



22 October 2020

INVITATION TO TENDER FOR DEVELOPMENT OF A FIVE-YEAR STRATEGIC PLAN FOR THE AFRICAN COURT COALITION

The Coalition for an Effective African Court on Human and Peoples' Rights (the African Court Coalition/ACC) and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) invites you to apply for a Consultancy to develop a strategic plan document of the African Court Coalition.

This is a competitive process and suitable candidates shall be sourced through an open call. Should you be interested in this assignment, the tender should be submitted in accordance with the Terms of Reference for the Development of a Five-Year Strategic Plan (Annex 1) and the Form for Submission of Proposals (Annex 2).

The Contract will be awarded on the basis of the most economically advantageous proposal according to a best price-quality ratio as described in Annex 3, Eligibility and Selection of Proposals.

The deadline for submitting applications is **4 November 2020**. Submissions should be made to the Raoul Wallenberg Institute, Nairobi Office, by email: **nairobi@rwi.lu.se** and a copy to Sophia Ebby, ACC Coordinator, by email: **coordinator@africancourtcoalition.org** with the subject line "**Proposal: ACC Strategic Plan**". Any enquiries regarding the assignment should be sent by email to Sophia Ebby, ACC Coordinator, on **coordinator@africancourtcoalition.org**.

Yours sincerely,

Chris Muthuri
Senior Programme Officer,
RWI Regional Office in Nairobi

Annex 1 – Terms of Reference
Annex 2 – Form for Submission of Proposals
Annex 3 – Eligibility and Selection of Proposals

Terms of Reference

Development of a Five-Year Strategic Plan for the African Court Coalition

1. Background

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution established in 1984. RWI has since 1990 carried out a wide range of research, academic education, and institutional capacity development programmes internationally in the human rights field, mainly with the support of Swedish Development Cooperation. The work of the Institute focuses on four thematic areas: Fair and Efficient Justice; Inclusive Societies; People on the Move; and Economic Globalisation and Human Rights (see further <http://rwi.lu.se/>).

RWI started to work in Africa in the early 1990s and since then extensive cooperation has been maintained with institutions in Burundi, Ethiopia, Kenya, Malawi, Namibia, Sierra Leone, South Africa, Tanzania, Uganda, Zimbabwe, and Zambia, as well as regionally/sub-regionally. The Institute's office in Nairobi currently manages RWI's bilateral programmes in Kenya and Ethiopia, as well as regional cooperation in Africa. For further information on the Institute's cooperation in Africa, see <https://rwi.lu.se/where-we-work/regions/africa/>.

In 2019, RWI began the Implementation Phase of a new Regional Africa Programme (RAP). Planned to run until 2023, the Programme involves cooperation with bodies of Regional Economic Communities and the African Union, and related duty-bearers in the region, in the area of human rights, as well as cooperation with other key regional actors able to follow up and influence the implementation of human rights commitments in the region, including academic institutions. For further information on the Programme, see <https://rwi.lu.se/where-wework/regions/africa-regional/>.

The Coalition for an Effective African Court on Human and Peoples' Rights (the African Court Coalition/ACC) was formed during the first conference for the promotion of the Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights (ACfHPR) in Niamey, Niger in May 2003. The Coalition is a membership-based organisation made up with Non-Governmental Organisations (NGOs), independent human rights institutions, legal and non-legal practitioners, and individual members. The key purpose for its establishment is to advocate for an effective and independent African Court on Human and Peoples' Rights in order to provide redress to victims of human rights violations and strengthen the human rights protection system in Africa. The Coalition secretariat is based in Arusha, Tanzania where it was registered under the Tanzania NGOs Act since the year 2007. For further information on ACC, see <https://africancourtcoalition.org/>.

The African Court Coalition is a partner in RWI's Regional Africa Programme. The overall mandate of ACC under the Programme is working towards enhancing the performance of the ACfHPR and implementation of its decisions, as well as strengthening the complementary relationship between the ACfHPR and the African Commission on Human and Peoples' Rights.

RWI offers internal capacity building support to partners within the Regional Africa Programme to enable them to execute their functions and mandate effectively. It is from this

background that RWI and ACC seek to engage a contractor to develop a strategic plan for the African Court Coalition.

2. Purpose and Objectives

The overall objective of this consultancy is to develop a five-year strategic plan that will provide guidance to the African Court Coalition in the execution of its activities. The strategic plan shall cover the period between 2021 to 2025.

3. Scope of Work

The scope of work for the Consultant shall include the following tasks:

- Review the existing strategic plan document of the African Court Coalition and assess the significance and impact of current ACC programmes;
- Undertake stakeholder consultation which shall include members of the African Court Coalition, members of the Executive Committee, the ACC Secretariat, partners and donors;
- Undertake a situation analysis of the African Court Coalition operations to date;
- Through a consultative process and application of an appropriate analysis, identify focus areas and develop strategic objectives and key result areas for the same;
- Review the institutional capacity, organizational set-up, financial and administrative systems against the ACC mandate and the identified strategic objectives and key result areas; and make recommendations if any;
- Propose a strategy for achieving the strategic objectives and key results;
- Develop a Results and Resources Framework for the plan period;
- Hold virtual stakeholder meeting(s) to validate the draft strategic plan;
- Finalize and submit the strategic plan

4. Deliverables

The following are the expected deliverables:

- Inception report
- A five-year strategic plan including a results and resources framework
- Report on the process including stakeholder consultations

5. Time Schedule

The estimated completion of this assignment is within a period of 8 weeks from the date of the contract signing.

6. Reporting and Communication

During the course of the performance of this assignment, the contractor shall at all times remain in close contact and consult with ACC and RWI for purposes of communicating the work done and receiving feedback and input on the on-going work. ACC and RWI will as far as possible, cooperate in the performance of this assignment.

ACC will provide all the necessary documents needed to carry the assignment. ACC will also be responsible for the coordination of consultation meetings organised under the assignment.

English should be the language of all written communication including, e-mails, drafts and final versions of the report.

7. Qualifications of the Contractor(s)

The assignment is to be carried out by an individual contractor or a team of contractors. The individual, or the team, collectively, shall possess the following competences:

- Advanced degree in organisational management, strategic planning, or any other related discipline
- A minimum of 10 years of experience in strategic planning for non-profit organisations;
- Demonstrable knowledge and experience in developing strategic plans, organisational frameworks, programmes design (including the logical framework approach), budgeting, monitoring and evaluation;
- Extensive knowledge on Non-Governmental Organisations (NGOs) operational environment and management; and
- Fluency in English and excellent writing skills.

Desirable

- Experience in law, social/political sciences, international human rights law, governance, public policy and administration or any other related discipline
- Ability to work in both French and English as the process may involve engagements with both Francophone and Anglophone countries

In the case of a team proposed to carry out the assignment, one person shall be designated to be the team leader, and shall be responsible for all contact, the contract and deliverables. In the submission, it must be made clear which specific expertise/qualification each team member has. The team leader and his/her team members must all exercise reasonable skill, care and diligence in the performance of services and shall carry out responsibilities in accordance with recognised professional standards.

Form for Submission of Proposals
Development of a Five-Year Strategic Plan for the African Court Coalition

[This form could be submitted using the Service Provider's official letterhead as applicable]

Location
Date

Dear Madam/Sir,

We, the undersigned, hereby offer to render the following services to RWI in conformity with the requirements defined in Invitation to Tender (IT) dated 22 October 2020, and all of its attachments.

A. Qualifications of the Service Provider

The Service Provider must describe and explain how and why it is the best entity that can deliver the requirements as per the ToR and IT by indicating the following:

- a) Profile – describing the field of expertise and accreditations as relevant*
- b) Track Record – list of similar services as those required, indicating description of scope, duration, value, references*
- c) References – please include at least three references where similar services as those required were provided*

B. Proposed Methodology for the Completion of Services

The Service Provider must describe how it will address/deliver the demands of the IT; providing a detailed description of the essential performance characteristics and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the context of the work.

C. Proposed Schedule of Services

The Service Provider must provide a detailed breakdown of its proposed date schedule for implementing the services required in the IT, in accordance with Section “Time Schedule” and “Reporting and Communication” in the Terms of Reference.

D. Qualifications of Team

The Service Provider must provide:

- a) Names and qualifications of the contractor. Where a team is proposed, include names and qualifications of members that will perform the services indicating who is Team Leader, who is supporting, etc.*
- b) CVs demonstrating qualifications for the contractor(s)*
- c) Written declaration that the Service Provider and any team members have not been, and are not, subject to any international sanctions or restrictive measures with which RWI is required to comply according to Swedish law*
- d) Written declaration that the Service Provider and all team members are not, and have not been, in any of the situations listed in point 5 of the Eligibility Criteria in Annex 3*
- e) Written declaration that the Service Provider is available for the entire duration of the contract*

E. Fee Breakdown by Team Member

Description of Team Member	Fee per Unit of Time	Total Period of Engagement	Total Rate
<i>a. Expert 1</i>			
TOTAL			

[Please note that costs for travel, accommodation and other relevant expenses will be met by RWI in agreement with the selected Service Provider and should not be included here]

Name and Signature of the Service Provider's Authorized Person
Designation
Date

Eligibility and Selection of Proposals

Development of a Five-Year Strategic Plan for the African Court Coalition

All proposals submitted will be examined and evaluated by at least two representatives of RWI and ACC, and assessed according to the following steps and criteria:

If the examination of a proposal or other relevant information received reveals that the proposal does not meet the eligibility criteria (see below), the proposal will be rejected on this sole basis.

The proposals that pass this check will be further evaluated on their quality, including the capacity of the service provider. They will be evaluated using the evaluation criteria in the evaluation grid below.

There are two types of evaluation criteria: selection and award criteria. The selection criteria evaluate the service providers' capacity and are used to verify that they have the professional competencies and qualifications required to successfully implement the assignment. Proposals that do not meet a stated minimum standard in this respect will be rejected on this basis. All criteria, including the selection criteria, are then considered as award criteria, which evaluates the quality of the proposals in relation to the objectives and priorities set forth in the Terms of Reference.

The contract award will be considered on the basis of the most economically advantageous proposal according to the best price-quality ratio, whereby the weighting for price is 25% and for quality 75%. As to price, the lowest bid gets 25 points. The other bids get 25 points reduced with the same percentage as the offered price exceeds the lowest bid, i.e. an offer that is 50% more expensive than the lowest bid gets 12.5 points.

Quality will be assessed in accordance with the quality criteria in the evaluation grid below, which in turn will be divided between the different quality criteria based on their importance in view of points that can be obtained for each criteria.

I. Eligibility Criteria

- 1) Proposal in accordance with requirements of Terms of Reference (annex 1) and Form for Submission of Proposals (annex 2), submitted by 4 November 2020.
- 2) Service Provider and all team members have not been, and are not, subject to any international sanctions or restrictive measures with which RWI is required to comply according to Swedish law.
- 3) Service Provider available for the entire duration of the contract.
- 4) RWI only partners with suppliers that respect and comply with all relevant and applicable human rights as well as ethical business, social responsibility, health, safety, environmental, employment and fiscal regulations. Any known violations in this respect, or inability to provide appropriate evidence, if and as requested, shall disqualify a service provider from (taking part in) the procurement process.
- 5) In addition, a service provider shall also be excluded from taking part in the procurement process if:

- a) it is bankrupt, subject to insolvency or winding-up procedures, where its assets are being administered by a liquidator or by a court, where it is in an arrangement with creditors, where its business activities are suspended, or where it is in any analogous situation arising from a similar procedure provided for under national laws or regulations;
- b) it has been established by a final judgment or a final administrative decision that the service provider is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the supplier belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibility where such conduct denotes a wrongful intent or gross negligence, including, in particular, any of the following:
 - i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract;
 - ii) entering into agreement with other economic operators with the aim of distorting competition;
 - iii) violating intellectual property rights;
 - iv) attempting to influence the decision-making process during the procurement; or
 - v) attempting to obtain confidential information that may confer upon it undue advantages in the procurement process.
- c) it has been established by a final judgment or a final administrative decision that the service provider is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the applicable law;
- d) it has been established by a final judgment that the service provider, or persons having powers of representation or decision-making control over it, is guilty of any of the following: fraud; corruption; involvement in a criminal organisation; money laundering; terrorist financing; child labour (or any other forms of trafficking in human beings); or any other illegal activity detrimental to RWI's interests;
- e) the service provider has shown significant deficiencies in complying with main obligations in the performance of a contract financed by RWI or any donor to RWI, which has led to the early termination of a legal commitment or to the application of liquidated damages or other contractual penalties or which has been discovered following checks and audits or investigations.

II. Evaluation grid regarding quality

The evaluation grid is divided into Sections and subsections. Each subsection will be given a score between 1 and 5 as follows: 1 = very poor; 2 = poor; 3 = adequate; 4 = good; 5 = very good.

Section	Maximum Score
1. Capacity (Selection Criteria)	30
1.1. Does the service provider have sufficient knowledge and demonstrable expertise and experience in conducting strategic planning?	5 x 2*
1.2. Does the service provider have relevant qualifications including an advanced degree with specialisation in organisational management, strategic planning or a related field?	5
1.3. Does the service provider have demonstrable experience working on similar assignment related to developing strategic plans for non-profit organisations?	5 x 2*
1.4. Does the service provider have demonstrable experience and fluency in writing English publications	5
2. Understanding of Terms of Reference	20
2.1. Does the service provider demonstrate a good understanding of the requirements of the assignment, as described in the Terms of Reference?	5 x 2*
2.2. Does the service provider demonstrate expertise, knowledge, and experience working for, or carrying out assignments for non-profit organisations in the human rights or justice sectors?	5 x 2*
3. Relevance of the proposal	15
3.1. Does the proposal contain particular added-value elements (e.g. innovation, best practices)?	5 x 2*
3.2. Is the service provider able to work in both French and English?	5
4. Implementation approach	10
4.1. Is the plan for implementing the assignment clear and feasible? Is the timeline realistic?	5
4.2. Is the organisation of the work clear and purposeful?	5
Maximum total score	75

***: this score is multiplied by 2 because of its importance**

If the total score for Section 1 (capacity) is less than 15 points (not considering any multiplication of points), the application will be rejected. If the score for at least one of the subsections under Section 1 is 1 (not considering any multiplication of points), the application will also be rejected.