

United Nations Development Programme

Programme of Assistance to the Palestinian People

برنامج الأمم المتحدة الإنمائي / برنامج مساعدة الشعب الفلسطيني

IC-2022-PAL-0000190913

**Individual Consultancy Services**Date: September 1st, 2022

Country:	Occupied Palestinian Territory (oPt)
Description of the assignment:	Senior Legal Expert to Support the Alternative Dispute Resolution Unit at MOJ
Type of Consultancy:	National Individual Contractor
Programme Name:	Sawasya II: Promoting the Rule of Law in Palestine
Contract Duration:	Six months, initial commencing in September 2022
Period of assignment:	14 working weeks over the duration of the contract
Duty Station:	Ramallah/Jerusalem
Payment terms:	To be made upon validation of deliverables as per the ToR

You are cordially invited to submit an application as detailed in this Individual Consultancy (IC) Procurement Notice. Interested applicants should submit their technical and financial proposal on the following website: <https://jobs.undp.org>

The complete Individual Consultant Procurement Notice concerning this call for proposal can be examined and obtained free of charge from the website.

Both the technical and financial proposals should be submitted and uploaded in one file by the applicant in order to be considered for evaluation. Late and/or incomplete submissions will be rejected, where both the technical and financial proposals should be submitted before **20 September 2022 (Midnight New York, USA)**.

For inquiries and clarifications about this procurement notice you may address your question to proc1.papp@undp.org, noting that Requests for clarification from bidders will not be accepted any later than Five (5) days before the submission deadline. Responses to request for clarification will be communicated by replying to the emails.

Attention: Quotations shall be only submitted through the website of <https://jobs.undp.org>. Otherwise, offer shall be disqualified. And any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the proposers.

Looking forward to receiving your application and thank you in advance for your interest in UNDP procurement opportunities.

To enable you to submit a proposal, enclose please find:

Annex I	Terms of Reference (TOR)
Annex II	Instructions to Applicants
Annex III	Financial Proposal Form
Annex IV	Individual Consultant General Terms and Conditions
Annex V	Letter of Interest and Availability

Yours sincerely,

DocuSigned by:
Shehadeh Hassan
58FE41FE586E4F8

Head of Procurement Unit
UNDP/PAPP

05-Sep-2022

United Nations Development Programme

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**ANNEX I****TERMS OF REFERENCE****Project Title: Senior Legal Expert to Support the Alternative Dispute Resolution Unit at MOJ****1) Background and Context**

Sawasya II seeks to elevate the state building enterprise for a progressively functioning and increasingly inclusive rule of law system that respects, protects and fulfils human rights and gender equality and promote peace and security. Sawasya II builds on the accumulated experience and expertise of the involved UN entities, at both global and local levels and aims to leverage partnerships with other key bilateral and multilateral development partners. Sawasya II also builds on established partnerships with government and civil society at all levels and capitalises on the extensive reach of the involved UN entities across the West Bank, including East Jerusalem, and the Gaza Strip. Following extensive consultations with an array of national and international partners, the programme will work towards the following four priority outcomes:

Outcome 1: Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards.

Outcome 2: Service provision by rule of law institutions is effective, accountable and inclusive.

Outcome 3: All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination.

Outcome 4: Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women.

To that end, Sawasya II is seeking a national consultant specializing in the investigation and documentation of torture and other cruel, Inhuman, or degrading treatment or punishment complaints as per CAT and Istanbul protocol.

The overall objective of this assignment is to assess the current policies, procedures, and referral system, between AGO and MJ as well as the rules adopted by Attorney General's office and Military Judiciary related to torture complaints processing, follow up, feedback, decision processing and mutual communication between the two parties. Furthermore, develop and draft a protocol that regulates and systemized the relationship between the AGO and MJ, as well as builds the capacity of members of the human rights unit and district prosecutors' in AGO and their counterparts in the military judiciary in the protocol implementation including focal points from both sides.

The expert will perform his/her tasks under the supervision of the Sawasya II Human Rights Coordinator and Technical Specialist and in close collaboration with the human rights unit team in public prosecution.

2) Scope of Work

Alternative Dispute Resolution (ADR) commonly refers to a set of mechanisms a society utilizes to resolve disputes without resort to costly adversarial litigation, including mediation, arbitration and conciliation systems. In Palestine, such mechanisms are utilized within different fields of law (commercial, family law, civil law), and with different degrees of formality, or degree to which they are linked with the formal justice system.

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However, despite the potential advantages that ADR can bring in terms of access to justice, they tend to reflect weaknesses that are also found in the formal justice system in terms of equal protection of the rights of women and children. Therefore, for ADR to promote qualitative justice for Palestinian women and children, the historical and cultural contexts informing gender and age- related biases will need to be addressed. The programme will hence implement a strict human rights-based approach to supporting these types of mechanisms, drawing on global UN policy and practice.

Sawasya II is supporting the improvement of justice and security services in areas served and unserved by the PA (area C and EJ). In the framework of outcome II - Service provision by rule of law institutions is effective, accountable and inclusive, the program will support justice and security institutions in accessing and providing services by supporting the development of ADRM including in areas unserved by the PA. The programme will also further support the development and strengthening of alternative dispute mechanisms to provide citizens with easily accessible dispute settlement tools. Sawasya II envisages support to mechanisms that offer Alternative Dispute Resolution (ADR) for Palestinians including residents in Area C, Hebron H2 and East Jerusalem. The support to ADR is to facilitate access to dispute settlement tools that are more accessible, less costly and time-consuming than litigation and tend to have a stronger focus on restorative justice outcomes. The ADR mechanisms tend to reflect the same weaknesses as formal justice system in terms of equal protection of the women and children.

In addition, in 2018 Sawasya II contracted an external consultant to undertake an assessment of ADR mechanisms in Palestine (An Assessment of Alternative Dispute Resolution Mechanisms in Palestine). The assessment report contains an overview and analysis of the existing Palestinian legal framework in relation to ADR, mapping of the different ADR mechanisms used in Palestine and identification of entry points for Sawasya II to support ADR including in Area C, East Jerusalem and Hebron H2 from a human rights-based approach with justice for children and gender justice-based emphasis.

To this end, the Sawasya II programme seeks the services of a senior legal expert to provide legal support to the MOJ General Administration for Professional Affairs and Alternative Dispute Resolution.

3) Duties and Responsibilities

The senior legal expert will perform tasks for UNDP, under the supervision of the SAWASYA II UNDP Technical Specialist and Project Analyst. The senior legal expert main tasks will be the following:

- Support the MOJ in reviewing the translation law and its executive regulations, especially with regard to sign language and provide an amended draft.
- Draft a code of conduct for translators.
- Support the MOJ and the ministerial committee in finalizing the draft Mediation Bill and legislative policy memorandum and/or regulatory impact analysis to this legislation.
- Support the MOJ in its effort to finalize the amendments on the Arbitration Law No.3 passed in 2000.
- Support the MOJ in developing the accreditation system for experts in different fields.
- Support the MOJ in finalizing and adopting of the TOR and in initiating a national focal group for formal and informal ADR that can be responsible for data collection, analysis, policy papers, and legislative assistance.

United Nations Development Programme

Programme of Assistance to the Palestinian People

برنامج الأمم المتحدة الإنمائي / برنامج مساعدة الشعب الفلسطيني

IC-2022-PAL-0000190913



- Support the MOJ in preparing of a guide of procedures for the accreditation of arbitrators.
- Support the MOJ ADR unit in building a mechanism that allows to update the profiles of ADR professionals, their cases and work, and the profiles of training institutes and the training offered and experts available.
- Support the MOJ ADR unit in conducting consultations about the developed drafts.

4) Deliverables

The legal expert will be responsible for the following outcomes:

- A revised translation law and a revised executive regulation for the law.
- An adopted draft of the Mediation Bill and legislative policy memorandum and/or regulatory impact analysis to this legislation.
- Finalized amendments on the Arbitration Law to get it adopted by the MOJ.
- An accreditation system for experts in different fields.
- Finalized and adopted TOR and established national focal group for formal and informal ADR actors.
- A guide of procedures for the accreditation of arbitrators.
- Mechanism to update the profiles of ADR professionals.
- Draft a code of conduct for translators.

5) Payment Terms

Payments are based upon output; payments will be made upon approval of Sawasya II TS on deliverables according to the following schedule:

Milestone	Payment	Target Date
<ul style="list-style-type: none"> • Submitting a detailed work plan 	15%	Within one week after signing the contract
<ul style="list-style-type: none"> • A revised translation law and a revised executive regulation for the law. • An adopted draft of the Mediation Bill and legislative policy memorandum and/or regulatory impact analysis to this legislation. • Finalized amendments on the Arbitration Law to get it adopted by the MOJ. • An accreditation system for experts in different fields. • Finalized and adopted TOR and established national focal group for formal and informal ADR actors. • A guide of procedures for the accreditation of arbitrators. • Mechanism to update the profiles of ADR professionals. • Draft a code of conduct for translators. 	70%	Within thirteen weeks after signing contract
<ul style="list-style-type: none"> • Final narrative report. 	15%	Within fourteen after signing contract

United Nations Development Programme

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برنامج الأمم المتحدة الإنمائي / برنامج مساعدة الشعب الفلسطيني

IC-2022-PAL-0000190913



6) Competencies

Corporate Competencies

- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favouritism
- Excellent analytical and organisational skills

Functional Competencies

- Demonstrates strong oral and written communication skills
- Builds strong relationships with clients and external actors
- Demonstrates ability to manage complexities
- Communicates effectively with staff at all levels of the organisation
- Acts with tact and diplomacy
- Proves outgoing and comfortable in handling external relations at all levels
- Demonstrates compelling communication skills and cross-cultural effectiveness
- Possesses the ability to convey difficult issues and positions to senior officials and counterparts
- Writing high quality English.

7) Experience And Qualification Requirements

The below experience and qualification requirements apply to this role.

Education (Pass/Fail Criteria)

At least a Master University degree in the field of law, human rights or social sciences.

Experience

- At least 10 years of progressive experience of legal/policy issues in the Occupied Palestinian territory including East Jerusalem.
- At least one previous experience working on ADR mechanisms (mediation, conciliation, arbitration) and informal justice mechanisms.
- Familiarity with the UN/UNDP system and UN joint programmes is an advantage
- Previous experience in gender justice is an asset;
- Previous experience in justice for children is an asset;

Languages

- Fluency in Arabic and English.

UNDP is committed to achieving workforce diversity in terms of gender, nationality, and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidentiality.

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ANNEX II

INSTRUCTIONS TO APPLICANTS

1. Introduction

UNDP/PAPP seeks technical proposals from qualified individual consultants to provide subject consultancy services.

2. Documents comprising the Technical and Financial Proposals

Interested individual consultant must submit the following documents/information, which comprises the Technical & Financial Proposals:

- (i) Provide Curriculum vitae form including past experience in similar projects and the field of rule of law, human rights and reforming justice sector institutions.
- (ii) Proposed methodology to achieve the tasks included in the ToR (not more than 5 pages).
- (iii) Brief description of why the individual considers him/herself as the most suitable for this role.
- (iv) Copy of university degrees and certifications.
- (v) Completed financial proposal form, found under Annex III: the financial proposal is all-inclusive and shall take into account various expenses incurred by the consultant while fulfilling its mission (e.g. transportation cost...).
- (vi) Reference list of at least two.
- (vii) Letter of Interest and Availability, found under Annex V

3. Evaluation

Preliminary examination

UNDP/PAPP will examine the Proposals to determine whether they are complete, and whether they are substantially responsive to the qualification and experience of **minimum requirements, including the fulfilling/meeting the minimum criteria required (Education Pass/Fails Criteria in point 9 of - Annex I)**. A Proposal determined as not substantially responsive will be rejected by UNDP/PAPP and may not subsequently be made responsive by the Applicant by correction of the non-conformity.

Detailed examination

Individual consultants will be evaluated based on a cumulative analysis taking into consideration the combination of the applicants' qualifications and financial proposal.

Only those candidates who will obtain min. 70 points for the technical evaluation will be assessed for the financial proposal evaluation.

Individual Contractor (IC) will be evaluated based on **Cumulative Analysis**. The respective weight of the proposals is:

- Technical Criteria weight; **[70%]** responsive/compliant/acceptable, and
- Financial Criteria weight; **[30%]** offering the lowest price.

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IC-2022-PAL-0000190913



Criteria	Weight	Allocated Points
Technical competence		
Level of Expertise: <ul style="list-style-type: none"> Criteria (1) Educational Background: At least master's degree in law, human rights law and social sciences <ul style="list-style-type: none"> Master's degree in the field of law 5 points PHD degree in related field 10 points Criteria (2) Years of Experience: at least 10 years of progressive experience of legal/policy issues in the Occupied Palestinian territory including East Jerusalem <ul style="list-style-type: none"> 10 years of experience 5 points 11 years of experience 10 points More than 15 years 15 points Criteria (3) Work Experience: at least one previous experience working on ADR mechanisms (mediation, conciliation, arbitration): <ul style="list-style-type: none"> 1 relevant experience 5 points 2 to 3 relevant experiences 10 points More than 3 relevant experiences 15 points 	70%	70
<ul style="list-style-type: none"> Criteria (4) Methodology <ul style="list-style-type: none"> To what degree does the applicant understand the task? Have the important aspects of the task been addressed? Is the scope of task well defined and does it correspond to the TOR? Is the conceptual framework adopted appropriate for the task? Is the presentation of the work-plan clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project? 		30
Financial	30%	30
TOTAL SCORE = Technical Score * 70% + Financial Score * 30%		

4. Award of Individual Contract

The procuring UNDP entity reserves the right to accept or reject any Proposal, and to annul the solicitation process and reject all Proposals at any time prior to award of contract, without incurring any liability to the affected applicant or any obligation to inform the affected applicant or applicants of the ground for the UNDP's action.

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

a) Responsive/compliant/acceptable, and passed the educational criteria mentioned in in (point 9 of Annex 1)

*b) Having received the **highest score** out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.*

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IC-2022-PAL-0000190913



* *Technical Criteria weight; [70%] with a minimum of **passing score = (70%=49 points)**.*

* *Financial Criteria weight; [30%]*

Highest score / combined score calculation methodology:

100 points shall be allocated to the lowest total fees proposed among those invited candidates which were successful in the evaluation of the technical proposal (i.e. obtained a technical score of 70 or more). All other fees proposals shall receive points in inverse proportion to the lowest total fees; e.g. [100 Points] x [US\$ lowest total fees] / [US\$ other] = points for other proposer's fees.

The General mark or combined score for each proposal will be arrived as follows:

Rating the Technical Proposal (TP):

TP Rating = (Total Score Obtained by the Offer / Max. Obtainable Score for TP) x 100

Rating the Financial Proposal (FP):

FP Rating = (Lowest Priced Offer / Price of the Offer Being Reviewed) x 100

Total Combined Score:

Combined Score = (TP Rating) x (Weight of TP, 70%) + (FP Rating) x (Weight of FP, 30%)

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**ANNEX III****FINANCIAL PROPOSAL FORM****Subject:**

Your financial offer in USD shall specify a **lump sum figure all-inclusive** and shall take into account various expenses incurred during the contract period and shall form the amount of the resulted contract between the winning Consultant/Contractor and UNDP. No other entitlements will be considered after submission of financial proposals.

The financial proposal shall include a breakdown of this lump sum amount (number of anticipated working days, all envisaged travel (such as but not limited to all travel to join duty station/repatriation travel), per diems/daily allowances). Fee Breakdown should be attached under a separate sheet.

Description	Lump sum all inclusive (USD)
<i>Legal Expert to</i> This includes Undertaking all the tasks as detailed in the relevant Terms of Reference (TOR)	
Total Lump Sum (all inclusive) in USD – in numbers	
Total Lump Sum (all inclusive) in USD – in words:	
Name & signature of applicant: Date:	

United Nations Development Programme

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IC-2022-PAL-0000190913



ANNEX IV

INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS

Available on

<http://www.ps.undp.org/content/papp/en/home/operations/procurement.html>

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Programme of Assistance to the Palestinian People

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IC-2022-PAL-0000190913



ANNEX V

OFFEROR'S LETTER TO UNDP

CONFIRMING INTEREST AND AVAILABILITY

FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT

[\(Attached\)](#)