

Request for Proposals for Developing DefendDefenders Board Charter.

Client: DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
Human Rights House,
John Kiyingi Rd, Nsambya

November 2021

Request for Proposals

DefendDefenders, requests for proposals/bids for Developing DefendDefenders Board Charter. The request for a proposal document is attached below.

In response to this request, the bidder must submit a technical and financial proposal.

Both the technical and financial proposals should be addressed and sent to:

Head Procurement

DefendDefenders

Human Rights House, Nsambya

Email: procurement@defenddefenders.org

Proposals/bids should be submitted before **12:00Pm** (Ugandan local time) **on Monday 22nd November 2021.**

Late submissions shall not be accepted.

Thank you.

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Head Procurement

1.0 Instructions to Proposers

The bidder is to read carefully the instructions set out below. No claim will be entertained on the grounds of failure either to read or comply with the instructions or for any alleged misunderstanding of their meaning.

1.1 Request for Clarifications

For any inquiries regarding this request write to the Procurement Committee on email address procurement@defenddefenders.org, provided your request does not concern the prices for these services. This request must be sent before 12.00hrs on Thursday, November 18th, 2021.

Should there be any doubt or obscurity as to the meaning of any word or phrase or terms or conditions in the request for proposals document or anything to be done or not to be done by the eventual contractor, or to these instructions, or as to any other matter or anything pertaining to the eventual contract, the bidder must submit such doubt or obscurity in writing. Any clarification so issued will form part of the contract documents.

DefendDefenders is not obliged to provide explanations regarding requests made after the closing date. Results will not be made public. **Any lobbying will lead to automatic disqualification.**

1.2 Cost of Preparing the Proposals

The proposer shall bear all costs associated with the preparation and submission of his/her proposal and DefendDefenders will in no case be responsible or liable for these costs regardless of the conduct or outcome of the proposal's solicitation process.

1.3 Taxes and Duties

DefendDefenders will withhold 6% tax for Ugandan based consultants and 15% for foreign consultants except for those with WHT exemption from Uganda Revenue Authority. Your offer should, therefore, be inclusive of all taxes and any other levies.

1.4 Format and Signing of Proposals

The proposer shall prepare the **Technical Proposal** and the **Financial Proposal**. The proposals shall be typed and signed by the person or persons duly authorised to bind the bidder to the eventual contract. The **Proposal** shall be signed as per the prescribed **Proposal Submission Form** without alterations, except those in accordance with instructions issued by DefendDefenders.

1.5 Examination and Evaluation of Proposals

Information relating to the examination, clarification, evaluation and comparison of proposals and recommendations for award shall not be disclosed to bidders or any other persons not officially concerned with such processes until the award to the successful proposer has been announced. Any effort by the proposer to influence DefendDefenders' processing of the proposals or award decisions will result in automatic rejection of his proposal.

To assist in the examination, evaluation, and comparison of the proposals, DefendDefenders may, at its discretion, ask any proposer for clarification of their proposal including breakdown of the unit rates. The request for clarification and the response shall be in writing, but no change in the price or substance of the proposal shall be sought, offered, or permitted except as required to confirm the correction of arithmetic errors discovered by DefendDefenders in the evaluation of the proposals.

1.6 Evaluation Methodology

The evaluation methodology to be used for the evaluation of bids received shall be the Quality and Cost Based selection (QCBS) methodology. The Quality and Cost Based selection methodology recommends the highest scoring bid, which is substantially responsive to the technical and financial requirements of the Bidding Document. The evaluation shall be conducted in two sequential stages-

- a) The technical quality of bids against set criteria on a merit point system, to determine the technical score of each technical bid.
- b) A financial comparison to determine the financial score of each financial bid, and to determine the total score of each bid.
- c) The **minimum technical score** required to pass the technical evaluation is: 50 points. ***Bids scoring less than this will be rejected.***

1.6.1 Determination of Best Evaluated Bidders

That bid achieving the highest combined technical and financial score shall be the Best Evaluated Bid.

1.6.2 Determination of responsiveness

Prior to the detailed evaluation of the proposals, DefendDefenders will determine whether each proposal is substantially responsive to the requirements of the request for proposals. A substantially responsive proposal is the one, which conforms to all the terms, conditions and terms of reference of the request for proposals without material deviation or reservation. A material deviation or reservation is one:

- a) Which affects in any substantial way the scope, quality or performance of the services.
- b) Which limits in any substantial way, inconsistent with the request for proposals, DefendDefenders rights or the proposer's obligation under the eventual contract
- c) Whose rectification would affect unfairly the competitive position of other proposers presenting substantially responsive proposals.

If a proposal is not substantially responsive, DefendDefenders will reject it.

1.7 Correction of Errors

Proposals determined to be substantially responsive will be checked by DefendDefenders for any arithmetic errors in computation and summation. Errors will be corrected as follows: The corrected errors, with the concurrence of the proposer, shall be binding upon the proposer. If the proposer does not accept the corrections made of the proposal, his/her proposal will be rejected.

1.8 Technical and Financial Proposals

The technical proposals shall be submitted guided by the Terms of Reference and Application Format for the technical Proposal in the RFP. The financial proposal shall be submitted guided by the budget format.

DefendDefenders reserves the right to accept or reject any proposal and to annul the solicitation process without incurring any liability to the affected bidders or any obligation to inform them of the grounds for DefendDefenders' action.

1.9 Signing of the Contract

After DefendDefenders notifying a successful proposer that his/her proposal has been accepted, DefendDefenders will send a copy of the contract to the successful bidder and within **Five days** of receipt of the contract, the bidder shall sign and date the contract and return it to DefendDefenders.

1.10 Proposal Validity

The proposals shall remain valid and open for acceptance for a period of **30 days** from the date of closing.

1.11 CURRENCY OF PROPOSAL

Offers are to be made in **Uganda Shillings**.

Please note that the prospective contract will be in Uganda Shillings, any proposals or offers that shall be made in a currency other than the one specified shall be converted to Uganda shillings using the displayed Bank of Uganda exchange rate on the Date of Bid closing.

Proposals Submission Form

We understand and agree to the request for proposal with all the terms and conditions as stipulated in the instructions to bidders, the terms and conditions of the contract and the Annexes.

We undertake that if our proposal is accepted, and the contract is awarded to us, we shall start offering the services immediately in accordance with the contract commencement date and shall render the whole services required in this contract.

We understand that DefendDefenders is not bound to accept the lowest financial proposal or any proposal you may receive and DefendDefenders shall not be liable for any expenses incurred by us in the preparation of these proposals.

We agree that the prices we have quoted are to be fixed and valid from the date of submission of the proposals and not subject to variation throughout the eventual contract period.

We further agree that we shall follow all the security and other DefendDefenders requirements as will be directed by DefendDefenders in the implementation of the contract.

Signed:

Name:

Title.....

For and on behalf of.....
(Name of Proposing Firm).

Dated thisday of2021.
(Affix Company seal or official stamp)

Terms of Reference for Developing DefendDefenders Board Charter

1 Introduction

These terms of reference (TOR) refer to the Terms of Reference for the Development of the Board Charter for DefendDefenders (East and Horn of Africa Human Rights Defenders Network). The TORs have been designed to guide the process of solicitation of a consultant to design and develop a Board Charter for DefendDefenders. There is an existing Board whose mandate is already provided for in the Memorandum of Understanding. However, it was decided that a Board Charter would expound on issues around the composition and operations of the Board. DefendDefenders Proposes to contract a legal expert to develop the board charter that will form the basis for governance of the organization and operations of the Board.

2 Background

DefendDefenders was established in 2005 as a regional network to strengthen the work of human rights defenders (HRDs) throughout the East and Horn of Africa sub-region by reducing their vulnerability to the risk of persecution by enhancing their capacity to effectively defend human rights. DefendDefenders envisions a region in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders also serves as the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). The five sub- regional networks forming the AfricanDefenders include: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists in Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (DefendDefenders in Kampala, Uganda). AfricanDefenders coordinates activities in the areas of protection, capacity building, and advocacy across the African continent.

3 Objective of the Assignment

The main objective of the assignment is to develop a Board Charter to guide the composition and operations of DefendDefenders Board.

The consultant is expected to develop a Board Charter with the following.

1. Terms of reference and person specification for Board composition
2. Standard operations procedures
3. Frequency and modalities of holding board meetings
4. Roles and Responsibilities of the board and its members including proposing working committee
5. Code of conduct for Board Members
6. Compensation Proposal
7. Board appraisal
8. Reporting mechanisms

9. Legal implications and provisions.

The consultant will be expected to review DefendDefenders' relevant documents to guide input into the board charter. The consultant will also carry out consultations with DefendDefenders management, past and current board members, national coalitions of HRDs, and country focal points for inclusiveness and validation.

4 Expected Deliverables

The consultant will produce a board charter with the sections identified above. The first draft will be expected by 15th January 2022 and the final draft by 30th January 2022.

5 Timeframe

The assignment will be executed between 29th November 2021 and 30th January 2022.

6 Personal Specifications

- a) A Bachelor of Laws Degree
- b) Post graduate Diploma in Legal Practice
- c) Legal Practicing Certificate
- d) At least 5 Years' experience in Legal Practice
- e) Proven experience in developing Board documents as evidenced by at least 2 previous assignments.
- f) Working Knowledge of Uganda Laws is an added advantage.

7 Evaluation responsibilities and management arrangements

The consultant will directly work with M&E Expert in oversight for the evaluation. Overall responsibility for the evaluation will be on the Director of Program and Administration. DD management team will work as a reference team for the exercise.

8 Consultant Selection Process

DefendDefenders is requesting competitive proposals from qualified firms or institutions interested in conducting the End of project evaluation for the Development of a Board Charter. A Contract between DefendDefenders and the Consultant will stipulate the general terms of cooperation for the Development of a Board Charter.

The evaluators proposal should contain:

Proposal	Points possible
Technical understanding and Methodology <ul style="list-style-type: none">• Understanding and interpretation of the TORs• A proposed methodology, approach, and implementation plan.• Feasibility of the workplan and deliverables	40
<ul style="list-style-type: none">• A Bachelor of Laws Degree• Post graduate Diploma in Legal Practice• Legal Practicing Certificate	30

<ul style="list-style-type: none">• At least 5 Years' experience in Legal Practice• Proven experience in developing Board documents as evidenced by at least 2 previous assignments.• Working Knowledge of Uganda Laws is an added advantage	
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How to apply

Interested and suitably qualified candidates may apply for the post by submitting in soft copies the requirements list below **no later than 22 November 2021**.

a) Interested applicants should submit:

- i) Application letter including the proposal and proposed fees
- ii) CV with contacts of 3 professional referees
- iii) Samples or reference of relevant previous work

b) Applications may be sent via email to procurement@defenddefenders.org