

## Request for Proposals

- a.) Analysis of programmatic components of **HIV-related legal services**: quality, monitoring and evaluation, capacity-building and scale-up
- b.) Analysis of the programmatic components of **programmes/processes to monitor and influence the legal environment** in the context of HIV: quality, monitoring and valuation, capacity-building and scale-up

Dear Sir/Madam,

1. You are invited to submit a proposal for one or both of the following:
  - a.) Analysis of programmatic components of **HIV-related legal services**: quality, monitoring and evaluation, capacity-building and scale-up.
  - b.) Analysis of the programmatic components of **programmes/processes to monitor and influence legal environment** in the context of HIV: quality, monitoring and valuation, capacity-building and scale-up

Your proposal(s) could form the basis for a contract between your firm/institution and the Joint United Nations Programme on HIV/AIDS (UNAIDS).

2. To enable you to submit a proposal, please find enclosed:
  - a) Annex I: Terms of Reference (TOR), containing a description of UNAIDS requirements for the services to be sought in the context of a.) Analysis of programmatic components of HIV-related legal services
  - b) Annex II: Terms of Reference (TOR), containing a description of UNAIDS requirements for the services to be sought in the context of b.) Analysis of programmes/processes to monitor and influence the legal environment in the context of HIV
  - c) Annex III: Proposal Submission Form, to be completed and returned with your proposal
  - d) Annex IV: Questions and Answers

This letter is not to be construed in any way as an offer to contract with your firm/institution.

#### **Manner of Submission**

3. Your proposal shall be prepared in the English language.
4. Your proposal shall comprise the following documents. Please note: If submitting proposals for both a.) and b.), please submit these documents separately for both proposals. Proposals for a.) and b.) will be evaluated separately.
  - (a) Proposal Submission Form;
  - (b) Technical Component; and
  - (c) Price Component.
5. Your proposal shall be prepared in duplicate with one marked "Original" and the other marked "Copy". In the event of any discrepancy between them, the original shall govern.

The proposal shall be sealed in one outer and two inner envelopes, as detailed below.

The outer envelope shall be addressed as follows:

**ATTN: Director, Budget, Finance and Accountability**

**UNAIDS**

**20, Avenue Appia**

**CH-1211 Geneva 27**

**Switzerland**

**Bid Ref:**

- Programmatic components of HIV-related legal services for proposals for a.
- OR
- Programmatic components of programmes/processes to monitor and influence legal environment for proposals for b.

Both inside envelopes shall indicate your organisation's name and address. The first inner envelope shall be marked "Technical Proposal" and contain the Proposal Submission Form and Technical Component of your proposal. The second inner envelope shall be marked "Price Proposal" and include your financial cover letter (paragraph 15, below) and Price Component.

If more convenient for your institution/organisation, the proposals may be forwarded to two secure email: "Technical Proposal" shall be forwarded to [TechnicalBids@unaids.org](mailto:TechnicalBids@unaids.org) and the "Price Proposal forwarded **separately** to [FinancialBids@unaids.org](mailto:FinancialBids@unaids.org) .

6. Proposals must be received by UNAIDS at the above address on or before 1 October 2009. Any proposal received after this date may be rejected. UNAIDS may, at its discretion, extend the deadline for the submission of proposals. The extension of the deadline may accompany a modification of the solicitation documents prepared by UNAIDS at its own initiative or in response to a clarification requested by a prospective proposer.

7. You are requested to hold your proposal valid for 90 days from the deadline for submission. UNAIDS will make its best effort to select a firm/institution within this period.

8. Assuming that a contract can be satisfactorily concluded by 1 November 2009, the assignment is expected to commence immediately.

9. The proposer (applicant) may be a single organization, or two organizations submitting a joint application. In the case of a joint application, the proposal must be accompanied by copies of letters of intent from each participating organization signed by responsible officers of each organization, describing their respective roles and responsibilities in the performance of the work as per attached TOR a.) and/or TOR b.). No applicant may participate in more than one consolidated proposal related to the same TOR.

10. Please note that the cost of preparing a proposal and of negotiating a contract, including any related travel, is not reimbursable nor can it be included as a direct cost of the assignment.

11. Any requests for clarification should be referred to Lina Nykänen at the Human Rights and Law unit, at the following telephone: +41227911354 or e-mail: [nykanenl@unaids.org](mailto:nykanenl@unaids.org). Any written reply to a particular question may be copied to all

other firms/institutions that have expressed interest in bidding, at the discretion of UNAIDS.

12. We would appreciate you informing us by 28 September 2009 by e-mail (nykanenl@unaids.org) of your interest in submitting a proposal.

### Content of Proposal

#### Technical Component

13. The technical component of your proposal should be concisely presented and structured in the following order to include, but not necessarily be limited to, the following information. If submitting proposals for both a.) and b.) please include all this information in both proposals:

- a) **Description of the organisation and the organisation's expertise.** A brief description of your firm/organisation and an outline of recent experience that highlights your previous and ongoing experience in participatory research on HIV, human rights and law. You should also provide information that will facilitate our evaluation of your firm/institution's substantive reliability and financial and managerial capacity to provide the services.
- b) **Understanding of the Requirements for Services, including Assumptions.** Include any assumptions as well as comments on the services as indicated in the TOR, or as you may otherwise believe to be necessary.
- c) **Proposed Approach, Methodology, Timing and Outputs.** Any comments or suggestions on the TOR, as well as your detailed description of the manner in which your firm/organisation would respond to the TOR. You should include the number of person-days in each specialization that you consider necessary to carry out all work required.
- d) **Proposed Team members and Structure.** The composition of the team which you would propose to provide for the work and the tasks (including supervisory) which would be assigned to each. The curriculum vitae of the senior professional members of the team including their specific responsibilities on this project, relevant experience and qualifications and their working language(s) should be annexed.
- e) **Commitment to the Greater Involvement of People Living with AIDS (GIPA) and gender parity/competence:** Tenderer should refer to any policies and mechanisms to support GIPA and gender parity/competence, such as those regarding the hiring, inclusion or partnership with people living with HIV and women in the work of the organization and/or work on gender equality and GIPA-related matters.
- f) **Capacity-building potential:** Tenderer is invited to describe or propose any ideas regarding how the performance of the work might build capacity either in the tenderer's own organization (e.g. compliment existing activities and enhance organisational capacity), and/or in other partners involved (e.g. organisations implementing the programmes to be studied).

#### Price Component

14. Your separate price component must contain an overall quotation in a single currency, either in US Dollars or in the currency of your home country. If you opt for

the latter, and for evaluation purposes only, your proposal will be converted into US dollars using the United Nations rate of exchange in effect on the date submissions are due.

15. The price component shall have a cover letter wherein your firm/organisation's authorized representative affirms the following:

- (a) a summary of the price; and
- (b) the period of its validity.

In preparing your proposal, please note carefully payment provisions section below the various contract provisions regarding UNAIDS policies on limitations on advance payments, etc.

16. In addition, the price component must cover all the services to be provided and must itemize the following:

- a) An all-inclusive rate per person-day for each team member to be assigned to the work.
- b) An estimated amount for international travel and related expenses (indicating number of round trips per team member).
- c) An estimated amount for local travel.
- d) Compensation to the programmes to be analysed as an incentive to take part in the study (e.g. compensation for the time to fill in questionnaire, participate in interviews, any logistical support provided to consultants, etc.).
- e) Other costs, if any (indicating nature and breakdown).
- f) Summary of total cost for the services proposed.
- g) A proposed schedule of payments, all of which must be expressed and will be effected in the currency of the proposal.

17. In the case of joint tenders by two organizations, the narrative should identify which organization will receive funds for what components of work.

Any additional sources of funding for work that could be considered to overlap with work that would be undertaken for UNAIDS should be clearly described and justified in the application.

### **Payment Provisions**

18. UNAIDS' general policy is to pay for the performance of contractual services rendered or to effect payment upon the achievement of specific milestones described in the contract.

19. Please note that UNAIDS' policy is not to grant advance payments except in unusual situations where the potential contractor/tenderer, whether a private firm, NGO or a government or other entity, specifies in the proposal that there are special circumstances warranting an advance payment. UNAIDS, at its discretion, may however determine that such payment is not warranted or determine the conditions under which such payment would be made. In any case where an advance payment for \$50,000 or more is requested and subsequently approved, UNAIDS will normally require a bank guarantee or other suitable security arrangement.

20. Any request for an advance payment is to be justified and documented and must be submitted with the financial proposal. This justification shall explain the need for the advance payment, itemize the amount requested and provide a time-schedule for utilization of said amount. In addition, you must submit documentation regarding your financial status - e.g. audited financial statements at 31 December of the previous year and include this documentation with your financial proposal. Further information may be requested by UNAIDS at the time of finalizing contract negotiations with the selected proposer.

### **Evaluation of Proposals**

21. A two-stage procedure will be utilized in evaluating the proposals, with evaluation of the technical component being completed prior to any price component being opened and compared. The Price Component will be opened only for those firms/institutions whose Technical Component meets the requirements for the assignment. The total number of points which a firm/institution may obtain for both components is 150.

22. The technical component, which has a total possible value of 120 points, will be evaluated using the following criteria:

- a) the firm/organisation's general reliability as well as experience, expertise and capacity in the specific field of the assignment (10 points);
- b) the approach in responding to the TOR and the detailed workplan (50 points); and
- c) the qualifications and competence of the personnel proposed for the assignment for a total of (40 points). The personnel will be rated in accordance with:
  - their general qualifications (30 points);
  - suitability for the assignment (50 points); and
  - their language qualifications (20 points).
- d) Organizational policies and mechanisms to support gender parity/competence and the Greater Involvement of People Living with AIDS (10 points)
- e) Description of how performance of the Participatory Study is intended to will compliment existing activities and enhance capacity of those involved in the work (10 points).

23. a) The Price Component of any proposal will only be evaluated if the Technical Component of that proposal achieves a minimum of 70 points. Proposals failing to obtain this minimum threshold will not be eligible for further consideration.

b) The maximum number of points for the Price Component is 30. This maximum number of points will be allocated to the lowest price proposal. All other price proposals will receive points in inverse proportion according to the following formula:

$$\text{Points for the Price Component of a proposal being evaluated} = \frac{[\text{Maximum number of points for the Price Component}] \times [\text{Lowest price}]}{[\text{Price of proposal being evaluated}]}$$

24. Please note that the UNAIDS is not bound to select any of the firms/institutions submitting proposals. Furthermore, since a contract will be awarded in respect of the proposal which is considered most responsive to the needs of the project concerned, due consideration being given to UN general principles, including economy and efficiency, UNAIDS does not bind itself in any way to select the firm/institution offering the lowest price.

25. This invitation to submit proposals has been posted on UNAIDS website and has been sent to several other organizations:

Yours sincerely,

Barbara de Zalduondo  
Chief, Programmatic  
Priorities and Support  
Evidence, Monitoring and  
Policy

## Annex I

### Terms of Reference for Agreement for Performance of Work

#### **Analysis of the programmatic components of HIV-RELATED LEGAL SERVICES: quality, monitoring and evaluation, capacity-building and scale-up**

### 1. Objective

To analyse and describe HIV-related legal services programmes in terms of their programmatic components and elements related to quality, monitoring, evaluation, capacity-development and expansion of these programmes.

### 2. Background

The work subject to these Terms of Reference is part of a broader process led by UNAIDS and UNDP to improve the quality of and expand programmes to reduce stigma and discrimination and increase access to justice in the context of national responses to HIV. This broader process involves:

- identifying and reviewing specific programmes to reduce stigma and discrimination and increase access to justice in terms of the different forms they take and their programmatic elements and content;
- developing and rolling out guidance and practical tools for national AIDS authorities, donors, civil society, technical support providers and Country Coordinating Mechanisms (CCMs) for planning, costing, monitoring, evaluating and expanding a package of programmes to reduce stigma and discrimination and increase access to justice; and
- developing and rolling out measures and indicators for programmes to reduce stigma and discrimination and increase access to justice.

The programmes addressed by this broader process include the following. They are set out in detail so that those working under these TOR understand the full context:

1. Legal services for people living with and affected by HIV and key populations at risk (depending on the epidemic context: women, young people, care-givers, survivors of sexual violence, orphans and vulnerable children, people who inject drug, sex workers, men who have sex with men, migrants, refugees, people in palliative care). These services may include legal advice and representation; litigation including strategic litigation; legal information and referral; telephone information and advice; alternative forms of dispute resolution; assistance with informal or traditional legal systems (e.g. village courts). Legal services programmes may also include, or be linked to, community legal education; education of lawyers, judiciary and police; use of paralegals, volunteers, students and peer educators; outreach to prisons and community settings; and advocacy for law reform.
2. Programmes to monitor and influence the legal environment. These include legal audits that would examine laws, law enforcement practices and/or access to justice issues in order to assess the impact the legal environment on the HIV response, in particular the access and uptake of HIV services and commodities by women, people living with HIV and populations at risk; advocacy for law and policy reform and actual reform of laws and policies.
3. “Know your rights and laws” campaigns that empower those affected by HIV to know the human rights and laws relevant to the HIV epidemic and draw them down into concrete demands in terms of access to services, non-

discrimination on basis of HIV and other social status, and access to fundamental aspects of movement, livelihood, identity and justice (including demystifying the legal system/ judiciary/ government mechanisms in order to be able to access and use these structures).

4. Training for health care professionals that focuses on informed consent, confidentiality, non-discrimination and duty to treat.
5. Training and sensitization of law enforcement agents, judges and lawyers on HIV and the human rights of women, children, men who have sex with men, people who use drugs, sex workers, prisoners and migrants, particularly in terms of supporting access to services, non-discrimination, informed consent and confidentiality, treatment access, non-violence, and freedom from harassment and arbitrary arrest and detention.
6. Stigma and discrimination reduction programmes which actively seek to reduce stigma and discrimination based on HIV and related social status in the context of workplace, healthcare, school and community settings, as well as internalized stigma.
7. Programmes to promote the rights of women in the context of HIV. These include programmes that address the intersection between violence against women/girls and HIV; programmes to transform harmful and inequitable gender norms that increase vulnerability to infection and impact for men, women and young people; and programmes to ensure the equal rights of women and girls in the context of marriage and family law and access to economic and employment opportunities.

The overall objectives of the broader work include the following:

- To describe the essential programmatic components and activities of effective programmes to reduce stigma and discrimination and increase access to justice.
- To develop a costing framework for the different programmatic elements and activities.
- To identify and describe strategies for scaling up these programmes in national responses to HIV.
- To produce guidelines and tools for these programmes, addressing planning, costing, budgeting, implementing, monitoring, evaluating and expanding.
- To develop indicators for monitoring and evaluation of these programmes.
- To mobilise political, financial and technical assistance for their implementation and expansion, as necessary, at country level.

The ultimate goal is to ensure that these programmes form an integral part of all national HIV responses, and are funded and implemented at the scale necessary to achieve their objectives.

### **3. Working methods under these Terms of Reference**

- Active collaboration by all parties engaged in the work.
- Building on work already done, including *Toolkit: Scaling up HIV-Related Legal Services* (draft) currently being developed by UNAIDS, UNDP and International Development Law Organisation, and the analysis and results of any Modes of Transmission studies carried out in the country of the programmes selected.
- Clearance in advance by UNAIDS Secretariat of any possible sub-contracting and all documents/instructions developed for and used in the work.

### **4. Activities under these Terms of Reference**

Activities include, but are not necessarily limited to the following tasks:

#### **4.1. To identify suitable programmes for the analysis**

**Description:** The Consultant will carry out a desktop review of research findings and data (academic and programmatic) on effective legal services programmes being implemented as part of national AIDS responses.

On the basis of this review, the Consultant, (together with UNAIDS and UNDP and with advice from the Programming Sub-Committee of the UNAIDS Reference Group on HIV and Human Rights), will identify 6 suitable legal services programmes for the analysis.

The programmes selected should include a mix of the following approaches:

- legal advice and representation
- litigation, including strategic litigation and test cases
- legal information and referral (including through telephone helplines and outreach to community and prisons)
- alternative forms of dispute resolution (e.g. mediation, conciliation); and
- assistance through informal, traditional or religious legal systems (e.g. village or religious elders and courts).

Although HIV-related legal services may also include training of lawyers, judges, and prosecutors as well as community rights and laws education, these approaches are not included here, (unless they form an essential part of the selected programmes), but covered under the training of law enforcement agents, lawyers and judges and “know your rights/laws” categories.

It is intended that the selected programmes represent a mix of programmes also in the following terms:

- Implemented as part of the official national HIV programme (i.e. included in the National Strategic Plan or as part of a programme funded by the Global Fund).
- Implemented by civil society outside of the “mainstream” HIV response.
- Implemented in different epidemic scenarios (concentrated, low level, hyper).
- Mix of target populations (e.g. programmes providing services to people living with HIV, to key populations at risk, to women and girls in generalised epidemics)

The following points must be considered in the selection of programmes for the analysis:

- The state of implementation: the programme must be well established and, if possible, evaluated, or in the midst of being evaluated.
- Repeatability: the programmes must provide examples of best practices that can be used successfully in similar settings.
- Engagement and enthusiasm to be involved in the analysis of the organizations implementing the programme.
- Opportunity for capacity-building: the process of analysis must contribute to the capacity of the implementing organization to evaluate, advocate, procure funding, implement and provide technical assistance with regard to HIV-related legal services programmes.

#### **4.2. To develop a participatory methodology for the analysis that also helps build the capacity of those involved**

**Description:** In consultation with UNAIDS, UNDP, the Programming Sub-Committee, and in close cooperation with those involved in the selected legal services programmes, the Consultant will develop a detailed methodology for analysing the programmes, including a questionnaire/checklist on the components of these programmes, as well as a template for describing them.

The consultant may also work with those funding, using (clients), monitoring and evaluation the selected programmes.

The methodology will be designed in such way that the process will contribute to the capacity of the organisations being analysed to evaluate, advocate, procure funding, implement, learn from the experience how to improve the quality of their work and/or mobilise additional resources as well as provide technical assistance to others seeking to develop funding proposals for or implement HIV-related legal services programmes.

#### 4.3. To carry out the analysis

**Description:** The Consultant will engage those involved in the selected programmes to describe the programmes in terms of their objectives, current and desired scale and coverage, current and required staff capacity in terms of number and expertise required, modality and facility of service delivery, current and desired monitoring and evaluating procedures, issues related to quality of services provided, strategies used to expand the services, strategies to secure funding, use of technical support. The analysis will also include an assessment of current short term and long-term capacity development and technical assistance needs. The analysis of objectives, scale, coverage and capacity should include reference to the type of epidemic and the challenges it poses. Where a Modes of Transmission study has been conducted, the analysis should assess whether the programme addresses the issues raised by the study.

The research will involve desk-based review of programme strategies, plans, budgets, spending, monitoring and evaluation data, as well as information gleaned through interviews and/or focus group discussions of staff at management, operational and administrative levels, including with volunteers, donors and clients, where possible.

#### 4.4. To produce a detailed description of the programmes

**Description:** The Consultant will produce a detailed description of the programmes, covering the following:

- A glossary of terms used.
- Description of the approach to the provision of HIV-related legal services (e.g. legal advice and representation; litigation, including test cases; legal information and referral; alternative dispute resolution and assistance with informal, traditional or religious legal systems) as well as of the model being used (e.g. stand alone HIV-specific legal services; government provided legal aid; integrated into harm reduction services; provided through community outreach; integrated into an organisation with a broader human rights focus; private sector *pro bono* based services; university law clinic).
- Programmatic components, e.g. number and expertise of staff required, exact activities involved, modality and facility of service delivery, units for costing.

- Scale and coverage at which the programme is being implemented and the scale and coverage the programmes can/should be implemented in different epidemic settings.
- Issues relating to the quality of the programme, including issues relating to matching of the programme to the epidemic and response.
- Issues relating to monitoring and evaluation of the programme.
- Issues related to the capacity development needs of the programme implementers.
- Strategies that are being used or could be used to expand the programme.
- Strategies that are being used or could be used to secure political, financial and technical support.

#### 4.5. To produce a report

**Description:** The Consultant will produce a report (total with annexes approx. 40-60 pages), including subsections on each programme sub-type or approach. The report will also include an executive summary, detailed description of the programmes (as detailed in point 4.4 above), and an analysis of issues related to costing and budgeting, M&E, resource mobilisation, capacity and quality improvement of such programmes.

### 5. Deliverables

1. Summary of the desktop review of effective legal services programmes by 13 November 2009.
2. Selection of 6 legal services programmes for the study as described above in 4.1. by 23 November 2009.
3. Cooperation established with those involved in the selected programmes by 1 December 2009.
4. Participatory research methodology as described above in 4.2. by 17 December 2009.
5. Draft report (approx. 40-60 pages), including
  - a detailed description of the programmes (as described above in 4.4)
  - an assessment of the short and long term capacity development needs of the programme implementing organisations
  - a methodological note on costing and budgeting
  - suggested indicators for M&E and quality improvement
  - suggested strategies for resource mobilisation and scaling up HIV-related legal services
 by 1 April 2010.
6. Final report (approx. 40-60 pages) incorporating comments from UNAIDS, UNDP and other partners by 30 April 2010.
7. Data set from interviews, consultations and questionnaires by 30 April 2010.

### 6. Timeline

The work will begin 1 November 2009 and be completed by 30 April 2010.

ACTIVITY	Date due
Summary of the desktop review	13 November 2009
Selection of legal services programmes for the analysis	23 November 2009
Cooperation established with those involved in selected programmes	1 December 2009
Participatory research methodology	17 December 2009
Interim activity and financial report	29 January 2010

Desk review, questionnaires, interviews	12 March 2010
Draft report submitted to UNAIDS	1 April 2010
Comments provided on the draft report	15 April 2010
Final report submitted to UNAIDS	30 April 2010

## 7. Reporting

The Consultant will report to UNAIDS (and to the Programming Sub-Committee of the UNAIDS Reference Group on HIV and Human Rights as necessary) through twice-monthly telephone calls to discuss progress of the research process and resolve any outstanding issues.

The Consultant will submit to UNAIDS the following reports on the performance of work:

- An interim activity and financial report setting out the tasks performed and the equivalent staff time by 29 January 2010, covering up to 15 January 2010.
- A final technical and financial report, covering the entire period of the contract by 30 July 2010.

The interim and final financial reports may be subject to audit, including examination of supporting documentation and relevant account entries of books maintained by the contracting party or its representatives.

Any balance remaining uncommitted upon termination of any Contract that is established will be returned to the UNAIDS Secretariat.

## 8. Requirements

The Consultant must demonstrate experience and expertise on HIV, human rights and law, including specific expertise on HIV-related legal services, have a proven track record on research related to human rights in the context of HIV, have HIV programming experience, with an understanding of costing, budgeting, monitoring and evaluation and scale-up in the context of HIV programming; be able and willing to work as part of a team; and have demonstrated interest and capacity to engage with those implementing the programmes to build capacity to better articulate their work and come experts for others.

## 9. Compensation

Consultancy will be paid at a daily rate commensurate with the experience and expertise of those engaged in the work.

Organisations being analysed will be compensated for the staff time spent in this exercise (including time dedicated to the development of methodology, filling in questionnaires, taking part in interviews, etc.) as an incentive to fully participate in the analysis.

## Annex II

### Terms of Reference for Agreement for Performance of Work

#### **Analysis of the programmatic components of PROGRAMMES/PROCESSES TO MONITOR AND INFLUENCE THE LEGAL ENVIRONMENT in the context of HIV: quality, monitoring and evaluation, capacity-building and scale-up**

### 1. Objective

To analyse and describe programmes or processes to monitor and influence the legal environment in the context of HIV in terms of their programmatic components and elements related to quality, monitoring, evaluation, capacity-development and expansion of these programmes.

### 2. Background

The work subject to these Terms of Reference is part of a broader process led by UNAIDS and UNDP to improve the quality of and expand programmes to reduce stigma and discrimination and increase access to justice in the context of national responses to HIV. This process involves:

- identifying and reviewing specific programmes to reduce stigma and discrimination and increase access to justice in terms of the different forms they take and their programmatic elements and content;
- developing and rolling out guidance and practical tools for national AIDS authorities, donors, civil society, technical support providers and Country Coordinating Mechanisms (CCMs) for planning, costing, monitoring, evaluating and expanding a package of programmes to reduce stigma and discrimination and increase access to justice; and
- developing and rolling out measures and indicators for programmes to reduce stigma and discrimination and increase access to justice.

The programmes addressed by this broader process include the following. They are set out in detail so that those working under these TOR understand the full context:

1. Legal services for people living with and affected by HIV and key populations at risk (depending on the epidemic context: women, young people, care-givers, survivors of sexual violence, orphans and vulnerable children, people who inject drug, sex workers, men who have sex with men, migrants, refugees, people in palliative care). These services may include legal advice and representation; litigation including strategic litigation; legal information and referral; telephone information and advice; alternative forms of dispute resolution; assistance with informal or traditional legal systems (e.g. village courts). Legal services programmes may also include, or be linked to, community legal education; education of lawyers, judiciary and police; use of paralegals, volunteers, students and peer educators; outreach to prisons and community settings; and advocacy for law reform.
2. Programmes to monitor and influence the legal environment. These include legal audits that would examine laws, law enforcement practices and/or access to justice issues in order to assess the impact the legal environment on the HIV response, in particular the access and uptake of HIV services and commodities by women, people living with HIV and populations at risk; advocacy for law and policy reform and actual reform of laws and policies.

3. “Know your rights and laws” campaigns that empower those affected by HIV to know the human rights and laws relevant to the HIV epidemic and draw them down into concrete demands in terms of access to services, non-discrimination on basis of HIV and other social status, and access to fundamental aspects of movement, livelihood, identity and justice (including demystifying the legal system/ judiciary/ government mechanisms in order to be able to access and use these structures).
4. Training for health care professionals that focuses on informed consent, confidentiality, non-discrimination and duty to treat.
5. Training and sensitization of law enforcement agents, judges and lawyers on HIV and the human rights of women, children, men who have sex with men, people who use drugs, sex workers, prisoners and migrants, particularly in terms of supporting access to services, non-discrimination, informed consent and confidentiality, treatment access, non-violence, and freedom from harassment and arbitrary arrest and detention.
6. Stigma and discrimination reduction programmes which actively seek to reduce stigma and discrimination based on HIV and related social status in the context of workplace, healthcare, school and community settings, as well as internalized stigma.
7. Programmes to promote the rights of women in the context of HIV. These include programmes that address the intersection between violence against women/girls and HIV; programmes to transform harmful and inequitable gender norms that increase vulnerability to infection and impact for men, women and young people; and programmes to ensure the equal rights of women and girls in the context of marriage and family law and access to economic and employment opportunities.

The overall objectives of the broader work include the following:

- To describe the essential programmatic components and activities of effective programmes to reduce stigma and discrimination and increase access to justice.
- To develop a costing framework for the different programmatic elements and activities.
- To identify and describe strategies for scaling up these programmes in national responses to HIV.
- To produce guidelines and tools for these programmes addressing planning, costing, budgeting, implementing, monitoring, evaluating and expanding.
- To develop indicators for monitoring and evaluation of these programmes.
- To mobilise political, financial and technical assistance for their implementation and expansion, as necessary, at country level.

The ultimate goal is to ensure that these programmes form an integral part of all national HIV responses, and are funded and implemented at the scale necessary to achieve their objectives.

### **3. Working methods under these Terms of Reference**

- Active collaboration by all parties engaged in the work.
- Building on work already done, including the analysis and results of any Modes of Transmission study conducted in the country of the programmes selected.
- Clearance in advance by UNAIDS Secretariat of any possible sub-contracting and all documents/instructions developed for and used in the work.

### **4. Activities under these Terms of Reference**

Activities include, but are not necessarily limited to the following tasks:

#### 4.1. To identify suitable programmes for the analysis

**Description:** Together with UNAIDS and UNDP, and with advice from the Programming Sub-Committee, the Consultant will identify 6 suitable programmes/processes to monitor and influence the legal environment for the analysis. The programmes selected should include the following approaches:

- advocacy for law and policy reform, e.g. advocacy to legalize harm reduction services, advocacy to create a legal framework for pain relief and palliative care, advocacy to decriminalize sex work, sodomy or drug possession, advocacy against criminalization of transmission or HIV-related travel restrictions (preferably successful advocacy efforts).
- legal audits that examine one or more of the three components of the legal environment (laws, law enforcement and access to justice) in order to assess the impact of the legal environment on the HIV response, in particular on the access and uptake of HIV services and commodities by women, people living with HIV and key populations at risk.
- reform of laws and policies to reduce stigma and discrimination and to improve access to and uptake of HIV services.
- implementation/enforcement of laws/policies to reduce stigma and discrimination and improve access to and uptake of services.

It is intended that the selected programmes represent a mix of programmes in the following terms:

- Implemented as part of the official national HIV programme (i.e. included in the National Strategic Plan or as part of a programme funded by the Global Fund).
- Implemented by civil society outside of the “mainstream” HIV response.
- Implemented in different epidemic scenarios (concentrated, low level, hyper).

The following points must be considered in the selection of programmes for the analysis:

- The state of implementation: the programme must be well established and, if possible, evaluated, or in the midst of being evaluated.
- Repeatability: the programmes must provide examples of best practices that can be used successfully in similar settings.
- Engagement and enthusiasm to be involved in the analysis of the organizations implementing the programme.
- Opportunity for capacity-building: the process of analysis must contribute to the capacity of the implementing organization to evaluate, advocate, procure funding, implement and provide technical assistance with regard to HIV-related legal services programmes.

#### 4.2. To develop a participatory methodology for the analysis that also helps build the capacity of those involved

**Description:** In consultation with UNAIDS, UNDP, the Programming Sub-Committee, and in close cooperation with those involved in the selected programmes to monitor and influence legal environment, the Consultant will develop a detailed methodology for analysing the programmes, including a questionnaire/checklist on the components of these programmes, as well as a template for describing them.

The consultant may also work with those funding, monitoring and evaluation the selected programmes.

The methodology will be designed in such way that the process will contribute to the capacity of the organisations being analysed to advocate, procure funding, implement, improve the quality of their work and/or mobilise additional resources as well as provide technical assistance to others seeking to develop funding proposals for or implement similar programmes.

#### **4.3. To carry out the analysis**

**Description:** The Consultant will engage those involved in the selected programmes to describe the programmes in terms of their objectives, current and desired scale and coverage, current and required staff capacity in terms of number and expertise required, modality and facility of service delivery, current and desired monitoring and evaluating procedures, issues related to quality of services provided, strategies used to expand the programme, strategies to secure funding, use and need of technical support. The analysis will also include an assessment of current short term and long-term capacity development needs. The analysis of objectives, scale, coverage and capacity should include references to the type of epidemic and the challenges it poses. Where a MOT has been conducted, the analysis should assess whether the programme addresses the issues raised by the study.

The research will involve desk-based review of programme strategies, plans, budgets, spending, monitoring and evaluation data, as well as information gleaned from interviews and/or focus group discussions of staff at management, operational and administrative levels, including with volunteers and donors, where possible.

#### **4.4. To produce a detailed description of the programmes**

**Description:** The Consultant will produce a detailed description of the programmes/processes, covering the following, as relevant:

- A glossary of terms used.
- Description of the approach to monitoring and influencing the legal environment (e.g. advocacy, legal audit, law reform process, improving law enforcement).
- Programmatic components, e.g. number and expertise of staff required, exact activities involved, modality and facility of service delivery, units for costing.
- Partnerships required for the implementation of the programmes/advancing processes.
- Scale and coverage at which the programme is being implemented and the scale and coverage the programmes can/should be implemented in different epidemic settings.
- Issues relating to the quality of the programme.
- Issues relating to monitoring and evaluation of the programme.
- Issues related to the capacity development needs of the programme implementers.
- Strategies used to expand the programmes.
- Strategies used to secure political, financial and technical support.

#### **4.5. To produce a report**

**Description:** The Consultant will produce a report (total with annexes approx. 40-60 pages), including subsections on each programme sub-type or approach. The report

will include a detailed description of the programmes (as detailed in point 4.4 above) and provide an analysis of issues related to costing and budgeting, M&E, resource mobilisation, capacity and quality improvement of such programmes.

## 5. Deliverables

1. Selection of 6 programmes/processes to monitor and influence the legal environment for the study as described above in 4.1. by 9 November 2009.
2. Cooperation established with those involved in the selected programmes by 16 November 2009.
3. Participatory research methodology as described above in 4.2. by 15 December 2009.
4. Draft report (approx. 40-60 pages), including
  - a detailed description of the programmes (as described above in 4.4);
  - an assessment of the short and long term capacity development needs of the programme implementing organisations;
  - a methodological note of costing and budgeting;
  - suggested indicators for M&E and quality improvement; and
  - suggested strategies for resource mobilisation.
 by 1 April 2010.
5. Final report (approx. 40-60 pages) incorporating comments from UNAIDS, UNDP and other partners by 30 April 2010.
6. Data set from interviews, consultations and questionnaires 30 April 2010.

## 6. Timeline

The work will begin 1 November 2009 and be completed by 30 April 2010.

ACTIVITY	Date due
Selection of programmes for the analysis	9 November 2009
Cooperation established with those involved in selected programmes	16 November 2009
Participatory research methodology	15 December 2009
Interim activity and financial report	29 January 2010
Desk review, questionnaires, interviews	12 March 2010
Draft report submitted to UNAIDS	1 April 2010
Comments provided on the draft report	15 April 2010
Final report submitted to UNAIDS	30 April 2010

## 7. Reporting

The Consultant will report to UNAIDS (and to the Programming Sub-Committee of the UNAIDS Reference Group on HIV and Human Rights as necessary) through twice-monthly telephone calls to discuss progress of the research process and solve any outstanding issues.

The Consultant will submit to UNAIDS the following reports on the performance of work:

- An interim activity and financial report setting out the tasks performed and the equivalent staff time by 29 January 2010, covering up to 15 January 2010.
- A final technical and financial report, covering the entire period of the contract by 30 July 2010.

The interim and final financial reports may be subject to audit, including examination of supporting documentation and relevant account entries of books maintained by the contracting party or its representatives.

Any balance remaining uncommitted upon termination of any Contract that is established will be returned to the UNAIDS Secretariat.

## **8. Requirements**

The Consultant must demonstrate experience and expertise on HIV, human rights and law, including specific expertise on advocacy and on HIV-related law review and reform, have a proven track record on research related to human rights in the context of HIV, have HIV programming experience, with an understanding of costing, budgeting, monitoring and evaluation in the context of HIV programming; and be able and willing to work with those implementing in the programmes to build their capacity to articulate their work and come experts for others.

## **9. Compensation**

Consultancy will be paid at a daily rate commensurate with the experience and expertise of those engaged in the work.

Organisations being analysed will be compensated for the staff time spent in this exercise (including time dedicated to the development of methodology, filling in questionnaires, taking part in interviews, etc.) as an incentive to fully participate in the analysis.

## Annex III

### **PROPOSAL SUBMISSION FORM**

Project No.

TO: UNAIDS  
20 Avenue Appia, 1211 Geneva 27  
Switzerland

Dear Sir/Madam:

Having examined the Solicitation Documents, the receipt of which is hereby duly acknowledged, we the undersigned, offer to supply the required services for the sum as may be ascertained in accordance with the Price Component attached herewith and made part of this proposal.

We undertake, if our proposal is accepted, to commence and complete delivery of all items in the contract within the time frame stipulated.

We understand that you are not bound to accept any proposal you may receive and that a binding contract would result only after final negotiations are concluded on the basis of the Technical and Price Components proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2009\_\_.

Signature

(in the Capacity of)

Duly authorized to sign proposal for and on behalf of:

## Annex IV

### Questions and Answers

- 1. To achieve the designated deliverables, does UNAIDS envision that the Consultant would engage in field-work activities (conducting in-person site visits of selected programs) or is the Consultant expected to gather information through conducting an HQ-centered desk review, corresponding with selected programs by e-mail and telephone?**

It is envisaged that the work will involve site visits to the selected programmes and face-to-face interviews and/or focus group discussions.

- 2. Are overall cost parameters designated for each TOR?**

No, cost parameters for this work have not been published. Proposals will be evaluated on the basis of their technical merit and value for money. Please see guidelines for evaluation on page 6 of the Request for Proposals document.

- 3. In the case of applying for both components of the Request for Proposals (TOR 1 and 2), can the proposer submit one integrated budget for both (to highlight inherent cost efficiencies) or must both TORs be treated as completely separate submissions?**

Separate budgets need to be submitted for the two components (TOR 1 and 2) even if the same bidder is submitting a proposal for both components. However, bidders can submit an additional consolidated option for consideration. This consolidated option will be evaluated at the same time with the separate bids and will be used if the same bidder is contracted to carry out both pieces of work.

- 4. Are there specific budgeting guidelines available (regarding rates, fees, allowable costs, overhead, etc.)?**

The following provides some guidance on the level of detail required in the explanatory notes of a budget submitted to UNAIDS as part of a proposal:

**a) Personnel/Staff costs**

List the name and/or title of all personnel who will be involved in the proposed project, together with the percentage of time each person will spend on the project. The role of each individual should be identified, and their specific function should be clearly articulated.

For staff working part-time on the project, calculate salary costs by multiplying each individual salary by the per cent of time they will spend on the proposed project. List also those staff working on the proposed project for whom a salary is NOT requested.

**b) Travel**

**Air fares:** State the destination and purpose of the travel, and the number of persons who will be expected to travel. Justify the travel in the context of the activities which are being proposed for funding by UNAIDS. Air fares should be based on the cheapest available economy class rates.

Daily subsistence allowance: For any travel foreseen as part of the proposed project, the standard DSA rates should be applied.

c) Supplies and equipment

Break down supplies for the proposed project into separate categories (e.g. stationery; chemicals and glassware; computer software, etc.). Categories in amounts of less than \$500 do not have to be itemized. UNAIDS does not as a rule provide funding for major pieces of equipment such as vehicles, freezers, etc.

d) Computers and printers

UNAIDS may cover the purchase of a computer and/or printer where this is of direct relevance to the proposal, and provided that the project is of at least one year's duration.

e) Communications

UNAIDS may cover costs incurred for operational expenses such as telephone, postage, photocopying and fax charges in directly implementing the proposed project, up to a maximum amount to be mutually agreed beforehand, and on receipt of detailed invoices. (Whenever possible, fax and e-mail should be used, and telephone communications kept to a minimum.) Telephone charges should be itemized by category (national and international).

f) Production, printing and dissemination of documents

State the approximate length (number of pages) of the document; whether it is to be printed in black and white or colour; the number of copies to be printed; the means of reproduction (photocopy or typeset) and the approximate cost per copy. Indicate how many copies will be disseminated and how widespread the dissemination will be (local, regional, etc.). If a firm distribution plan exists, include in the explanatory notes.

g) Translation costs

Indicate the languages of translation, and the cost per 1,000 words for each language of translation.

h) Other expenses

Itemize any other expenses by category and cost unit. These might include computer charges, rentals and leases, equipment maintenance, etc.

i) Deviation from approved budget

UNAIDS authorizes a 10-15% margin of flexibility within budget components. If the deviation is greater, prior approval should be sought from UNAIDS.

Please note that UNAIDS will not allocate funds for any items described as "overheads," "miscellaneous," "administration," "contingency," "management", or any sum expressed as a flat percentage of a total budget. However, UNAIDS may consider supporting administrative costs directly related to the work to be carried out, provided that both a justification for such expenses and a detailed budget breakdown are prepared beforehand. UNAIDS may in some instances request invoices.