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TERMS OF REFERENCE

FOR CONSULTANCY FIRM CONTRACT: THE UPDATING AND REVISION OF THE BANGLADESH CODES

A. Project Title:
Promoting Access to Justice and Human Rights in Bangladesh
B. Description of the Assignment:
Consultancy to assist the GoB in updating and reviewing the Bangladesh Codes. Note: while UNDP will be contracting for (and monitoring the delivery) of these services, the lead GoB client is the Legislative and Parliamentary Division (LPAD) of the Ministry of Law, Justice and Parliamentary Affairs (MoLJ&PA).
C. Project Description:
<p>One of the three outcomes of the A2J Project is improved administration of justice through legal and policy reform. Under this outcome the Project is working for enhancement of access to justice through the reform procedures of existing laws that include updating and revising as well.</p> <p>Since the last revision and codification several laws have been passed by the Parliament. These laws include new Acts (dealing with new legislation) and amendments to existing Acts and Subsidiary Legislation. With the accretion of amendments over the years to the existing Acts and Subsidiary Legislation, the laws have become inaccessible since they have to be assimilated and read in the light of the amendments made thereto.</p> <p>The Government of Bangladesh therefore views with deep concern the accumulation, year after year, of this mass of unassimilated legislation resulting in the increasing inaccessibility of the laws. After every general revision then, with the passage of time, the need arises to produce a New Revised Edition, which will contain all the extant laws revised and updated to a particular date (i.e. the revision date) thus reflecting the existing status of those laws at the date. Thus the revision is of cardinal importance to the administration of justice. In a free and democratic society the laws should be made readily accessible if they are to properly serve the needs of Parliament, the Courts, Judicial and Legal Officers in the Service, the Legal Profession and the general public, in a more efficient manner than the assented copies of the written laws contained in Annual Volumes.</p> <p>In the above backdrop, the Legislative and Parliamentary Affairs Division (LPAD), Ministry of Law Justice and Parliamentary Affairs (MoLJPA) has undertaken a scheme of Update and Revision of all 40 BD Codes with the assistance of the A2J Project. An Advisory Panel of Experts will have been formed at the MoLJPA to provide expert advice, opinion and support the implementation of the Update and Revision of the selected Act of Parliament.</p> <p>For this purpose, the Project is inviting bids for the Update and Revision from institutions/firms to having the required competence, skills and qualifications as enumerated in this Term of Reference to complete the tasks as describe below.</p>
D. Scope of Work
The main task is to update and revise all BD codes of Bangladesh in accordance to the statutory changes brought in the laws in the meantime. A detailed work plan and time schedule for completing the Update and Revision will be prepared by the Contractor and agreed upon by the Project in consultation with the Advisory Panel of Experts in the early stages of the commencement. The Contractor is to work on a code by code basis, that is, the Contractor will



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update and revise and submit one code of the BD codes and then commence, complete and submit the Update and Revision for the second code. The Contractor is required to verify the completeness of BD Codes Update and Revision.

The Contractor remains responsible for the quality and accuracy of the Update and Revision - including preparing source the text for Update and Revision and verifying completeness; checking, revising and editing, or re-editing as the case may be, texts submitted to the Advisory Panel of Experts; managing terminology for technical accuracy and consistency.

To ensure the accuracy of the Update and Revision the Contractor will employ the following techniques (not exhaustive):

- appropriate matching with changed/revised/repealed texts,
- text segmentation,
- text alignment,
- indexing,
- consistency checking,
- missing detection, and
- Grammar checking.

The Contractor may pose questions to the Advisory Panel of Experts where there are uncertainties about Update and Revision that require resolution before further work can proceed. However, it is expected given the expertise of the Contractor that such questions would be substantive and relatively infrequent. Following review of the update and revision by the Advisory Panel of Experts, the contractor will, edit the updated and revised texts as required and resubmit the updated and revised text. The contractor should also format the documents so that this may be sent for printing.

The consultant will work according to the following phases-

Phase 01: the contractor submits the Work plan and time schedule for completing the Update and Revision.

Phase 02: the Contractor primarily completes revising and updating the 40 Bangladesh Codes and submits those in soft and hard copies with signed cover letter to the Ministry and the Project.

Phase 3: the contractor upon receiving the comments of the Advisory Panel of Expert as formed by the ministry and after re-editing and proof-checking of the revised and translated texts based on the comments from the Advisory Panel of Experts, delivers hard and soft copies of the final Update and Revision texts of BD codes.

Phase 4: the contractor submits completion report by summarizing tools and methodologies applied, lessons learnt, and recommendations relevant to the formulation/execution of the longer term Scheme.

Phase 5: the contractor submits a comprehensive report that includes

1. the present strategic goal/target of the LPAD in doing similar nature of activities by consulting the senior leaderships of LPAD
2. the existing financial, logistical and human resource present in the division for the kind of activity
3. the gap analysis between the targeted goals and current capacity and resource needs
4. the specific funding needs specially from the current and prospective donors in such kind of activity aligned with year-wise target



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E. Expected Outputs		Timeline (from date of contract signing)
Work plan and time schedule for completing the Update and Revision		Phase 1: End of Week 1
Monthly Progress Reports confirming the contractor's progress in completing the Update and Revision against the targets in work plan by the 4 th the of every month		4 th of every month
Soft and Hard copies of the Updated and Revised Bangladesh Codes along with signed cover letter		Phase 2: End of Week 19
Re-editing and proof-check of the revised and translated texts based on the comments from the Advisory Panel of Experts and delivery of hard and soft copies of the final Update and Revision texts		Phase 3: End of Week 21
Completion Report summarizing tools and methodologies applied, lessons learnt, and recommendations relevant to the formulation/execution of the longer term Scheme		Phase 4: End of Week 23
A comprehensive report that includes <ol style="list-style-type: none"> 5. the present strategic goal/target of the LPAD in doing similar nature of activities by consulting the senior leaderships of LPAD 6. the existing financial, logistical and human resource present in the division for the kind of activity 7. the gap analysis between the targeted goals and current capacity and resource needs 8. the specific funding needs specially from the current and prospective donors in such kind of activity aligned with year-wise target 		Phase 5: End of Week 25
Total		25 Weeks (6 Months)
F. Impact of Results		
The key results have an impact on the overall success of the country programme and reaching UNDAF/ CPD goals. In particular, the key results have an impact on the design, operation and programming of activities, creation of strategic partnerships as well as reaching overall project targets.		
G. Institutional Arrangement		
The contracted firm will report to the Chief Technical Adviser, A2J Project, who will also carry out a performance evaluation at the end of the assignment. Further, the work of the firm will be coordinated by the A2J Project in close cooperation with LPAD and MoLJ&PA.		



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H. Duration of the Work and Duty Station
<p>The duration of the assignment will be a maximum 6 months. The principal working location (duty station) in Dhaka, with travel outside as required by the assignment (for research and consultation workshops, etc.)</p> <p>Special Note: Promoting Access to Justice and Human Rights in Bangladesh Project is expected to be completed by July, 2014. Therefore, failure to complete the task within the given deadline may lead to significant delays of payment of one or more milestone payment.</p>
I. Final Products/Services
<ul style="list-style-type: none">• Hard and soft copies of the final Update and Revision texts of all the volumes of the Bangladesh Code.• Completion Report summarizing tools and methodologies applied, lessons learnt, and recommendations relevant to the formulation/execution of the longer term Scheme.• Final comprehensive report detailing the present strategic goal/target of the LPAD in doing similar nature of activities by consulting the senior leaderships of LPAD, the existing financial, logistical and human resource present in the division for the kind of activity, the gap analysis between the targeted goals and current capacity and resource needs and the specific funding needs specially from the current and prospective donors in such kind of activity aligned with year-wise target.
J. Qualification of the successful contractor
<p>This is a high profile advisory assignment requiring senior and professional advice based on substantive experience and qualifications of the contracting firm (including research institutions, universities or NGOs), based on a team approach comprising several experts. The firm will be invited to submit a detailed delivery proposal alongside CVs for the team leader and any senior consultants (see below).senior level experience and high qualifications.</p> <p>Eligibility criteria of the consultancy firm:</p> <ul style="list-style-type: none">• Experience working with government/semi-government/autonomous bodies (in Bangladesh or South Asia) in research related area (legal or social) during the last five years;• Reputation of a national standing in the delivery of credible research outputs related to legal or social development issues and analysis, with minimum 5 years of experience;• Ability to field a team of experts in various disciplines relevant to legislative drafting, revision, update and the delivery of the designated outputs, with minimum 3 years of experience of experts.• Track Report: The firm must have completed at least one assignment in legal /social or similar discipline <p>Note: Consultancy firms that do not meet the above eligibility criteria shall not be considered for further evaluation. Necessary documentation must be submitted to substantiate the above eligibility criteria.</p> <p>Minimum eligibility criteria of the Lead Consultant:</p> <ul style="list-style-type: none">• The Team Leader will be a law expert having an LL.B/LL.M degree• Extensive experience (minimum ten years) in the field of legislative drafting, revision and updating in the



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- Experience in the delivery of similar type of services **at least one assignment** to government/semi-government/autonomous bodies (in Bangladesh or South Asia)

Required technical and educational qualifications of key team members:

- The **Update and revision expert(s)** should preferably possess academic/professional legal background with relevant expertise in Update and revision work. The Update and revision Expert will be responsible for (but not limited to) Update and revision of the BD codes with statutory changes in the laws of the BD codes.
- The **Legislative Drafting Experts** should possess a law degree and considerable relevant experience in legislative drafting. S/he will be mainly responsible to ensure compliance of the Update and revision assignment with applicable Bangladesh standards and norms. The expert will also play a key role in quality assurance of the work.
- The **Language Experts (02)** will have minimum Master's Degree in the relevant language from a recognized university. The expert should have experience in semantics and editorial works and perform key responsibilities in linguistic quality assurance of the assignment.

K. Scope of Bid Price and Schedule of Payment

Remuneration of the successful contractor will be fixed and bids should be submitted on this basis. No adjustment will be given for the period and determined by the specified outputs as per this ToR. The price should take into account all HR costs and professional fees, travel costs, DSA, subsistence and ancillary expenses.

UNDP shall effect payments, by bank transfer to the consultancy firm's bank account, upon acceptance by UNDP (in consultation with LPAD) of the deliverables specified in the ToR. Payments will be made in tranches based on the following percentages and milestones.

- **1st Payment:** 10% of total contract value will be paid after submission of Work plan and time schedule for completing the Update and Revision
- **2nd Payment:** 20% of total contract value will be paid after submission of Soft and Hard copies of the Updated and Revised Bangladesh Codes along with signed cover letter.
- **3rd Payment:** 50% of total contract value will be paid after delivery of hard and soft copies of the final Update and Revision texts after re-editing and proof-check of the revised and translated texts based on the comments from the Advisory Panel of Experts.
- **4th Payment:** 10% of total contract value will be paid after submission of completion Report summarizing tools and methodologies applied, lessons learnt, and recommendations relevant to the formulation/execution of the longer term Scheme.
- **5th Payment:** 10% of total contract value will be paid after submission of final comprehensive report detailing the present strategic goal/target of the LPAD in doing similar nature of activities by consulting the senior leaderships of LPAD, the existing financial, logistical and human resource present in the division for the kind of activity, the gap analysis between the targeted goals and current capacity and resource needs and the specific funding needs specially from the current and prospective donors in such kind of activity aligned with year-wise target.

Terms:

- The selected contractor will prepare and submit the work plans for approval and report progresses on weekly basis, to the Advisory Panel of Experts.
- Payment for services of the contractor will be made upon satisfactory certification by the Advisory Panel of



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Experts and will be remunerated by the A2J Project.

- Tax and VAT shall be deducted from the contract amount according to the Government Rules and Regulations.

L. Recommended Presentation of Proposal

Interested firms must submit the following detailed proposal made up of documentation to demonstrate the qualifications of the prospective firm, to enable appraisal of competing bids. This should include technical and financial proposals, details of which are listed below.

1. Technical Proposal

- (i) Firm information – Name of Firm and details of registration, address and bank account; business registration certificate and corporate documents (Articles of Association or other founding authority); description of present activities and most recent annual report (including audited financial statements), if applicable;
- (ii) Relevant Experience – Description of experience in projects of a comparable nature, with specific description of technical specialization of the Firm in the field of social or legal research/study, and list of current and past assignments of the Firm;
- (iii) Process - The Technical Proposal needs to contain a detail description of the process the contractor intends to follow to complete the tasks including a detailed work plan and time schedule for completion/delivery of the final product (the updated and revised text of the BD codes) which, after selection of the contractor, will be agreed upon by the Project in consultation with the Advisory Panel of Experts in the early stages of the commencement.
- (iv) Human Resources - The Technical Proposal needs to contain a list and detailed information on the proposed Human Resources which will be utilized for the task including their respective qualifications and relevant experience/exposure and required expertise/skills to complete the tasks i.e. legal, linguistic, drafting and editing expertise, among others.
- (v) Tools and Methodologies - The Technical Proposal must detail tools and methodologies that will be used to ensure the accuracy of the update and revision by the contractor. In particular, in order to deliver the task to the highest standard, checks using processes including software-built processes should be applied by the selected contractor.

2 references to be provided by the contractor where previous work has been undertaken.

2. Financial Proposal (including fee, travel cost, DSA, and other relevant expenses)

- (i) The Financial Proposal shall specify a total delivery amount (in USD or BDT) including consultancy fees and all associated costs, i.e. travel cost, subsistence per diems, printing costs, consultation workshop costs and overhead recharges.

In order to assist UNDP in the comparison of financial proposals, the financial proposals will include a breakdown of this amount disclosing the key assumption employed in costing the working. The costing must be broken down for the update and revision of specified legal texts on price per page of source text of the submitted or finished updated and revised text.

The cost of preparing a proposal and of negotiating a contract, including any related travel, is not reimbursable as a direct cost of the assignment.



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M. Evaluation

In response to the invitation of tender (EoI), **the contractor will have to submit a Technical proposal as per the Terms of Reference of the scheme and a financial Proposal separately.** The tender selection committee will first evaluate the technical proposal of the institutions/firms. Any institutions/firms getting more than 70% of the maximum achievable points (i.e. 49 points) in the technical proposal will be considered for financial appraisal, and ultimately therefore, for contracting. The financial proposal will be evaluated based on lowest price.

The total scoring points for both the evaluations will be 100; the technical evaluation will be based on 70 points and the rest 30 points are to be allotted to the bidder proposing lowest price.

A cumulative analysis weighted-scoring method will be applied to evaluate the firm. The award of the contract will be made to the tenderer whose offer has been evaluated and determined as:

- a) Responsive/compliant/acceptable with reference to this ToR, and;
- b) Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to this solicitation, with the ratio set at 70:30 respectively.

BASIS FOR EVALUATION

Criteria	Weight	Max. Points	
<u>Technical</u>			
Overall experience and qualifications of the firm			
<ul style="list-style-type: none"> • Experience working with government/ semi-government/ autonomous bodies in delivering research outputs related to social or legal or legislative issues within 5 years 		50	
<ul style="list-style-type: none"> • Experience in organizing meetings, workshops, consultations and documentation of research/study findings 		50	
Methodology proposed in the technical proposal			
<ul style="list-style-type: none"> • Methodology of conducting background research/collection of information for the revision and update of BD codes 	700	100	
<ul style="list-style-type: none"> • Methodology of drafting the strategy of revision and update in coordination with stakeholders from Ministry of Law 		100	
<ul style="list-style-type: none"> • Risk mitigation plan 		50	
<ul style="list-style-type: none"> • Proposed Time schedule for all activities under the assignment 		50	
Skills and experience of experts nominated			
<ul style="list-style-type: none"> • The Team Leader's experience of rendering legislative drafting related advice to Government 			150
<ul style="list-style-type: none"> • The Team Leader's experience in legislative research and revision and update of similar legal documents 			100
<ul style="list-style-type: none"> • Other team members' experience in legislative research and revision and update of similar legal documents 		50	
<u>Financial</u>	300		



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Total	1000	
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CHECKLIST FOR SUBMISSION OF BIDDING DOCUMENTS BY THE BIDDER

(Please tick)

No.	Documents Submitted	Attached	Not applicable
1. Consulting firm			
1.1	Company profile including printed brochure relevant to the services being procured		
1.2	Certificate of registration of the business including incorporation or equivalent document		
1.3	Latest audited financial document (income statement and balance sheet) including auditor's report		
1.4	Documents related to ability to field a team of experts in various disciplines relevant to social or legal or legislative research and analysis with Government clients;		
1.5	One document on social or legal research completed by the company/firm in last 5 years		
2. Team Leader			
	Detailed CV of the team leader		
2.1	Demonstrated experience of the Team Leader's experience of rendering legislative drafting related advice to Government		
2.2	Certificate of LL.B/LL.M certificate (s) to be provided.		
2.3	Track record of The Team Leader's experience in legislative research and revision and update of similar legal documents minimum 1		

A. Responsibilities of the Contractor regarding cost component

In order to produce deliverables stipulated in the ToR, the contractor/firm will bear all necessary costs relating to required logistics, travel, meeting, food, report preparation and also the cost of office premises for themselves.



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B. Responsibilities of UNDP regarding cost component

UNDP will only pay the Lump Sum cost for this assignment mentioned in the contract.

C. Identification of Risk and Risk Mitigation Plan

There are some risks have been identified by the project which may affect in producing outputs as stipulated in this ToR. The project has also identified a few mitigation options to address those identified risks described below:

- **Timely delivery of planned outputs:** Due to political un-rest situation and others factors, the consultants team may not be able to produce outputs as per the plan. To mitigate such risk, quarterly progress review and planning meeting will be held between two parties to explore the ways and strategic for producing outputs in time.
- **Quality outputs:** It is a common risk and challenge to ensure quality of outputs/deliverables up to an expected level. An expert group will be formed at the ministry to check the quality of the outputs/deliverables produced by the consultants. This expert group will meet once a quarter to review and check the outputs/deliverables quality for further improvement.
- **Clear understanding:** Clear understanding among the consultants about this assignment could be one of the potential risks. To mitigate this risk, project will organize a briefing session with the selected consultant team to clarify the objective and outputs of this assignment.

D. Key Performance Indicator

The quality of works and deliverables to be produced by the contractor according to the ToR will also be monitored by the contract administrator. The proposed performance indicators of the contractor's deliverables are illustrated below:

- 100% accuracy in revised and updated documents. Firm have to do the tasks to ensure error free.
- Milestones achieved as per the plan submitted by the contractor
- Quarterly progress report submitted by the contractor and approved by the expert panel and respective staff of the project.