

# **Request For Proposals for an Assessment of The Legal and Policy Framework Governing Civic Space in The East and Southern Africa Region**

**Client: DefendDefenders (East and Horn of Africa Human  
Rights Defenders Project)  
Lotis Towers,  
Plot 16 Mackinnon Road,**

**September , 2023**

**Request for Proposals**

DefendDefenders, requests for proposals/bids for an assessment of the legal and policy framework governing civic space in the East and Southern Africa region with specific focus on child rights actors/organisations and child-HRDs. The request for proposal document is attached to this call.

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

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

**Head Procurement**

**DefendDefenders**

**Lotis Towers,**

**Plot 16 Mackinnon Road**

**Email:** [procurement@defenddefenders.org](mailto:procurement@defenddefenders.org) (Cc: [josephb@africandefenders.org](mailto:josephb@africandefenders.org) and [kezaw@africandefenders.org](mailto:kezaw@africandefenders.org))

Proposals/bids should be submitted before **4:00pm** (Ugandan local time) on **Monday, 25 September 2023**

*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 neither with the instructions nor 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](mailto:procurement@defenddefenders.org) copying in [josephb@africandefenders.org](mailto:josephb@africandefenders.org) and [kezaw@africandefenders.org](mailto:kezaw@africandefenders.org) provided your request does not concern the prices for these services. This request must be sent prior to **4:00pm on Monday, 18 September 2023**

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 or 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 **United States Dollars**.

Please note that the prospected contract will be in United States Dollars, any proposals or offers that shall be made is a currency other than the one specified shall be converted to United States Dollars 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 this .....day of .....2023.  
(Affix Company seal or official stamp)

**TERMS OF REFERENCE**  
**ASSESSMENT OF THE LEGAL AND POLICY FRAMEWORK GOVERNING CIVIC**  
**SPACE IN THE EAST AND SOUTHERN AFRICA REGION**

**POSITION TITLE:** Consultant – Assessment of The Legal and Policy Framework Governing Civic Space in The East and Southern Africa Region

**AGENCY/PROJECT NAME:** DefendDefenders / AfricanDefenders

**COUNTRY OF ASSIGNMENT:** Africa

## **1) BACKGROUND**

The East and Southern Africa Region has witnessed increasing challenges to civic space, as civil society organizations (CSOs) and human rights defenders (HRDs) face restrictive legal and policy frameworks. These restrictions hinder the essential work of CSOs and HRDs in advocating for human rights, promoting social justice, and facilitating democratic participation. These restrictions manifest through laws, regulations, and practices that impede the establishment, registration, funding, and operation of CSOs, as well as curtail freedom of expression, peaceful assembly, and association. Addressing these challenges is crucial for ensuring a vibrant and open civic space that allows for meaningful civil society engagement and participation in shaping public policies and decision-making processes.

Against this background, AfricanDefenders aims to commission comprehensive research assessing the legal and policy framework governing civic space in the East and Southern Africa Region. The primary objective of this assessment is to gather critical data to inform strategic advocacy and capacity building initiatives that aim to address repressive CSO laws and regulations and advocate for the implementation of enabling legislations and policies that support the work of HRDs and CSOs in the region. Furthermore, the assessment aims to map existing initiatives and organizations that have taken actions to address the issue, with the intention of identifying worthy initiatives that can be contributed to or facilitating the development of new collaborative advocacy or litigation initiatives targeting legal frameworks at the national to regional levels.

AfricanDefenders is a network of five African sub-regional organizations, dedicated to the promotion and protection of HRDs across the African continent. AfricanDefenders was formed as a result of deliberations at the All-African Human Rights Defenders conference ('Jo-Burg +10') hosted in April 2009 in Kampala, Uganda, which highlighted the benefits of forming networks of HRDs. AfricanDefenders' secretariat is hosted by the East and Horn of Africa Human Rights Defenders Project (DefendDefenders), and the two organizations have worked together to strengthen the other sub-regional networks, which were established to meet the needs of HRDs in each sub-region and to build protection mechanisms at the national level. AfricanDefenders functions as a platform through which to share best practices, cross-pollinate protection expertise, establish rigorous reporting, track continental trends, and deal with trans-regional protection issues, emergency relocations, and resource shortfalls. AfricanDefenders coordinates activities in the areas of protection, advocacy, litigation, and strengthening capacities of sub-regional networks and national coalitions.

## **2) OBJECTIVES OF THE ASSIGNMENT**

AfricanDefenders is seeking an expert to conduct an assessment of the legal and policy framework governing civic space in the East and Southern Africa region. Under the supervision of AfricanDefenders secretariat, the consultant will deliver the following tasks:

- Conduct an in-depth analysis of the legal and policy landscape in each country within the East and Southern Africa Region that affects civic space with specific focus on child rights actors / organizations and child-HRDs.
- Identify and examine laws, regulations, policies, and practices that affect the establishment, registration, operation, funding, and freedom of expression of CSOs and HRDs. This should include examples of specific instances of restrictive practices or measures that have been applied to limit the activities and effectiveness of CSOs and HRDs.
- Evaluate the compatibility of these restrictive laws and policies with international human rights standards and regional commitments.
- Identify and map existing initiatives and organizations that have already taken actions to address repressive CSO laws and regulations in the region. This mapping exercise should provide insights into successful strategies, partnerships, and collaborations that have been established to advance civic space.
- Formulate practical and actionable recommendations that can contribute to existing initiatives or facilitate the development of new collaborative advocacy, litigation, and capacity building initiatives targeting national to regional legal frameworks. These recommendations should prioritize the protection and promotion of civic space and the work of HRDs and CSOs.
- Develop a comprehensive stakeholder engagement strategy to disseminate the research findings effectively; and
- Perform other relevant tasks as necessary.

### 3) EXPECTED OUTPUTS AND DELIVERABLES

The consultant is expected to produce the following deliverables:

<b>Deliverable</b>	<b>Description</b>	<b>Timeline</b>
1.	Letter of Interest Technical with a Maximum 10 pages of draft methodology and research plan	25 <sup>th</sup> September 2023
2.	First Draft	20 <sup>th</sup> November 2023
3.	Submission of the final report and fact sheet	11 <sup>th</sup> December 2023

### 4) INSTITUTIONAL ARRANGEMENTS

- The consultant will work under the supervision of AfricanDefenders secretariat.
- AfricanDefenders secretariat will review the progress and quality of assignment upon receipt of outputs prior to the issuance of payment. Review/



approval time required to review/ approve outputs prior to authorizing payments is 5 working days.

## **5) DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL**

**Duration:** 10<sup>th</sup> October to 11<sup>th</sup> December 2023

**Duty Station and expected place of travel:** The consultant will work remotely, with travel required if necessary.

**Scope of assignment:** East and Southern Africa

## **6) DEGREE OF EXPERTISE AND QUALIFICATIONS**

### ***I. Academic Qualification:***

- Minimum master's degree or equivalent in political sciences, human rights, peace and conflict, international development, international relations, or related field.

### ***II. Technical Experience:***

- At minimum 5 years of experience in the fields of political science and/or human rights in Africa.
- Experience in qualitative and quantitative data collection methodologies, tools, especially in protection of HRDs.
- Proven knowledge of digital data analysis and its reporting.
- Experience in coordination of human rights related projects; and
- Experience in policy analysis and policy recommendation. Highly desirable on gender issues related policy.

### ***III. Language:***

- Fluency in English is required; and
- Excellent written and oral communication skills.

### ***IV. Competency:***

- Excellent interpersonal skills; culturally and socially sensitive; ability to work inclusively and collaboratively with a range of partners, including grassroots community members, religious and youth organizations, and authorities at different levels.
- Ability to work and adapt professionally and effectively in a challenging environment.
- Ability to work effectively in a multicultural team of international and national personnel, and.
- Self-motivated; ability to work with minimum supervision; ability to work with tight deadlines.

## **7) REQUIRED DOCUMENTS**

Interested individual consultants must submit the following documents/information to demonstrate their qualifications.

1. Letter of confirmation of interest and availability with the Technical and financial proposal
  - **Technical Proposal.** The technical proposal should include the Background of your organization, Methodology and understanding of the work to be done, Work Plan and any other requirements as specified in this document. Maximum of 10Pages for both the methodology and Work Plan is the requirement.
  - **Financial proposal** that indicates the all-inclusive fixed total contract price supported by a breakdown of costs (in THB), as per template provided. Consultant must quote a financial proposal based on the lump sum amount. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the ToR, including professional fee and all other applicable costs to be incurred by the consultant completing the assignment. The contract price will be a fixed output-based price regardless of the extension of the herein specified duration.
2. CVs for the Key Personnel handling the work.
3. Examples of prior relevant work using digital data analysis with a short description. (at least one example with one short description).

#### 8) CONSULTANT PRESENCE REQUIRED ON DUTY STATION

None

#### 9) PAYMENT TERMS

Payments will be done in the following installments throughout the project / outputs and as per below percentages:

Deliverable	Description	Payment
1.	Signing of the Contract	30%
2.	First Draft Report Submission	30%
3.	Submission of the final report	40%

#### 10) CRITERIA FOR SELECTION OF THE BEST OFFER

Individual consultants will be evaluated based on the following methodology.

##### I. Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score outof set of weighted technical criteria (70%). and financial criteria (30%).

Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by AfricanDefenders for the assignment.

## II. Technical Criteria for Evaluation (Maximum 70 points)

### **Criteria 1:** Proposed methodology and work Plan. – 20 Points

The consultant should be able to give a clear methodology and demonstrate clear understanding of the work and give a clear work plan that fits within the timelines given.

### **Criteria 2:** Relevance of Education – Max 10 points:

Master's degree or equivalent as minimum in political sciences, human rights, peace and conflict, international development, international relations, or related field.

### **Criteria 3:** Relevance of Expertise - Max 20 Points:

Proven knowledge of digital data analysis and its reporting (short description of the previous project)

### **Criteria 4:** Relevance of Experience - Max 15 Points:

Number of years of experiences and political and human rights situation in Thailand and number of years of experience on qualitative and quantitative data collection methodologies, tools, and training, especially on digital spaces., - experience on policy analysis and policy recommendation, especially on gender issues related policy will be an asset.

### **Criteria 4:** Communication -5 Points

The consultant should be Proficient in English and with good communication skills.

Only candidates obtaining a minimum of 50% Qualifying mark of the total technical points would be considered for the Financial Evaluation