

**Terms of Reference for Individual Contract to conduct End-term Evaluation of the
Legal Sector Programme (LSP) (December 2014 – December 2018)**

POST TITLE:	Evaluation Team to conduct End-term Evaluation of the Legal Sector Programme (LSP) (December 2014-December 2018)
CONTRACTING AGENCY:	UNDP, Bhutan
COORDINATING AGENCY:	GNHC
COUNTRY OF ASSIGNMENT:	Bhutan
EXPECTED DURATION:	Total of 40 working days (including 14 days mission)

1. Introduction/Background

Since 2009, the Swiss Agency for Development and Cooperation (SDC) and the Austrian Development Cooperation (ADC) have supported the Judiciary of Bhutan in the implementation of a joint programme “*to achieve a sustainable and effective judicial system that is accessible, transparent, impartial, independent and efficient, ensuring the principles of non-discrimination and equality before the law*”. The first phase of support (2009-2014) was completed in June 2014.

The Legal Sector Programme (LSP) is the consecutive phase (2014-2018) of a joint programme funded by Austria and Switzerland. It was extended till December 2018 with additional funds from Austria in December 2016. The consecutive phase built on the successes of the previous phase (2009 – 2014) with broader scope, target groups and an efficient implementation for tangible results. The overall goal of LSP is to ensure “equitable and unimpeded access to an independent, effective, efficient and fair justice system for all women and men”. Bhutan’s first law school, Jigme Singye Wangchuck School of Law (JSWSL), which was founded in 2015, plays an additional and crucial role in this regard as it will be the primary focus of legal education in Bhutan as well as the primary pathway to admission to practice law in Bhutan. The programme is aimed to bring further support to the Bhutanese Legal Sector by facilitating physical access to court and justice, enhancing capacity and professionalism of the judiciary and JSW Law faculty and enhancing awareness of the legal needs of the vulnerable segments of society. The Supreme Court of Bhutan, JSWSL, Bhutan National Legal Institute and the Federal Administrative Court (FAC) of St. Gallen, Switzerland were the main implementing agencies with the Programme Management Unit with Gross National Happiness Commission.

Human Resource Development (HRD) of the Judiciary of Bhutan was implemented through in-country and ex-country training programmes. Judges, lawyers, bench clerks and other staff attended graduate studies (LL.M courses), short-term courses and workshops in institutes within the region as well as overseas.

A Mid-Term Evaluation of the overall programme was carried out from May-June, 2016 by an external consultant in collaboration with a Research Officer from Gross National Happiness Commission Secretariat. Key observations included that constant monitoring of the implementation of activities, including the setting up a the Project Management Unit that

involved all stakeholders in progress reporting and problem-solving, led to successful completion. One of the main recommendations was to carry out timely assessment or evaluation of such programme to ensure that long-term vision of the legal sector is achieved. It was also suggested to make publications or studies conducted under this programme available online for public awareness. It was also recommended to create a bar association of Bhutan for the legal professionals practicing in the country. Most of these recommendations were incorporated into the remaining LSP activities.

The support to the Legal Sector in the LSP focuses on:

Outcome 1: Court Infrastructure – The support to infrastructure under Outcome 1 follows the Judiciary’s priorities for infrastructural development and supports the construction and furnishing of three new district Courts in Wangdue Phodrang, Punakha and Trashigang. Fourteen district courts will have improved internet connectivity through networking and lease line connections.

Outcome 2: Outcome focuses on the capacity development in two crucial spheres: judicial personnel (including, Bhutan National Legal Institute(BNLI) and the teaching and research faculty of the JSWSL. Twelve judicial staffs (including BNLI) will have completed the LLM courses from reputable universities in Switzerland and Austria (6 in the former and 6 in the latter). Assistance has also provided support to enhance access to literature and information on Bhutanese law and jurisdiction of the Bhutanese courts and the deepening of the bilateral court partnership between Switzerland and Bhutan.

With respect to the JSWSL, six Master degrees were financed for future Bhutanese faculty members of the JSWSL in subjects of Philosophy and Political Science, Library Science, Criminal, Contract, Environment and Administrative Law. In addition, institutional linkages with Austrian Law Faculty and JSWSL were established and a Memorandum of Understanding elaborated.

Outcome 3: Legal awareness and empowerment – The third outcome likewise focused on two spheres of activity in the legal sector: civil society organizations (CSOs) and clinical legal education including a nationwide legal needs survey with focus on vulnerable groups with the aim to inform the clinical and doctrinal curriculum of the JSW Law School. With respect to the former, support has been provided in coordination with SDC Country Office to the legal sector stakeholders and local CSOs to create awareness and build capacity in legal awareness and empowerment, for which there is growing recognition. With respect to the latter, a foreign expert is engaged to set up a law clinic at the JSWSL. The clinic provides students with access to experiential learning, including moot courts, internship with agencies and “live-client” clinics in keeping with international best practices for legal aid from 2017 onwards. Special attention was to be paid to gender in the selection of the direct beneficiaries of the capacity building activities, especially for the LLM courses, study visits and in-country thematic workshops.

The LSP implementation was managed and coordinated by Gross National Happiness Commission with components administered by the Supreme Court of Bhutan, the Bhutan National Legal Institute, the Jigme Singye Wangchuck School of Law, OeAD and the Federal

Administrative Court of Switzerland. A Programme Steering Committee (PSC) chaired by the Director of the Gross National Happiness Commission ensured strategic decision-making.

The programme was funded by the Austrian Development Agency (ADA) with EUR 2,429,639 and the Swiss Agency for Development and Cooperation (SDC) with 1,326,082 CHF with an in-kind contribution of the Royal Government of Bhutan.

2. Purpose

According to the LSP Programme document, the benefit of the monitoring and evaluation system of the programme is three-fold: i). To provide timely and useful information for decision-making to improve the programme's effectiveness (steering); ii). To provide evidence of the programme effectiveness and efficiency to stakeholders (downward and upward accountability); iii). Provide information for sharing and learning; iv). To assist the outcome-based overall monitoring of the development partners. Accordingly, an end-term evaluation was planned at the time of formulating the Legal Sector Programme.

The main purpose of the evaluation is formative, i.e. to use the findings and lessons learned for learning and communication of development results thereby improving the quality of a possible future design and implementation.

3. Objectives

The main objectives of the evaluation are to:

- Assess and present results, conclusions, lessons learnt and recommendations.
- Analyse the design and coherence of the programme including the logframe
- Analyse the extent to which the programme has achieved its objectives and results
- Analyse the strengths and weaknesses in terms of steering the implementation of the programme
- Analyse the integration of cross-cutting issues of gender and environment

4. Focus/Scope

The evaluation will cover the period from December 2014 to December 2018.

It will cover implementing partners of LSP: the Royal Court of Justices, Jigme Singye Wangchuck School of Law, Bhutan National Legal Institute, Gross National Happiness Commission, OeAD, ACO and Helvetas.

The evaluation will analyse all of the OECD DAC evaluation criteria.

5. Evaluation Questions

With regard to the evaluation of Legal Sector Programme, the following questions shall be analyzed and answered:

Relevance

- How relevant is the current results logic that underpins the LSP on the achievements of the intended results and is the objective still valid?

- How has the LSP helped in achieving the 11th FYP targets of the Justice Sector and are the Outcomes and Outputs consistent with the overall goal and its attainment?

Effectiveness

- To what extent has the implementation of recommendations of the Mid-Term Review of LSP helped to implement the programme successfully?
- How effective was the implementation of the LSP with respect to the planned objectives and results (programme log frame) and therefore the promotion of the Rule of Law?
- How effective was the joint funding partnership of the programme between ADA and SDC?
- To what extent were the objectives of institutional partnerships achieved?
- How effective was the implementation modality (PSC and PMU) of the LSP including periodic collection and analysis of data in reporting the results?
- What were the major factors (including risks) influencing the achievement/non-achievement of the Outcomes and Outputs?
- To what extent were gender, environmental issues and social standards mainstreamed in the programme?

Efficiency:

- How efficiently has the funding partners facilitated in terms of financial disbursement and implementation of the programme?
- What has hampered the efficiency, if anything? How have challenges been remedied? Any good practices and lessons learned.
- How efficiently has the implementing agencies delivered the intended results of the programme?

Impact:

- How many people – women, girls, men and boys - benefitted from the programme?
- What are the intended and unintended impact on the overall Justice Sector achieved through the programme?

Sustainability:

- How sustainable will the programme implemented under the LSP be?
- To what extent will the benefits, including benefits of the institutional partnerships, of LSP continue beyond 2018?
- What were the factors that influenced the achievement of sustainability?

6. Approach and Methods

The evaluation must provide evidence-based information that is credible, reliable and useful. The evaluation team shall use a combination of quantitative and qualitative methods including desk-study of available programme documents, progress reports and study reports, analyse the intervention logic and its assumptions; use key informant interviews and focus group discussions from the field visits.

Based on the requirements of this ToR the evaluators shall prepare the evaluation design matrix in which the proposed methods shall be presented. The findings and recommendations in the draft and final reports must be structured around the evaluation questions.

Currently, total of 40 working days has been estimated for the evaluation. The review will consist of several phases:

Procurement process: UNDP will carry out the procurement process and select the eligible evaluation team as per the required criteria.

Contract Signing: Contract agreement is signed and a discussion of agreement takes place. Relevant documents, including data and information, are provided to the evaluation team.

Desk Study: The evaluation team reviews and analyse the available documents and accordingly, prepare the evaluation design matrix.

Inception Phase: In this report, the evaluators will present its evaluation design matrix to the Reference Group, including criteria for field visits and interviews and estimated number of working days pre phase by team member. Here, the team will share on how data will be collected and the Reference Group will provide feedback which will have to be incorporated into the Inception Report.

Field Visit: A field visit shall be scheduled to, amongst others, the Punakha and Wangdue Phodrang districts and collect primary data and conduct interviews of the relevant stakeholders. All data collected will have to be disaggregated by sex, age and disability, if possible.

Submission of draft Evaluation Report: The evaluation team will submit the draft report to the Reference Group for further comments and feedback.

Submission/Presentation of Final Evaluation Report: The evaluation will, after incorporating comments from the relevant stakeholders, submit the final report to Reference Group and also make a final presentation on the findings and recommendations. The evaluation team shall also submit the duly filled Results Assessment Form.

6.1 Reference Group

A reference group shall be formed to provide feedback on the draft reports to the evaluation team to ensure the quality and standard of the evaluation process led by UNDP. The Programme Steering Committee (PSC) shall function as reference group. In addition, a relevant official from Research and Evaluation Division, GNHC, UNDP and ADA (in Bhutan) will be part of reference group.

6.2 Evaluation Team

The Evaluation team will be composed of an international consultant and a national consultant.

Key Qualifications in the team must include:

- Relevant academic degree (Master Level) in legal or related field
- A minimum of three years' proven work experience and expertise in the field of Legal/Justice
- Team leader has lead at least three evaluations in the last five years ideally in the relevant field
- Team member has participated in at least three evaluations ideally in the relevant field
- Knowledge of Bhutan with focus on topics such as legal and justice area
- Working Experience in national context and be culturally sensitive
- Experience in Project Cycle Management
- Experience and expertise in evaluating cross-cutting issues
- Excellent oral and written English skills
- Sound MS Office and IT skills

7. Duration of Assignment, Duty Station and Expected Places of Travel

Duration: December 2018- March 2019

Duty Station: Home based with 14 days mission travel in Bhutan

Number of Working days: 40 working days

Expected Place of Travel: Amongst others, Wangdue Phodrang and Punakha District Court which will be subject to criteria for field visits presented in the Inception Report.

The Evaluation should start latest by 20th December 2018 with the field visits taking place from 30th January- 13th February 2019. The final report has to be presented/submitted

8. Deliverables and Milestones

The evaluation team will submit the following reports:

- draft and final inception report.
- draft evaluation report
- final report, with executive summary and a list of recommendations made by the evaluation team.

#	Phase	Deliverable	Time Estimate
1	Inception Phase	Draft Inception Report (present conceptual and analytical framework, methodology, evaluation matrix, workplan, including, criteria for field visits and estimated number of working days per phase and team member and questionnaires to the reference group) Agree on the structure of the evaluation reports	15 th January- 29 th January 2019 (10 working days)
		Final Inception Report (submit the report)	

		after incorporating the comments from reference group) Completed feedback matrix	
2	Evaluation mission/ Data Collection, field visits and presentation of initial findings (first draft)	Presentation of Initial Findings (first draft as Power Point) De-briefing of initial findings (first draft) of the evaluation	30 th January- 13 th Febraury 2019 (14 working days)
3	Second Draft Report	Second Draft Report including draft executive summary and the Results Assessment Form with ccompleted feedback matrix	22 nd Febraury 2019- 3 rd March 2019 (12 working days)
4	Final Evaluation Report	Presentation of findings to Stakeholder Final Evaluation Report with Final Executive Summary and the Results Assessment Form The Reference Group will follow up on the evaluation recommendations (management response)	10 th - 14 th March 2019 (4 working days)

* When submitting the final evaluation report, the evaluator is required also to provide an 'audit trail', detailing how all received comments have (and have not) been addressed in the final evaluation report. See Annex B for an audit trail template.

9. Payment Terms

The UNDP office will sign the contract agreement with the international consultant as the team leader of the consultancy team. The UNDP office of Bhutan shall pay the consultancy fee to the team leader and all travel and local expenses shall also be included in the contract price. The payment for the national consultant should be made by the international consultant based on the contract price agreed between both the parties.

The payment will be made based on the deliverables of assignment and upon certification by GNHC in the following manner: The Payment schedule shall be as follows:

Due Date	Expected Results	Amount (%)
29 th January 2019	Submission and endorsement of inception report	10%
15 th Febraury 2019	Presentation and endorsement of initial findings (first draft)	25%
4 th March 2019	Submission of second draft report	30%
30 th March 2019	Submission and endorsement of final draft by GNHC	35%

10. Institutional arrangements

The Expert shall work in close consultation with the Reference Group. The Expert shall be reporting to the GNHC. The Expert will be expected to submit reports as required and agreed in the work plan and time schedule.

The evaluation team is responsible for its own logistical arrangements such as local transport and accommodation. Any other matters related to visa and facilitation of the meetings shall be arranged by the GNHC. However, the Evaluation Team shall independently meet with the stakeholders during evaluation.

11. Recommended Presentation of Offer

Applicants are requested to apply online through **procurement.bt@undp.org** by latest by **5th December 2018**. The consultancy team are invited to submit applications along with a cover page and the technical proposal with their CV for these positions. The team leader, International Consultant is required to collaborate with a National Consultant through a signed letter of association to form the consultancy team and submit the proposal together. If selected for the assignment, the contract will be signed with the Team Leader of the consultancy team who will be fully accountable for the execution of the work including deliverables

- a) Duly accomplished **Letter of Confirmation of Interest and Availability**;
- b) **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (2) professional references;
- c) **Brief description** of why the individual considers him/herself as the most suitable for the assignment, and a methodology on how they will approach and complete the assignment.
- d) **Financial Proposal** that indicates the all-inclusive fixed total contract price (consultancy fee for national and international consultant), supported by a breakdown of costs. The consultants shall submit the price offer indicating a lump sum all-inclusive cost for the assignment (including daily fee, per diem and travel costs for both consultants) together with the Technical Proposal in separate files.
- e) Signed letter of association as a Consultancy Team between International and National Consultants

12. Selection Criteria

The following criteria shall serve as a basis for evaluating the offers:

Combined Scoring method:

- Technical evaluation comprising of 70%, (weightage) and
- Financial evaluation of 30%

Criteria	Weight	Max. Point
<i>Technical</i>	70	
Education qualification;		10
A minimum of three years' proven work experience and expertise in the field of Legal/Justice;		15
Team leader has lead at least three evaluations in the last five years ideally in the relevant field; Team member has participated in at least three evaluations ideally in the relevant field;		15
Knowledge of Bhutan with focus on topics such as legal and justice area; Working Experience in national context and be culturally sensitive;		20
Experience in Project Cycle Management		05
Experience and expertise in evaluating cross-cutting issues		05
Sub-total A. (Technical)		70
<i>Financial</i>	30	
Sub-Total B.(Financial)		30
Total (A+B)		100

ANNEX I:

13. Documentation

The relevant programme documents will be shared to the UNDP who will further share it with the evaluation team for their reference. Following are the list of relevant documents:

- Extended Legal Sector Programme Document, GNHC (2016-2018)
- Capacity Assessment of Judiciary by Ms. Laurence Levaque
- Mid-term Review report of LSP , GNHC (2014-2016)
- Mid-term Review Support to Judiciary Project
- Mid-Term Evaluation: ADC Country Strategy Bhutan 2015-2018
- Construction Monitoring Report, GNHC (2016)
- LSP Progress Reports submitted to PSC Meetings, GNHC (2014-2018)
- LSP Work plan and Budgets, GNHC (2014-2018)
- Justice Sector Strategic Plan, GNHC (2018)
- Final Report on 11th FYP, GNHC (2018)
- Voluntary National Review Report on the Implementation of the 2030 Agenda for Sustainable Development (SDG), GNHC (2018)

ANNEX II:

The following is a template for the evaluator to show how the received comments on the draft TE report have (or have not) been incorporated into the final TE report. This audit trail should be included as an annex in the final TE report.

To the comments received on (date) from the Terminal Evaluation of Implementing the Legal Sector Programme (LSP) in Bhutan.

The following comments were provided in track changes to the draft Terminal Evaluation report; they are referenced by institution (“Author” column) and track change comment number (“#” column):

Author	#	Para No./ comment location	Comment/Feed back on the draft TE report	TE team response and actions taken