



Terms of reference for Memorandum of Understanding (MoU) and
Operational Procedures Manual (OPM) development for consortium
governance and operation consultancy

Strengthening Partnerships to Advance Disability Rights in Africa (SPADRA) project



September 2023

Addis Ababa, Ethiopia

1. Introduction

1.1 African Disability Forum

The African Disability Forum (<https://africandisabilityforum.net>) is the continental membership organization of Organizations of Persons with Disabilities (OPDs) in Africa. ADF currently has members from 44 African countries (National Federations of Organization of Persons with Disabilities), 9 continental OPDs and 4 sub-regional OPDs.

1.2 Context

In August 2023, International Disability Alliance (IDA) and The Swedish International Development Cooperation (Sida) signed an agreement on the **'Strengthening Partnerships to Advance Disability Rights in Africa (SPADRA)'** project. The project is implemented by IDA, ADF, Disability Women Association (DIWA) and Inclusion Africa (IA). The project aims to advance disability and gender rights in Africa through strengthening Organization of Persons with Disability (OPD) capacity and cross-disability and mainstream partnerships at Pan African and national levels. The initial target countries are Benin, Ghana, Malawi and Zambia.

The World Report on Disability¹ estimates that 15% of the world's population is living with some form of disability. In Africa, it can be estimated that there are over 180 million children, youth and adults having physical, sensory, intellectual, psychosocial, and other disabilities. The majority of Africans with disabilities live in abject poverty. There is a lack of awareness about their plight and a lack of protection and enforcement of their rights. Persons with disabilities in Africa face inaccessible environments, services, and workplaces. They have limited access to health care, education, adequate food, shelter, hygiene and sanitation facilities, potable water, and other necessities. They experience difficulties in finding employment, face high levels of stigma and discrimination, and are commonly denied their rights. These factors contribute to the economic vulnerability and social exclusion of persons with disabilities.

The situation of women and girls with disabilities is particularly dire as they face multiple and intersectional forms of discrimination on account of gender and disability.² This marginalization is even more acutely felt in African countries where traditional and cultural beliefs depreciate the value of women and girls with disabilities in families and in society. They are often considered of little value, tend to suffer from neglect within their family and community, and are far more at risk of violence, abuse and exploitation. Indeed, women with disabilities are twice as likely, and girls with disabilities are up to four times more likely, to be affected by violence than their peers without disabilities.³ Rights violations also include the right to family, education, employment, political participation, birth registration, social protection, health and access to justice.⁴

Women, men, girls and boys with disabilities and their families themselves have highlighted some of the significant issues they face:

¹ World Report on Disability http://www.who.int/disabilities/world_report/2011/report.pdf

² USAID (2016), 'Advancing Women and Girls with Disabilities', <https://www.usaid.gov/what-we-do/gender-equality-and-womens-empowerment/women-disabilities>

³ The Lancet (2012) 'Addressing Violence Against Women: A Call to Action' and UNICEF (2013), 'The State of the World's Children: Children with Disabilities'

⁴ IDA submission to the CEDAW Committee's General Discussion on Rural Women October 2013, 56th session

Discriminatory attitudes and practices

Discriminatory attitudes and cultural beliefs and practices are considered among the most significant barriers to full participation and equal opportunities faced by people with disabilities and their families⁵. Indeed, in most African countries, stereotypes form the popular understanding of disability at all levels of society, often putting responsibility for the impairment on the individual with a disability and/or their family. This leads to the discrimination which persons with disabilities experience on a daily basis, even within families, where abuse of family members with disabilities - particularly of women and girls with disabilities - is often common. Thus, the development of self-esteem and self-confidence by persons with disabilities is often undermined and challenging. This negative impact on self-esteem explains why individuals with disabilities tend to assimilate the common belief, shared by the general population, that persons with disabilities are useless, not “capable”, and this auto-stigmatization reinforces their exclusion.

Access to justice

Persons with disabilities are routinely denied access to justice, due to significant shortcomings in the criminal justice system as a whole. Many cases concerning persons with disabilities, including persons with albinism, fail to proceed due to a lack of resources, flawed investigations, a lack of evidence, a lack of training for justice actors on how to prosecute cases involving persons with disabilities, among other issues. As a result, perpetrators go unpunished.

Women and girls with disabilities, who are more likely to experience violence compared to both men and boys with disabilities and women and girls without disabilities, are particularly disadvantaged and discriminated against in the justice system.⁶ There are many reasons for this, including absence of laws, legislation and public policy that would ensure their access to justice; limited service delivery to survivors of violence; failure to understand and respond to the special needs of women with disabilities survivors of violence; in addition to the fact that this vulnerable group is usually disregarded at the level of national plans and overall policy directions.

Both duty bearers and the general public lack knowledge on the rights and freedoms of persons with disabilities. Many persons with disabilities do not themselves know their rights and freedoms. They do not know that they could access remedies through the civil court in relation to gender based violence. Therefore, there is need for increased awareness in both informal and formal justice systems to the public in general on the freedoms and rights of women and girls with disabilities in connection to GBV.

Negative attitudes and assumptions about people with disability often result in people with disability being viewed as unreliable, not credible or not capable of giving evidence, making legal decisions or participating in legal proceedings. Specialist support, accommodation and programs may not be provided to people with disability when they are considered unable to understand or respond to criminal charges made against them (‘unfit to plead’). Instead, they are often indefinitely detained in prisons or psychiatric facilities without being convicted of a crime. This situation mainly happens to people with intellectual disability, cognitive impairment and people with psychosocial disability.

On equal recognition before the law, cases are treated with preference towards persons without disabilities, whereas complaints logged by persons with disabilities are normally negotiated or

⁵ ADF Strategic Plan 2018-2023

⁶ Waseem Burghal. (2019), Women and girls with disabilities: needs of survivors of gender-based violence and services offered to them p.10

withdrawn on grounds of pity. It is sadly augured that persons with disabilities should be more careful not to get into conflict with the law. This is against the spirit of both the CRPD and the nation Constitution. Article 12 of the CRPD guarantees that persons with disabilities have the right to recognition everywhere as persons before the law. They must be able to exercise their legal capacity themselves or through supported mechanisms that respect the rights, will and preferences of the persons with disabilities.

Economic empowerment and social protection

The major issue for persons with disabilities and their families is access to income through employment/self-employment. Living with a disability not only affects the individual concerned, it also increases the vulnerability of the entire family. Persons with disabilities are likely to have additional costs as a result of their disability, as they may have to spend more than others on health care and rehabilitation, on aids and appliances, on transport (e.g. by using taxis when buses and trains are inaccessible), on modifying their homes, and on personal assistance. Caregivers of persons with disabilities within the family, including mothers and elder siblings, often have to forego earning opportunities or education.

While legal provisions for social protection are in place in many African countries, poor access to information about entitlements and inaccessible payment schemes prevent many persons with disabilities, particularly women with disabilities, from receiving any level of financial support. This issue is even more acute for women who care for children with disabilities, since they are unlikely to have the time for paid work and are therefore excluded from those entitlements⁷.

Education opportunities

Basic human rights are ignored or violated on a regular basis as persons with disabilities are generally invisible and are often not taken into account in mainstream service delivery and development initiatives. In most African countries, only a small proportion of children with disabilities attend school, due to lack of disability awareness and teachers trained in inclusive education, inaccessible school classrooms and toilets, and the low value given to children (particularly girls) with disabilities. Thus, without access to education, prospects of escaping the vicious cycle of poverty are quite low.⁸

⁷ Global Call to Action Against Poverty, Leave No Woman Behind – The Situation of Women and Girls with Disabilities Africa Report <https://gcap.global/wp-content/uploads/2021/03/Africa-Regional-Study-on-LNWB-final.pdf>, 2021

⁸ ADF Strategic Plan 2018-2023

2. Project summary

The Strengthening Partnerships to Advance Disability Rights in Africa (SPADRA) is designed to bridge this gap and advance gender and disability rights in Africa. The International Disability Alliance (IDA), African Disability Forum (ADF) and OPDs Disabled Women in Africa (DIWA) and Inclusion Africa (IA) will establish a dynamic consortium focussed on strengthening OPD capacity and cross-disability and mainstream partnerships at Pan African level and at national level, initially in Ghana, Benin, Malawi and Zambia.

2.1 Overall aim

The project overall objective is to advance gender and disability rights in Africa through strengthening OPD capacity and cross-disability and mainstream partnerships at Pan African and national levels.

2.2 Specific objectives

The project has two specific objectives:

1. Strengthening cross disability and mainstream partnerships to advance gender and disability rights at Pan African and national levels (Malawi, Zambia, Ghana, Benin).
2. Improving the capacity of OPDs to model and lead the design and delivery of disability and gender equality initiatives that monitor and uphold human rights instruments (CRPD, CEDAW, African Protocol)

2.3 Expected results

The project has three expected results:

1. An inclusive, dynamic and robust consortium of African OPDs formed to advance and inform global and regional approaches to disability and gender rights.
2. Strengthened capacity of consortium members and partners to design, implement and share learning on collaborative gender and disability rights initiatives.
3. A gender and disability rights regional consortium programme developed based on context specific needs in relation to social protection, inclusive education and access to justice to strengthen the implementation of policy and legal commitments.

3. Objective of the Consultancy

The objective of the consultancy is to develop a memorandum of understanding (MoU) and an operational procedure manual (OPM), including an accessible feedback mechanism, that sets out how the consortium will operate and be governed, together with the roles and responsibilities of its members.

4. Expected Result

The consultant is expected to produce a MoU and OPM to be presented and approved by the Executive Committee of ADF.

5. Methodology of Consultancy

The consultancy will be conducted with the major role (but not limited to) of:

- Literature and desk review;

- Conducting eight or more online meetings with consortium members
- Compilation and writing the MoU and OPM

6. Scope of the Work/Service to be Delivered

The consultant assignment includes but not limited to:

- Review any existing MoU and OPM used by OPDs
- Carry out online meetings with the consortium members to share learnings and ownership
- Compile and write the MoU and OPM in English and French.
- Provide orientation and review implementation throughout the year.

7. Organisation and Management

7.1 ADF

ADF is currently operating from a head office in Addis Ababa, which will facilitate the work through availing contacts. The consultant will liaise directly with the Program Director and Executive Director.

7.2 Consultant requirements

The consultant must demonstrate sufficient experience on data collection, analysis and write up. He/she should have a good working knowledge of developing MOU and OPM. The consultant must have a BA degree and 5-10 years of practical experience in relation to the assignment.

8. Implementation and Reporting

8.1 Implementation schedule

The consultant has 15 calendar days to complete the work starting from the date of signing the agreement. Once the client has reviewed, five days will be dedicated for finalizing the consultancy. The implementation schedule will be as followed:

- Day 1: Signature of the agreement
- Day 14: Release of the draft version of the MOU and the OPM.
- Day 19: Final version of the MOU and OPM

In addition to the 19 calendar days mentioned above, 7 days will be allocated throughout the year for the Consultant to review the implementation of the OPM and MOU.

8.2 Reporting

In accordance with the implementation schedule, the consultant shall submit the following reports:

1. Draft report

The report shall be submitted for review and comment to IDA and ADF.

2. Final report

The final report shall be submitted within 5 days after comments by the client.

9. Modality of payment

The contract payment shall be as indicated below:

1. 10 *percent* of the agreed amount upon signing of the contract agreement;
2. 30 *percent* upon submission of the draft report, and accepted by the client;
3. 45 *percent* up on submission of the final report after including the comments forwarded by the client.
4. 15 *percent* at the end of the year.

10. Obligations

10.1. ADF

ADF shall provide all contacts and necessary documents to the consultant. the final tools in English and assign the Kyeema Livestock Veterinary Advisor to develop the sampling frame with households identified and co-ordinate and monitor the consulting team to improve the quality of work and access to available information.

10.2. Consultant

The consultant shall carry out the work according to the terms of reference and in keeping with accepted standards. The consultant shall take all necessary steps to ensure that the assignment entrusted is executed properly and within the time agreed upon in the contract.

The consultant shall pay all taxes and duties.

The consultant will agree to read, sign and adhere to the ADF Code of Conduct, Child Protection and policies in carrying out the terms of reference.

11. Submission of the proposal

ADF is seeking technical and financial proposals from the consultant detailing the Consultant 's Education (*Curriculum vita*) and experiences, comments on ToR, technical approach and methodology, work plan for undertaking the task (Refer to Annex 1 for the technical and financial proposal submission template.

The proposal should be submitted on Friday 6th October 2023 on or before 5:00pm local time.

The consultant shall submit one original technical proposal and one original financial proposal addressed and emailed to Azrah Shabudien jobs@adf-secretariat.org . Please attach all relevant documents to this email.

This assignment doesn't entail travel. If travel is needed the client will cover all the costs.

The preferred consultant profile should be as follows:

- Experience in developing MOUs and OPMs;
- Knowledge and experience of legal and policy about disability and OPDs; development in Africa and key institutional capacities;
- Experience in disability and gender sector at policy and practice level;
- Development work and consultancy services experiences in disability sector;
- Understanding of and expertise in capacity development;

12. Bid opening

Bids shall be opened by ADF after the closing date time of 6:00 pm local time on Friday 6th October 2023. Bids shall be evaluated by the ADF Program team and the preferred tenderer shall be notified via email from ADF.

13. Proposal evaluation

A two-stage procedure shall be adopted in evaluating the proposals. The technical evaluation shall be carried out first, followed by the financial evaluation.

14.1 Technical evaluation

The technical criteria and maximum number of points (and weights given) under each criteria are:

Criteria	Maximum Points	Weighting
Qualifications and competence of the Consultant	40	
- General qualifications	-	20%
- Adequacy for the assignment	-	40%
- Language skills	-	40%
Specific experience of the Bidder related to the assignment	20	
Commentary on ToR, technical approach and methodology	20	
Work plan for completing the tasks.	20	
Total Points	100	

14.2 Financial evaluation and comparison of proposals

The evaluation committee, after determining whether the financial proposals are complete and without computational errors, shall check the total quotation. Price shall be in USD. The financial proposals shall be ranked in order with the lowest proposal ranked first. Bid prices shall be valid for a period of 60 days from date of submission of the proposals.

To determine financial scores for each proposal, the lowest priced proposal shall be given a financial score of 100, and other proposals shall be given a score proportionate to this, by application of the following formula:

$$S_f = 100 \times F_m / F \quad \text{in which:}$$

S_f denotes the financial score of the proposal under consideration;
 F_m is the price of the lowest price proposal that passed the technical evaluation;
 F denotes the price of the proposal under consideration.

A total score (S) will be determined for each proposal, by combining its technical (S_t) and financial (S_f) scores using the following formula and weightings:

$$S = (S_t \times T\%) + (S_f \times P\%)$$

The weights given to the scores of the Technical and Financial Proposals are:

$$T = [70]$$

$$P = [30]$$

Proposals will be ranked and the proposal achieving the highest total score will be recommended for contract award, subject to satisfactory negotiations.

15. Negotiation

The Client shall notify the successful Consultant that submitted the first ranked proposal in writing by email invite to negotiate the Contract by 10 am local time on Tuesday 10th October 2023.

Annex 1: Proposal document formats

1.1 Format for technical proposal

TECHNICAL PROPOSAL

FROM:

TO:

Sir/Madam:

Subject: Hiring of Consultancy Service for developing MoU and OPM

Regarding Technical Proposal

I ----- Consultant herewith enclose a Technical Proposal for selection of Consultant for developing MoU and OPM.

Yours faithfully,

Signature-----

Full Name _____

Designation _____

Address _____

Consultant's References

Consultant CV and copy of related credentials

Comments on ToR and Methodology Proposed for Performing the Assignment

On the Terms of Reference (ToR):

1.

2.

3.

4.

5.

etc.

On the data, services and facilities to be provided by the Client indicated in the ToR:

1.

2.

3.

etc.

1.2 Financial proposal submission template

FINANCIAL PROPOSAL

FROM:

TO:

Sir/Madam:

Subject: Hiring of Consultancy Service for developing MoU and OPM

Regarding Technical Proposal

I ----- Consultant herewith enclose a Technical Proposal for selection as Consultant for developing a MoU and OPM.

Yours faithfully,

Signature-----

Full Name _____

Designation _____

Address _____

Schedule of Summary Price Proposal

Price Component	Currency (USD)	Total amount
Daily remuneration		

General Workplan/Time Schedule (Desktop review, online meetings & Completion and Submission of Reports Writing and Submission Reports)

1. Desktop review and online meetings

<i>Items of Work/Activities</i>	<i>Weekly Program from date of assignment (in the form of a Bar Chart)</i>				
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>

2. Completion and Submission of Reports

<i>Reports</i>	<i>Date</i>
<i>1. Draft Report</i>	
<i>2. Final Report</i>	