluation Terms of Reference

1. Background

The UNDP Country Programme (CPD 2018-2022) support the implementation of the 2030 Agenda and Sustainable Development Goals within the framework of addressing the challenges of multiple transitions in Myanmar. The current Country Programme is built on the achievements of the previous programme but represents a shift towards more integrated programming at the national and sub-national levels and support to United Nations -wide initiatives to better address the interlinkages between peacebuilding and social cohesion, governance, environment and natural resources management, resilience, urbanization and balanced and inclusive growth. This integrated approach is designed to break silos and strengthen horizontal linkages across state and non-state actors as well as vertical linkages across administrations at district, township, state and union level through area based programmes.

The UNDP Country Programme is firmly aligned with the Myanmar Sustainable Development Plan (MSDP) and it focuses on delivery of the following two outcomes:

- (i) **Peace and Governance:** People in Myanmar live in a more peaceful and inclusive society, governed by more democratic and accountable institutions, and benefit from strengthened human rights and rule of law protection; and
- (ii) **Planet and Prosperity:** Myanmar becomes more resilient to climate and disaster risk with efficient environmental governance and sustainable use of natural resources.

Under outcome Peace and Governance, the Strengthening Accountability and Rule of Law (SARL) overall goal is to strengthen accountability and the rule of law for increased trust in state institutions at a critical time in Myanmar's transition. Building on the clear initiative of all three branches of the state to promote transparency and accountability, while recognizing the challenges involved in countering corruption, strengthening parliamentary oversight, and promoting adherence to principles of administrative justice and rule of law, the project helps to strengthen institutional frameworks and capacities for good governance. The project also empowers rights holders and engages them in accountability mechanisms.

For Myanmar to continue making progress in democratic governance based on the rule of law, all three branches of government will need to be strengthened, as well as the systems that enable the three branches to work together and to act as checks and balances on each other. It also requires the justice sector institutions – most notably the Union Attorney General's Office, the police and the Judiciary – to increase their ability to coordinate better and properly redress injustices. For Myanmar's progress towards democratic governance to be inclusive and sustainable, people's experiences must also improve when seeking out essential government services, whether they are administrative in nature or involve the prosecution of criminal offences. The key challenges that need addressing are discussed below for the Executive and Legislative branches of government, and the justice sector more broadly.

The project is organized into three intervention areas: (1) Anti -Corruption, (2) Parliamentary oversight and Member of Parliament representation, (3) Rule of law and human rights. The project therefore has the following three mutually reinforcing outputs:

- ❑ Output 1: Access to public services becomes more fair, transparent and accountable through enhanced administrative systems and anti -corruption measures
- ❑ Output 2: Parliaments are better able to engage with and represent the rights and interests of the public
- ❑ Output 3: Justice sector strengthened to administer justice according to rule of law and human rights

Output 1 focuses on anti-corruption and integrity. SARL supports the Anti -Corruption Commission to lead a national effort to tackle corruption and to promote transparency and accountability. It also works with line ministries and other institutions to strengthen frameworks for improved ethics and integrity across all levels of public service and help ensure that administrative services are delivered in a fair, unbiased and non -discriminatory manner.

Output 2 focuses on parliamentary support, on which it coordinates with UNDP's Support to Effective & Responsive Institutions Project (SERIP). While SERIP concentrates on strengthening the law-making process in Union and Region & State parliaments, SARL strengthens oversight mechanisms through committee processes, and improves MPs' capacity to fully represent the interests of their constituents, especially when grievances from the constituency level are raised.

Output 3 relates to work with the UAGO, the OSCU and the MNHRC to strengthen the application of rule of law and administrative justice principles, and to promote awareness and protection of human rights. Across these areas of intervention, people will be engaged to increase their role in accountability mechanisms, administrative review and oversight processes.

Overall, SARL adopts a multi-level approach, from Union and State/Region level to community level. At the Union and State/ Region level, the project seeks to strengthen their capacity and internal accountability mechanisms so that they serve as a check and balance on each other, as proscribed in the 2008 Constitution. At community level, the project creates awareness and promotes the protection of citizen's rights, among others through civil society partnerships.

Basic project information can also be included in table format as follows:

| Project Identification | | |
|------------------------|---|----------------------|
| Project Title: | Strengthening Accountability and Rule of Law (SARL) | |
| Project ID: | 00107427 | |
| Output IDs: | Output Name | Output Number |
| | Output 1: Anti -corruption | 00107734 |
| | Output 2: Parliamentary Oversight | 00109039 |
| | Output 3: Rule of Law and Human Rights | 00109305 |

| Linkages to Myanmar Sustainable Development Plan (MSDP), UNDP Country Programme Document (CPD) and Strategic Plan (SP) | | |
|---|---|-----------------------------|
| MSDP Goal and Strategy: | <p>MSDP Goal 1: Peace, National Reconciliation, Security and Good Governance</p> <p>MSDP Strategy 1.3: Promote greater access to justice, individual rights and adherence to the rule of law</p> <ul style="list-style-type: none"> - MSDP Strategic Outcome: Legal rights of individuals and the national interest protected - MSDP Strategic Outcome: Improved public trust and confidence in the justice system | |
| CPD Outcome/ Outputs: | <p>CPD Outcome 1: People in Myanmar live in a more peaceful and inclusive society, governed by more democratic and accountable institutions, and benefit from strengthened human rights and rule of law protection</p> <p>CPD Output 1.1: Effective public institutions enabled to develop and implement evidence-based policies and systems that respond to the needs of the people</p> <p>CPD Output 1.2: Institutions at union and subnational levels enabled to develop effective systems and procedures for performing their representative and oversight functions</p> <p>CPD Output 1.4: People have improved access to responsive inclusive and accountable justice services and national human rights protection mechanisms in compliance with rule of law and international standards</p> | |
| Project Output Statements: | <p>Project Output 1: Access to public services become more fair, transparent and accountable through enhanced administrative systems and anti-corruption measures (GEN 2).</p> <p>Project Output 2: Parliaments are better able to engage with and represent the rights and interests of the public (GEN 2).</p> <p>Project Output 3: Justice sector strengthened to administer justice according to rule of law and human rights (GEN 2).</p> | |
| UNDP SP Outcome: | <p>SP Outcome 1: Advance poverty eradication in all its form & dimensions</p> <p>SP Outcome 2: Accelerate Structural Transformations for Sustainable Development</p> | |
| UNDP SP Output Statement: | <p>SP 1.2.3 Institutions and systems enabled to address awareness, prevention and enforcement of anti-corruption measures to maximize availability of resources for poverty eradication</p> <p>SP 2.2.2 Constitution-making, electoral and parliamentary processes and institutions strengthened to promote inclusion, transparency and accountability</p> <p>SP 2.2.3 Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination with a focus on women and other marginalised groups.</p> | |
| Project Information | | |
| Project Duration: | Start Date: 01.06.2018 | End Date: 31.12.2022 |

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|--|---|
| Implementing Partner: | UNDP |
| Responsible Parties: | Legal Clinic Myanmar (LCM), Thazin, International Legal Foundation (ILF) |
| Grantees: | Humanity Institute, Shingnip, Spectrum, Ethnic Equality Initiative, Ahlin Bamaw, Loi Yang Bum, Kachin Baptist Convention |
| Key Stakeholders: | The Myanmar Anti-Corruption Commission, the Union Parliament and targeted Region and State parliaments, the Union Attorney General's Office, the Office of the Supreme Court of the Union, the Union Civil Service Board, and the Myanmar National Human Rights Commission. |
| National Coverage: | Yes |
| Regions/ States covered: | Kachin, Rakhine, Yangon and Nay Pyi Taw |
| Project Budget | |
| Budget for Project Cycle: | US\$ 27,037,305 |
| UNDP Contribution: | US\$ 2,670,449 |
| Unfunded: | US\$ 17,557,629 |
| Donor Contributions: | US\$ 6,809,227 |
| Donor Contributions | |
| United Kingdom (DFID) | US\$ 1,708,211 |
| UN Peacebuilding Fund | US\$ 1,139,807 |
| Government of Japan | US\$ 717,048 |
| Australia (DFAT) | US\$ 656,994 |
| Norwegian Ministry of Foreign Affairs | US\$ 641,000 |
| Government of Canada | US\$ 611,436 |
| United Kingdom (FCO) | US\$ 568,700 |
| Kingdom of the Netherlands | US\$ 507,457 |
| Government of Australia (ACPIS) | US\$ 100,000 |
| UNHCR | US\$ 88,574 |
| UNDP Seoul Policy Centre | US\$ 70,000 |
| Focal Point for the Project | |
| Project Manager: | Thomas Crick |
| Project Focal Points: | Wouter Thiebou, Kaspar Burger, Elzar Elimanov |
| Chief Technical Advisors: | Scott Ciment (Rule of Law) |

2. Current Context

As COVID-19 spreads globally, it is a massive health, humanitarian, and development crisis. Due to the pandemic, Myanmar, especially the border regions: Kachin State, Shan State and Kayin State have terrible negative impact. Due to porous border, Myanmar received the immediate return of large influx of migrant workers from China and Thailand where the large hotspots of outbreaks exist. E.g. according to MOHS data, more than 23,000 people returned to Myanmar from Thailand via Myawaddy from March 19 to 28.

While concerns have been raised about Myanmar's capacity to manage the coronavirus given its poor healthcare infrastructure, the country's displaced populations face even greater risks. Most are trapped in dangerously overcrowded camps with severely substandard health care and inadequate access to clean water, sanitation, and other essential services. Many displaced people have underlying medical conditions and chronic diseases, putting them at high risk of suffering serious effects from the virus.

The impact of economic fluctuations related to the COVID-19 pandemic is likely to disproportionately harm poor and vulnerable households. With travel and border trade restrictions in place, the impact is in Myanmar's tourism-related services, agricultural exports to China, and in supply-chain disruptions to the manufacturing sector. Every day, people are losing jobs and income, with no way of knowing when normality will return. Myanmar's GDP growth is projected to slow to between 2 and 3 percent in the current fiscal year due to the COVID-19 pandemic, with the brunt of the outbreak's economic impact likely to be borne by poor and vulnerable households across the country according to recent world bank report.

UNDP SARL works with The Myanmar Anti-Corruption Commission, the Union Parliament and targeted Region and State parliaments, the Union Attorney General's Office, the Office of the Supreme Court of the Union, the Union Civil Service Board, and the Myanmar National Human Rights Commission etc. Because of the Covid-19 crisis, there is wide shift of their focus and priorities of these counterparts to the crisis response.

Given the current Covid-19 pandemic there is also an expectation that this will also impact and delays in UNDP programme and project implementation. However, UNDP Myanmar remains fully operational and is adapting the way it works and focused on COVID-19 response. UNDP is mobilizing all assets to respond to this unprecedented challenge. UNDP Myanmar have transitioned all critical operations to digital and virtual platforms, enabling teams to continue delivering effectively despite restrictions on movement and physical interaction. With the changing context, emerging needs and priorities UNDP Myanmar is also revisiting the Programme strategy and business processes to be more relevant to this crisis. UNDP Myanmar had conducted Programme and operational criticality exercise to review and identification of critical programme areas and activities that will continue and activities that will be postponed or canceled. Some activities are paused or downscaled and looking for opportunities to be redirected to new priorities.

UNDP globally has developed a COVID-19 response focused on three immediate priorities including health systems support, inclusive and integrated crises management and response, and social and economic impact needs assessments and response. The Myanmar Country Office is preparing its response plan building on these three priority areas and in line with the current requests and priorities of the Government of Myanmar, current Programme areas and in response to broader UN Country Team collaboration across a range of development areas. Rapid response funds are new core funds being made available by UNDP headquarters to respond to this crisis, while flexibility have also

been provided to the county offices to repurpose existing core funds towards this response, if necessary. In this context, UNDP have also been advised by cost -sharing donor partners that funds can also be repurposed towards COVID response if required.

UNDP intends to fully leverage its existing programme, staff and technical capacities and most importantly partnerships at the union, state and regional levels and with the communities to roll out the response in terms of community engagement and awareness raising, strengthening local government's capacity plan, coordinate, budget and deliver essential services including to migrants and IDPs, and bolstering public health systems. With many of our partners, particularly in the local government, capacities are being enhanced to be able to work and manage remotely through online systems. UNDP is working closely with local partners that allows local solutions to COVID -19 humanitarian and development needs, to be designed together with local partners, and in coordination with the host government.

Some activities that have been identified include community and anti-stigmatization awareness, expansion of use of digital technologies, private sector engagement and corporate social responsibility, volunteerism and social cohesion, resilience and recovery, support to MSMEs as well as health systems support and socio-economic impact assessments at the sub -national levels.

UNDP Myanmar is also streamlining policies and procedures for greater agility, increasing our flexibility to receive and deliver private sector and other financing, and taking steps to initiate innovative approaches like next generation network of innovation and digital solutions across the country — a crucial institutional asset in responding to this complex, fast -moving crisis. Accelerator Lab will be sensing on-the-ground changes and sourcing local solutions for this crisis response.

Midterm Evaluations is expected to assess UNDP project performance in areas that are critical to ensuring sustained contribution to development results and the context of emerging development issues and changing priorities at the national levels. To this end, this evaluation also needs to review project strategy, focus areas, partnerships, programmatic approaches, cooperation modalities, or business models considering current crisis scenario.

3. Evaluation Purpose, Objectives and Scope

The Mid-Term Evaluation (MTE) will assess the progress towards the achievement of the project objectives and outcomes as specified in the project document and identify early signs of project success and areas for improvement that will guide the future direction of the project. The evaluation will be based on data available at the time of evaluation and discuss outputs delivered by the programme from the time of inception, June 2018, until March 2020. The primary audience for the evaluation will be the Government of Myanmar, development partners and UNDP. The secondary audience for the evaluation will be the other stakeholders.

The specific objectives of mid -term evaluation are to review and make recommendations related to;

- access to public services are more fair, transparent and accountable through enhanced administrative systems and anti -corruption measures;
- parliaments are better able to engage with and represent the rights and interests of the public;
- justice sector strengthened to administer justice according to rule of law and human rights.

- partnership arrangements with the Implementing partners put in place by the project are effective;
- cross cutting issues have been well integrated in the project
- the current organizational and institutional capacities (staffing, structure etc.) are appropriate to deliver the project results

The first stage of the MTE will be to conduct a review of the current context, building on relevant context analysis and taking into account the latest socio-economic and political developments locally as well as relevant developments at a global level since the inception of the project in 2018.

The second stage is to assess the relevance of the project to the current context, by identifying challenges and ways to overcome or mitigate them, and to provide lessons learnt taking into account the emerging national and global development priorities. The final stage will be the provision of key recommendations including improvements in performance and results, proposed adjustments to the design of the project including programmatic focus (structurally and through a revised Results and Resources Framework) and the development of elements that can be considered to inform the planning of the next phase of the project.

4. Evaluation Criteria and Key guiding questions

The MTE will be conducted in line with OECD-DAC evaluation criteria. (a) relevance; (b) effectiveness; (c) efficiency; and (d) sustainability (and/or other criteria used).

Project Mid- term evaluation questions

Relevance:

- To what extent was the project in line with the national development priorities (MSDP), the country programme's outputs and outcomes, the UNDP Strategic Plan and the SDGs?
- To what extent does the project contribute to the theory of change for the country programme outcome?
- To what extent has the project been appropriately responsive to political, legal, economic, institutional, etc., changes in the country e.g. Covid crisis ?
- To what extent were lessons learned from other relevant projects considered in the project's design and implementation?
- To what extent were perspectives of those who could affect the outcomes, and those who could contribute information or other resources to the attainment of stated results, taken into account during the project design and implementation processes?
- Are the objectives and outputs clear, practical and feasible within its frame? If not, does it provide space for flexibility to be responsive to policy changes that would directly affect the achievement of project objectives?
- How did the project promote UNDP principles of gender equality, inclusiveness, human rights-based approach, and human development? How were these cross-cutting areas mainstreamed into the project?

Effectiveness

- To what extent did the project contribute to the country programme outcomes and outputs, national development priorities (MSDP), the UNDP Strategic Plan and SDGs?
- To what extent were the project outputs and objectives achieved? Which of these outputs and objectives are being achieved, and where is the project facing challenges and which ones?
- Is the objective of the project clearly articulated in relevant documents and translated into operational practices?
- To what extent were the project outputs achieved? What factors have contributed to achieving or not achieving intended country programme outputs and outcomes?
- In which areas does the project have the greatest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements?
- In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome?
- What, if any, alternative strategies would have been more effective in achieving the project's objectives?
- What have been the main limiting factors constraining the project's effectiveness? How were they mitigated by the project? How likely is it that these factors will remain or change until the end of the project (and what that means in terms of changing directions for the project)?
- How are different stakeholder views considered in project implementation? To what extent has the project been appropriately responsive to the needs of the national constituents and changing partner priorities?

Efficiency

- To what extent was the project management structure (e.g. project boards) as outlined in the project document efficient in generating the expected results?
- To what extent have the UNDP project implementation strategy and execution been efficient and cost-effective (e.g. value for money)?
- To what extent has there been an economical use of financial and human resources? Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outcomes?
- To what extent have resources been used efficiently? Have activities supporting the strategy been cost-effective?
- To what extent have project funds and activities been delivered in a timely manner?
- To what extent do the M&E systems utilized by UNDP ensure effective and efficient project management?
- What are the key areas of learning in the first two years, are there robust learning/feedback loops, and how has the project adapted in response?
- Are the risks of the project clearly assessed – and accurate? Does the project have sufficient ability to adapt to changing context and mitigating risk?

Sustainability

- To what extent will financial and economic resources be available to sustain the benefits achieved by the project?

Evaluation cross-cutting issues questions

Human rights

- To what extent have poor, indigenous and physically challenged, women and other disadvantaged and marginalized groups benefited from the work of UNDP in the country?
- To what extent the beneficiaries (right holders) have participated in various stages of planning, implementation and monitoring/evaluation of project activities?

Gender equality

- To what extent have gender equality and the empowerment of women been addressed in the design, implementation and monitoring of the project?
- Is the gender marker data assigned to this project representative of reality?
- To what extent has the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects?

Conflict Sensitivity/ Do No Harm

- To what extent have conflict sensitivity considerations been integrated into project design, implementation and M&E to ensure project intervention do No Harm?
 - Which government institutions are we working with and to what extent are they considered legitimate and trusted by all communities in all project locations?
 - What is the impact of the project interventions on stakeholder (government, EAOs and communities) relationships?
 - What measures has the project put in place to ensure that governance structures are not unintentionally reinforcing tensions, conflict, discrimination and exclusion but rather strengthening social cohesion through project activities?
- Are there any social or political risks that may jeopardize sustainability of project outputs and the project's contributions to country programme outputs and outcomes?
 - To what extent do the activities of the project contribute to sustainable changes in the country (both at beneficiary level and national/policy level)?
 - Do the legal frameworks, policies and governance structures and processes within which the project operates pose risks that may jeopardize sustainability of project benefits?

5. Methodology

The evaluation will be conducted primarily to assess the progress of the project against the project document to assess against the context to provide recommendations for any adjustments to the project design, management and implementation. This evaluation will include mixed method design. The MTE must provide evidence-based information that is credible, reliable and useful. The MTE team will review all relevant sources of information including documents prepared during the preparation phase. The evaluation design will include both the qualitative and quantitative methods involving primary and secondary data collection. The MTE team is expected to follow a collaborative

and participatory approach ensuring close engagement with the evaluation managers, implementing partners and direct beneficiaries.

The overall MTE will be divided into three phases:

Phase I: Evaluation Planning Phase (Virtual)

With the Covid -19 crisis, ensuring the safety of evaluation teams, Phase 1 of the MTE will be to conducted virtually by the evaluator which include remote arrangements to conduct four key tasks (1) desk reviews of key documents (2) review of the current situation – context analysis (3) development and finalize inception report (4) design of evaluation tools and questionnaires.

1. **Desk review of all relevant documentation** . Following the introductory meetings and briefings, the evaluation team will undertake a desk review of all relevant reports and data. This should be supplied by the strategic management unit in a timely manner and all efforts made to access missing reports and data prior to the development of the inception report and the data-collection mission. This would include a review of inter alia

- MSDP, CPD and Project document
- Theory of change and results framework, including monitoring system.
- Programme and project quality assurance reports.
- Annual workplans.
- Activity designs.
- Semiannual and annual progress reports.
- Minutes of project board meetings.
- Risk matrix and mitigation measures
- Technical/financial monitoring reports.
- Donor contribution agreements and Donor reports
- Other documents

2. Context Analysis

- **Development and Operational Context (2 pager):** First part of context analysis will analyze the environment in which a project operates since the inception of the CPD in 2018. Context analysis mainly focuses on scanning both internal and external environment, analyzing operating environments like political, economic, social, technological developments and demographic trends related to project implementation. Context analysis will analyze how key departures due to contextual changes had impacted organization, team, strategy, project activities .
- **Evolving Context (2 pager):** Second part of context analysis will assess the relevance of the project to the current evolving context (e.g. Covid crisis, intercommunal conflicts, election etc.). This will support to identify challenges and ways to overcome or mitigate them, and to provide lessons learnt. This analysis will be useful for proposed adjustments

to the design of the current country programme and the development of elements that can be considered to inform the planning of the next phase project cycle.

3. **Evaluation Inception report** (max 10 pages) to be developed. Evaluators will commence the evaluation process with a desk review and preliminary analysis of the available information supplied by the implementing agency. Based on the TOR, initial meetings with the UNDP programme unit/evaluation manager and the desk review, evaluators should develop an inception report. The description of what is being evaluated illustrates the evaluators' understanding of the logic or theory of how the initiative is supposed to work, including strategies, activities, outputs and expected outcomes and their interrelationships. It will detail how each evaluation question will be answered by way of: proposed methods; proposed sources of data; and data collection and analysis procedures taking into consideration the options available during COVID -19 restrictions. The inception report should include a proposed schedule of tasks, activities and deliverables.

The inception report provides an opportunity to clarify issues and understanding of the objective and scope of an evaluation, such as resource requirements and delivery schedules. Any identified issues or misunderstandings should be addressed at this stage and prior to any data-collection or field missions.

4. **Development of evaluation questions, remote interview questionnaire focus groups guidelines and online surveys**
 - a. Development of evaluation questions around relevance, effectiveness, efficiency and sustainability and designed for different stakeholders to be interviewed.
 - b. Surveys interview questionnaires focus group discussions guidelines and online survey tools to be designed and pretested.

Phase II: Validation Phase (in country or virtually)

Option 1: Virtual validation

With travel and border trade restrictions in place, it is very likely that there may or may not be able to conduct field visits and/or lack of local evaluation team members data could be collected remotely.

- For validation, skype or telephone interviews, online/ mobile questionnaires, online surveys, collaboration platforms (slack or yammer) and satellite imagery could be used to gather data.
 - Remote telephone interviews with key government counterparts, representatives of key civil society organizations and implementing partners is recommended.
 - Online survey tool or one to one Zoom meetings can be organized for donor community members and UN partners.
 - Programme specific group zoom meetings can be organized for thematic programmatic and operational areas.

- Use of Partners Survey contact information: UNDP Myanmar had already collected list of all the partners contact details during 2019 partners survey. These information's can be used for virtual interviews.
- Stakeholder engagement ensures the effective communication of an evaluation and its uptake, so it is very important to do a test run and factor in emergency settings and time zone differences.
- Stakeholders that are dealing with existing emergencies should be given advance notice and an adjustment of evaluation timelines can be expected.
- UNDP Field office colleagues will assist national consultant in logistic arrangement of the virtual meetings with partners and beneficiaries.

Option 2: Onsite or face to face validation

- If situation permits, national consultant or international consultant will visit to selected field sites (if feasible)
- Undertake key informant interviews with beneficiaries, government officials, communities and other stakeholders who have been involved in implementing activities under the program and/or participated in various program activities.
- Focus Group Discussions to be held whenever appropriate (specially recommended for beneficiaries). All interviews should be undertaken in full confidence and anonymity.

Ensuring the security of consultants, stakeholders and accompanying UNDP staff, particularly in crisis situations. The evaluation team members should have passed relevant United Nations security exams and be aware of and compliant with related security protocols, including passing the United Nations Department of Safety and Security training courses on basic security in field II and advanced security in the field.

Phase III: Analysis, Debriefing and Report Writing Phase (in country or virtually)

Following field missions or data validation phase, data review and analysis of evaluation questions, surveys and questionnaires. Evaluation teams are required to ensure maximum validity, reliability of data (quality) through triangulation of the various data sources.

Prior to the drafting of the evaluation report, the evaluation team should debrief the UNDP project/ programme and management teams with preliminary findings. Debriefings with key stakeholders and the evaluation reference group may also be organized virtually or face to face where possible. This gives an opportunity to discuss preliminary findings and address any factual errors or misunderstandings, prior to writing the evaluation report.

At a time of social distancing, social media can help bridge the gap. Social platforms like yammer, teams etc can be formed to enable connecting, networking and engaging with target audiences such as donors, partners, and decision makers. This will be valuable to drive discussions, increase accessibility and amplify reach to key evaluation stakeholders.

A quality evaluation report should:

- Have a concise executive summary (maximum four pages).

- Be well structured and complete.
- Describe what is being evaluated and why.
- Identify the evaluation questions of concern to users.
- Identify target groups covered by the evaluation and whether the needs of the target groups were addressed through the intervention, and if not, why.
- Explain the steps and the procedures used to answer those questions.
- Present findings supported by credible evidence in response to the questions.
- Acknowledge limitations and constraints in undertaking the evaluation.
- Draw conclusions about findings based on of the evidence.
- Propose concrete and usable recommendations derived from conclusions.
- Be written with the report users and how they will use the evaluation in mind.

6. Evaluation Products (Deliverables)

The evaluation team will be accountable for producing following Deliverables/Expected outputs. These products include:

| Deliverables | Payments |
|--|-----------------|
| Evaluation Inception report (max 10 pages). The inception report should be carried out following and based on preliminary discussions with UNDP after the desk review and should be produced before the evaluation starts (before any formal evaluation interviews, survey distribution or field visits) and prior to the country visit in the case of international evaluators. It should detail the evaluators' understanding of what is being evaluated and why, showing how each evaluation question will be answered by way of: proposed methods; proposed sources of data; and data collection and analysis procedures. The inception report should include a proposed schedule of tasks, activities and deliverables, designating a team member with the lead responsibility for each task or product. The inception report provides the programme unit and the evaluators with an opportunity to verify that they share the same understanding about the evaluation and clarify any misunderstanding at the outset. | 25 percent |
| Evaluation debriefings. Debriefing meetings should be held (i) after collecting primary data from the field focusing on the initial findings and observations and (ii) a formal briefing should be held at the end of the mission including a power point presentation with all major findings and recommendations. | |
| Draft Midterm evaluation report (within an agreed length) . ¹ Draft Mid-Term Evaluation report with all major findings and recommendations. The programme unit and key stakeholders in the evaluation should review the draft evaluation report and provide an amalgamated set of comments to the evaluator within an agreed period of time, addressing the content required (as agreed in the TOR and inception report) and quality criteria as outlined in these guidelines. | 25 percent |
| Presentation of draft report to evaluation steering committee | |
| Final Draft Mid-Term Evaluation report incorporating comments received, and including a clear succinct Executive Summary | |
| Evaluation report audit trail. Comments and changes by the evaluator in response to the draft report should be retained by the evaluator to show how they have addressed comments. | |

¹ A length of 40 to 60 pages including executive summary is suggested.

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|---|------------|
| Presentations to stakeholders and/ or the evaluation steering committee | |
| Evaluation brief and other knowledge products or participation in knowledge -sharing events, if relevant. | |
| Final evaluation report. The final report should be accompanied by digital copies of the processed data files, transcripts and associated materials. | 50 percent |

7. Institutional arrangements

7.1 Reporting line:

The Team Leader will report to the Chief of Unit, Governance and Sustainable Peace Program.

7.2 Logistical arrangements:

For all international travel (if situation permits) :

- Candidates are requested to include international travel costs from probable point of departure in the financial proposal and arrange the flight. The travel cost should be based on the most economical class fare, with most direct routes.
- UNDP will provide support for the visa process and reimburse the visa fee, based on the actual receipt.
- UNDP will provide terminal charges at the applicable UN rate.
- UNDP does not consider travel days as working days.

For all in-country travels (if situation permits) :

- For in-country missions, UNDP will arrange, and cover costs related to all domestic travels – such as transportation(s) between the agreed in -country duty stations and living allowances - in accordance with UNDP's regulations and policies.
- UNDP will facilitate security clearances required to travel in -country (if applicable).

Other logistical matters:

- The Contractor is expected to use their own computer.

8. Evaluation team composition and required competencies

The MTE should consist of six members team.

1. Expert in the area of Rule of Law/ Access to Justice and Human Rights (Team leader - International)
2. Expert on democratic governance programming and Anti -Corruption² (International)

² This is a common position for the MTR evaluation of UNDP's LEAP and SARL projects to also cover linkages on anti-corruption work. The two projects cooperate through anti-corruption and integrity initiatives targeting the civil service. This applies particularly to Codes of Conduct and to civil service training.

3. Expert on parliamentary work (International) ³
4. Expert on Gender equality and Women's empowerment (International) ⁴
5. Expert on Conflict Sensitivity and peacebuilding (International) ⁵
6. National expert ⁶

Expert in the area of Rule of Law/ Access to Justice and Human Rights (Team leader - International) : The team leader should have:

- advanced degree (Master's or preferably Ph.D.) in Law, Justice, Human Rights, Legal reform, international relations and/ or related fields ;
- a minimum of 10 years of demonstrated experience in leading Midterm reviews and/or evaluations of development projects and programs on democratic governance ;
- at least 7 years of experience in the area of Rule of Law, Access to Justice and human rights ;
- experience with UNDP programming preferred;
- knowledge of the national/ regional situation and context - work experience in South East Asia and in Myanmar would be an asset;
- proven experience in data analysis as well as report writing.

Expert on democratic governance programming and Anti -Corruption(International) : The governance and AC expert should have

- advanced degree (Master's or preferably Ph.D.) in in political sciences, Law, Justice, public administration, development studies, international relations and/or related fields ;
- a minimum of 10 years of demonstrated experience in governance programming and Anti - Corruption ;
- experience with UNDP programming preferred ;
- knowledge of the national/ regional situation and context;
- work experience in South East Asia and in Myanmar would be an asset ;
- excellent command of English in speaking and writings .

Expert on Gender equality and Women's empowerment (International): The gender expert should have:

- master's degree in gender and diversity studies, social sciences, development studies, international relations and/ or related fields;
- at least 10 years of demonstrated experience in analyzing and mainstreaming gender aspects and providing technical advice/ support to promote gender equality and women's empowerment;
- experience in gender related work in South East Asia and in Myanmar would be an asset but not a requirement;

³ This is a shared position for the MTR evaluation of UNDP's SARL and SERIP projects to also cover linkages on parliamentary work. The details on requirements and evaluation criteria for this position is mentioned in SERIP TOR for Mid Term Evaluation

⁴ This is a common position for the MTR evaluation of UNDP's LEAP, SARL and SERIP projects

⁵ This is a common position for the MTR evaluation of UNDP's LEAP, SARL and SERIP projects

⁶ This is a common position for the MTR evaluation of UNDP's LEAP, SARL and SERIP projects

- Experience relating to conflict sensitivity and peacebuilding preferred
- knowledge of the national/ regional situation and context;
- excellent command of English in speaking and writings.

Expert on Conflict Sensitivity and Peacebuilding (International): The expert should have

- master's degree in social sciences, development studies, conflict and peace, inclusion and diversity, political sciences, international relations and/or related fields.
- at least 7 years of proven record and experience in peacebuilding and analyzing and mainstreaming conflict sensitivity;
- proven track record of working in conflict affected /fragile locations;
- experience in peacebuilding work in South East Asia and in Myanmar would be an asset but not a requirement.
- knowledge of the national/ regional situation and context;
- excellent command of English in speaking and writings
- experience working with UN system will be asset.

National expert: The national expert should have

- master's degree in social sciences, development studies, political sciences, international relations and/or related fields;
- with at least 7 years of proven record and experience in development work preferably in the area of democratic governance
- experience working with key stakeholders/actors on democratic governance in the country, particularly Government and civil society
- should have excellent command of Myanmar and English languages in speaking and writing and should be able to interpret in both the languages;
- experience working with UN system will be an asset.

9. Evaluation ethics

This evaluation will be conducted in accordance with the principles outlined in the UNEG 'Ethical Guidelines for Evaluation'.⁷ The consultant must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses with the express authorization of UNDP and partners.

10. Implementation arrangements

Evaluation management structure five level structure

1. Evaluation Commissioners (EC): Senior management who owns the evaluation

⁷UNEG, 'Ethical Guidelines for Evaluation', June 2008. Available at <http://www.uneval.org/search/index.jsp?q=ethical+guidelines>.

2. Evaluation Steering Committee (ESC): Key project stakeholders as advisory
3. Evaluation Management Group (EMG): Selected members for day to day management
4. Evaluation Manager (EM): Programme specialist as Lead for evaluation management
5. Evaluators: Third party

Detail of roles and responsibility of evaluation management structure is mentioned below:

1. **Evaluation Commissioners (EC):** Country office senior management, who “own” the evaluation plan for their programme/project. The key role of the EC will be the following:
 - Lead and ensure the development of a comprehensive, representative, strategic and costed evaluation plan
 - Responsible for the timely implementation of the evaluation plan
 - Establish appropriate institutional arrangement to manage evaluation;
 - Safeguard the independence of the exercise and ensure quality of evaluation;
 - Ensure management response are prepared and implemented
 - Accountable for approval of final TOR, Final evaluation report and mgt responses

2. **Evaluation Steering Committee (ESC):** This is the primary decision-making entity for the evaluation as it consists of members of the evaluation commissioners and other key stakeholders. The key role of the Evaluation Steering Committee will be the following:
 - Perform advisory role throughout the evaluation process
 - Composition and level of engagement of ESC can be discussed and finalized with consensus during finalization of ToR
 - Oversee progress and conduct of the evaluation
 - Ensure that evaluation standards, as provided by UNEG, are adhered to, including safeguarding of transparency and independence
 - Provide advice on the evaluation’s relevance, on the appropriateness of evaluation questions and methodology and on the extent to which conclusions and recommendations are both credible considering the evidence that is presented and are action-oriented
 - Review the evaluation products, provide feedback and ensure final draft meets quality standards. Endorse the final evaluation report
 - Endorse the communication plan for the dissemination of evaluation findings. Communication plan to be prepared by evaluation task manager
 - Review and endorse management response to the evaluation
 - Ensure participation of donors as observers in the selection of consultants/consultancy firms to carry out the MTE

3. **Evaluation Management Group (EMG):** Programme unit head/Programme Specialist, M&E focal point of the project; Project Manager, QA and Reporting Specialist of Country offices. This group will support the Evaluation Manager for the day-to-day management of the evaluation process. More specifically, it will:

- Prepare the terms of reference for the evaluation in consultation with ESC;
 - Ensure the quality and independence of the evaluation in alignment with UNEG Norms and Standards and Ethical Guidelines;
 - Support the Evaluation Manager for the day -to-day implementation of the evaluation activities and management of the evaluation budget;
 - Hire the team of external consultants;
 - Ensure participation of relevant stakeholders;
 - Review and provide substantive comments to the inception report, including the work plan, analytical framework, methodology, and evaluation matrix;
 - Substantive feedback on the draft and final evaluation reports, for quality assurance purposes, and to ensure that the evaluation findings and conclusions are relevant and recommendations are implementable;
 - Inform the Evaluation Steering Committee on progress;
 - Prepare management response to the evaluation for ESC's review
 - Contribute to the dissemination of findings and follow -up on the management response.
4. **Evaluation Manager (EM):** Program Officer from the country office. Evaluation manager will work as the Secretariat of the EMG.
- Participate in all stages of the evaluation process: (a) evaluability assessment; (b) preparation; (c) implementation and management; and (d) use of the evaluation
 - Lead the development of the evaluation terms of reference
 - Participate in the selection/ recruitment of evaluators and safeguard the independence
 - Provide the evaluators with administrative support and required data/documentation
 - Connect the evaluators with the wider programme unit, senior management and key evaluation stakeholders, and ensure a fully inclusive and transparent approach
 - Review inception reports including evaluation questions and methodologies
 - Review and comment on draft evaluation reports, circulate draft and final evaluation reports
Collect and consolidate comments on draft evaluation reports and share with the evaluation team for finalization of the evaluation report
 - Contribute to the development of management responses and key actions to all recommendations addressed to UNDP. Facilitate, monitor and report on a quarterly basis implementation of management responses and key actions
 - Ensure evaluation terms of reference, final evaluation reports, management responses, lessons learned, and other relevant information are publicly available through the ERC
 - Facilitate knowledge -sharing and use of findings in programming and decision -making
5. **Evaluation team:** This team has to be a third -party firm/group/individuals who have never been involved directly or as implementing partners in any part of the project/program design,

advisory role and/or implementation of any component of the project. Their tasks will be as per the ToR and contractual agreement:

- Fulfil the contractual arrangements under the terms of reference as appropriate;
- Develop the evaluation inception report, including an evaluation matrix, in line with TOR;
- Keep to standards and ethical principles in line with UNEG Norms and Standards;
- Draft reports and brief the evaluation manager, programme/project managers and stakeholders on the progress and key findings and recommendations;
- Finalize the evaluation, taking into consideration comments and questions on the evaluation report. Evaluators' feedback should be recorded in the audit trail;
- Deliver the products agreed to the right standard and quality;

11. Time frame for the evaluation process 40 Days over a period a 90 Days (30 June – 30 September 2020) **

| ACTIVITY | ESTIMATED # OF DAYS | PLACE |
|---|---------------------|-------------------|
| Phase One: Evaluation Planning Phase | 20 days | |
| Briefing with UNDP (Senior Managers, SMU, Programme units and project teams) | 2 days | Home based |
| Desk review of all relevant documentation | 5 days | |
| Context analysis: Development context and evolving context | 4 days | |
| Drafting of inception report | 4 days | Home- based |
| Development and testing of evaluation tools | 3 days | |
| Comments and approval of inception report <i>Note: Within one week of submission of the inception report</i> | 2 days | Home based |
| Phase Two: Validation Phase | 10-15 days | |
| Option 1: Virtual validation. Use of skype or telephone interviews for government counterparts and local implementing partners; online surveys/Zoom meetings/telephone interview with donor partners, UN counterparts and programme teams | 10 days | Home- based |
| Option 2: Face to face or virtually - Consultations and field visits, in-depth interviews and focus groups | 15 days | With field visits |
| Phase Three: Analysis, Debriefing and Report Writing Phase | 10 days | |
| Preliminary debriefing (via zoom meetings if travel restrictions exists) | 1 day | |
| Preparation of draft report including executive summary | 6 days | Home- based |
| Draft report submission | | |
| Feedback from UNDP <i>Note: Within two weeks of submission of the draft report</i> | - | |

| | | |
|--|----------------|-------------|
| Finalization of the evaluation report incorporating comments | 2 days | Home- based |
| Presentation of final report (via zoom meeting (via zoom meetings if travel restrictions exists) | 1 days | Home- based |
| Estimated total days for the evaluation | 40 Days | |

*** This flexibility is being built given the current COVID crisis and the uncertainties around travel etc.*

12. Application submission process and criteria for selection

The application submission process -both financial and technical is included in the RFP.

Criteria for selecting the best offer

Upon the advertisement of the Procurement Notice, qualified Consultancy Firm / consultant is expected to submit both the Technical and Financial Proposals. Accordingly, the firm /consultant will be evaluated based on Cumulative Analysis as per the following conditions:

- Responsive/compliant/ acceptable as per the Instruction to Bidders (ITB) of the Standard Bid Document (SBD), and
- Having received the highest score out of a pre -determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:
 - a. Technical Criteria weight is 70%
 - b. Financial Criteria weight is 30%

Recommended presentation of technical proposal

For purposes of generating proposals whose contents are uniformly presented and to facilitate their comparative review, a Service Provider advised to use a proposed Table of Contents.

Confidentiality and proprietary interests

The consultants shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy or the Government without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of the UNDP. This assignment will be administrated by UNDP hence UNDP rules, policies and procedures will apply.

Proposed standard technical proposal evaluation criteria

Team Leader:

| Technical Proposal Evaluation: Proposed methodology, approach and implementation plan | |
|--|-----------|
| To what degree does the Proposer understand the task? | 4 |
| Have the important aspects of the task been addressed in sufficient detail? | 4 |
| Is the scope of task well defined and does it correspond to the TOR? | 4 |
| Is the methodology well explained and meets the ToR requirements? | 4 |
| Is the presentation clear? Is the sequence of actions and the planning logical, realistic and promise efficient delivery of the task? | 4 |
| Sub total | 20 |

| Technical Proposal Evaluation: Education and qualifications | |
|---|-----------|
| advanced degree (Master's or preferably Ph.D.) in Law, Justice, Human Rights, Legal reform, international relations and/ or related fields; | 10 |
| a minimum of 10 years of demonstrated experience in leading Midterm reviews and/or evaluations of development projects and programs on democratic governance; | 15 |
| at least 7 years of experience in the area of Rule of Law, Access to Justice and human rights; | 10 |
| proven experience in data analysis as well as report writing | 10 |
| excellent command of English in speaking and writing s. | 5 |
| Sub total | 50 |
| Total | 70 |

Expert on Democratic Governance programing and anti -corruption:

| Technical Proposal Evaluation: Education and qualifications | |
|---|-----------|
| advanced degree (Master's or preferably Ph.D.) in in political sciences, Law, Justice, public administration, development studies, international relations and/or related fields. | 25 |
| a minimum of 10 years of demonstrated experience in governance programming and Anti-Corruption ; | 30 |
| knowledge of the national/ regional situation and context ; | 10 |
| excellent command of English in speaking and writing s. | 5 |
| Total | 70 |

Expert on Gender equality and Women's empowerment:

| Technical Proposal Evaluation: Education and qualifications | |
|--|-----------|
| master's degree in gender and diversity studies, social sciences, development studies, international relations and/or related fields; | 30 |
| at least 10 years of demonstrated experience in analyzing and mainstreaming gender aspects and providing technical advice/support to promote gender equality and women's empowerment | 35 |
| excellent command of English in speaking and writing s. | 5 |
| Total | 70 |

Expert on Conflict Sensitivity and Peacebuilding:

| Technical Proposal Evaluation: Education and qualifications | |
|--|----|
| master's degree in social sciences, development studies, conflict and peace, inclusion and diversity, political sciences, international relations and/ or related fields ; | 15 |

| | |
|---|-----------|
| at least 7 years of proven record and experience in peacebuilding and analyzing and mainstreaming conflict sensitivity; | 20 |
| proven track record of working in conflict affected / fragile states | 15 |
| knowledge of the national/ regional situation and context | 10 |
| excellent command of English in speaking and writing s. | 10 |
| Total | 70 |

National expert:

| Technical Proposal Evaluation: Education and qualifications | |
|--|-----------|
| master's degree in social sciences, development studies, political sciences, international relations and/ or related fields; | 20 |
| with at least 7 years of proven record and experience in development work preferably in the area of democratic governance ; | 20 |
| experience working with key stakeholders/ actors on democratic governance in the country, particularly Government and civil society; | 20 |
| should have excellent command of Myanmar and English languages in speaking and writing and should be able to interpret in both the languages | 10 |
| Total | 70 |