



**Fonds au Profit des Victimes**  
**The Trust Fund for Victims**



# Annex

**(draft) REQUEST FOR PROPOSALS**

**Symbolic Collective Reparations**

**in relation to the conviction of Thomas Lubanga Dyilo**

**before the International Criminal Court**

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## 1. INTRODUCTION

The International Criminal Court (“the ICC”) and the Trust Fund for Victims (Trust Fund or TFV) were established in 2002 under the Rome Statute. The ICC is charged with prosecuting and trying those responsible for genocide, war crimes, and crimes against humanity, while the Trust Fund provides redress to victims of these crimes in situations within the jurisdiction of the ICC. The Trust Fund is the first of its kind in the global movement to end impunity and promote justice. Its mission is *to respond to the harm resulting from crimes within the jurisdiction of the ICC by ensuring that the rights of victims and their families are upheld through the provision of reparations and assistance.*

To achieve this objective, the TFV has a dual mandate:

- A. To implement **reparations** ordered by the Court against a convicted person. Reparations are unique in justice mechanisms as they focus directly on the circumstances of the victims. Reparations acknowledge victims’ suffering and offer redress for violations.
- B. Voluntary contributions from donors permit the TFV to **assist** victims and their families in situations before the ICC by funding physical and psychological rehabilitation and material support programmes. The assistance mandate responds to victim injuries and needs resulting from crimes within the jurisdiction of the ICC, and their communities.

For further information about the Trust Fund for Victims please visit:

<http://www.trustfundforvictims.org/fr>.

### 1.2. Background

On 14 March 2012 the Thomas Lubanga Dyilo was convicted at the International Criminal Court of the crimes of enlisting and conscripting children under the age of fifteen years into the Force

Patriotique pour la Libération du Congo (FPLC) and using those child soldiers to actively participate in hostilities.<sup>1</sup>

On 3 March 2015, the Appeals Chamber issued its judgment on the reparations appeals in the *Lubanga* case, including as an annex the amended order for reparations (hereinafter “Appeals Chamber Reparations Judgment” and “Amended Order for Reparation”).<sup>2</sup>

On 3 November 2015, the Trust Fund for Victims submitted its “Filing on Reparations and Draft Implementation Plan”,<sup>3</sup> to which it annexed its draft implementation plan for collective reparations to victims (hereinafter “Draft Implementation Plan”).<sup>4</sup>

On 15 July 2016, the Trial Chamber issued the “Request Concerning the Feasibility of Applying Symbolic Collective Reparations” (hereinafter “Request of 15 July 2016”),<sup>5</sup> in which it requested that the Trust Fund “study the feasibility of developing a concrete project aiming at providing prompt symbolic reparations”.<sup>6</sup> The Trial Chamber observed that such a project could “take the form of, *inter alia*, a commemoration and/or building a statue”.<sup>7</sup> Finally, the Trial Chamber requested that the Trust Fund include in its filing “concrete information regarding: a) the estimated costs of such a project; b) the time frame for its completion; and c) any concrete proposal(s) related to this matter”.<sup>8</sup>

[...]

This request for proposals (RFP) is to invite applicants to submit proposals in response to the project framework, outlined in this document, for a collective symbolic reparations project to be implemented in the affected communities, including the estimated project budget and project timeframe.

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<sup>1</sup> Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012, 3 March 2015, ICC-01/04-01/06- 3129; AMENDED order for reparations, 3 March 2015, ICC-01/04-01/06- 3129-AnxA.

<sup>2</sup> *Ibid.*

<sup>3</sup> ICC-01/04-01/06-3177-Red.

<sup>4</sup> ICC-01/04-01/06-3177-AnxA.

<sup>5</sup> ICC-01/04-01/06-3219.

<sup>6</sup> Request of 15 July 2016, para. 12.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

The project framework was devised in consideration of the specific circumstances of the Lubanga case and the crimes for which Mr Lubanga was convicted, as established in the record of proceedings, including the Amended Order for Reparations and the views and proposals submitted by the legal representatives of victims during the reparations proceedings. Its design is informed by views expressed during the community consultations and youth focus group discussions conducted by the Trust Fund in Ituri province from May to June 2015, as well as expert input from practitioners in the field. It draws on the collective insight and experience of the Trust Fund's more than eight years of programmatic experience in Ituri, in eastern DRC.

Collective symbolic reparation initiatives merit encouragement and promotion. However, collective symbolic reparations should not bear the entire burden to redress a mass crime event. Rather, they should be conceptualized as a component of a larger integrated reparations process.

The situation of former child soldiers in this case is particularly precarious, because, although the individuals in question are now adults, they remain deeply affected by their experiences as children. Those victims not only have to cope with their experiences personally and internally but externally these victims are subjected to tremendous shame and stigma that accompanies their status as former child soldier. Symbolic reparations serve to publicly acknowledge the crimes committed, restore victims' dignity, and raise public awareness about the impact of the harm experienced by the victims and their communities.

The participatory process that forms an integral part of the project framework recognizes that victims occupy a central role in the process of designing and implementing reparations so as to ensure that they are meaningful and beneficial to them as victims and bearers of rights.

### 1.3. Principles of Reparations

According to the Appeals Chamber in the Amended Order, as their objectives, reparations should seek to relieve victims' suffering and to afford justice by alleviating the consequences of the crimes of enlisting and conscripting children under the age of fifteen years and using those child soldiers to actively participate in hostilities. Reparations should also deter future such crimes; contribute to the effective reintegration of former child soldiers; and to "promote, wherever possible, reconciliation between the convicted person, the victims and the affected communities."<sup>9</sup>

Reparations, as a general principle, need to address any underlying injustices and should avoid replicating discriminatory practices or structures that predated the commission of the crimes. Equally, reparations should avoid further stigmatisation of the victims and discrimination by their families and communities.<sup>10</sup> A gender-inclusive approach should guide the design of reparations<sup>11</sup>. The Appeals Chamber also emphasized the need for consultation with and participation of victims, their families and, where applicable, communities<sup>12</sup>.

With a view to the particular circumstances of the case, the Appeals Chamber noted that "reparations may include measures to address the shame felt by some former child soldiers, and to prevent any future victimisation. The reparation awards should, in part, be directed at preventing future conflicts and raising awareness that the effective reintegration of the children requires eradicating the victimisation, discrimination and stigmatisation of young people in these circumstances."<sup>13</sup>

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<sup>9</sup> See Amended Order for Reparations, 3 March 2015, ICC-01/04-01/06- 3129-AnxA, at paras 71 and 72, publically available at [https://www.icc-cpi.int/RelatedRecords/CR2015\\_02633.PDF](https://www.icc-cpi.int/RelatedRecords/CR2015_02633.PDF).

<sup>10</sup> Amended Order, para. 17

<sup>11</sup> Amended Order, para. 19

<sup>12</sup> Amended order, paras 29-32

<sup>13</sup> Amended Order, para. 67 vii

## 2. Feasibility of collective symbolic reparations and proposed project framework

The Trust Fund for Victims was requested by the Court to study the feasibility of developing a symbolic reparation project for affected communities and to submit project proposal information for the Court's consideration.

This request for proposals outlines the Court-approved elements of a collective symbolic reparations project, the estimated project budget range, and project timeframe. In particular, the project duration is 24 months with a project budget of €150,000 EUR.

Symbolic reparation project proposals must describe the activities and how the affected communities of Thomas Lubanga's crimes will participate in the design, implementation, and monitoring of the reparation activities supported by the Trust Fund. The proposals should be based on the following framework:

### Main objective

The reintegration and redress of former child soldiers being victims in the *Lubanga* case are enabled by the awareness and acknowledgement of the affected communities that the enlistment, conscription, and use of child soldiers under the age of 15 is to be considered a crime, causing enduring harm to the former child soldiers and their families and consequently continuing to disturb the well-being of their communities.

### Expected outcomes [leading to the main objective]

- a. Symbolic collective reparations foster *awareness and acknowledgement* within affected communities about the convicted crimes of Mr Lubanga and the harm caused to victims and their families
- b. The *stigma* attached to former child soldiers within their (adopted) communities, affecting their ability to (re)integrate and rehabilitate, is significantly reduced
- c. The affected communities' awareness and acknowledgement of the relevant crimes and resulting harms provide for an *enabling environment* to develop and

implement service-based collective reparations awards to direct and indirect victims in the Lubanga case

- d. Beyond the affected communities, *other stakeholders in the public domain are informed* about and appreciate the objective and the results achieved in this collective symbolic reparations project implementation, as a first expression of the joint reparative justice mandates of the Court and the TFV.

### **Project components**

The proposed collective symbolic reparations in Ituri Province will contain two principle components:

- A.** To develop and construct **symbolic structures**, in the form of commemoration centres that will host interactive symbolic activities, in three communities; **and**
- B. Mobile memorialization** initiatives in five additional communities that will promote awareness raising of the crimes and resulting harms, reintegration, reconciliation, and memorialization.

The Trust Fund requests proposals that advance these goals within the affected communities with a view to potentially funding such proposals.

The symbolic reparations project may be incorporated into a larger integrated reparations process, should the Draft Implementation Plan or another reparations initiative gain approval from the Court in the future.

The selection of the communities to be included in the symbolic reparations project activities is based on the connection of their localities to the various elements of the crimes, their size and prominence as trading centres, and the views expressed regarding the reparations process during the community consultation missions of May and June 2015.



The eight selected communities are as follows: Tchomia, Rwampara, Bunia, Bogoro, Mongwalu, Kasenyi, Mandro, and Katoto.<sup>14</sup>

In the following, the two components of the project are further elaborated.

#### **A. Symbolic Structure**

The commemoration centres are to be constructed in three locations. The purchase of real property (land) shall not to be included into the project proposal.

In terms of the construction of the commemoration centres, the selected implementing partner should prioritize, within budgetary restraints, the use of locally available builders and masons, with an emphasis on local organisations who employ former child soldiers trained in masonry, carpentry, etc.

The three selected communities will also participate, in consultation with the selected implementing partner, in decision-making about certain building design features and the specific symbolic interactive activities to be conducted in the commemoration centres.

The selected implementing organisation is responsible for including in its project proposal, and within the budgetary parameters of the project, the manner in which it will engage the community to determine the design of the commemorative dimension of the building and the symbolic, interactive activities. This envisaged participatory process will provide a forum for the affected community to discuss the consequences of the crimes and to determine for themselves the design of a meaningful commemorative dimension of the centre, as well as identify those activities that the community considers will have a high level of participation and meaning.

The construction is to serve as a “living” space that offers a “useful” venue for functions in the affected community. The interior of the building may be utilized to exhibit pictures and artwork created by former child soldiers that depicts the past,

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<sup>14</sup> See for findings in relation to these locations Trial Chamber I, Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2842, paras. 819, 834, 835 (P-0016), 838, 915.

present, and their hopes for the future. The structures may also host music, dance, drama, and cultural events respected by the community. The newly built structures should also provide a venue in which community dialogue concerning the crimes and the road towards reconciliations may occur. As part of the solicited project proposal, the selected implementing organisation is also responsible for including, and within the budgetary parameters of the project, the manner in which it will in close cooperation with the community facilitate these symbolic, interactive activities.

The Trust Fund envisions that the **structures component** of the project may require an estimated **60% of project the budget** and associated resources.

Structures shall continue to serve the affected communities beyond the life of the reparations project. The structures and associated community committee shall become an integral part of any future approved collective reparations in regards to the crimes of Thomas Lubanga Dyilo.

#### **B. Mobile Memorialization**

The **mobile memorialization** component will promote community awareness and sensitization about the harm caused by the enlistment, conscription and use of child soldiers in hostilities through a range of activities that will include a regular series of “commemoration weeks” and radio programmes in five of the above mentioned eight locations. Community sensitization meetings with local leaders and members of the community will be part of commemoration activities.

The implementing partner will be responsible for identifying local leaders, including youth leaders, representing each of the five locations, and to administer special training about memorialization and reconciliation activities. Following the training, leaders should return to their communities, and will assist with preparations for memorialization activities. Training shall include modules on the rights of the children, the harms suffered by the enlistment, conscription and the use of child soldiers in hostilities, as well as mediation techniques that may be applied to address tensions

between communities and former child soldiers. It is envisaged that these local leaders will strongly contribute to the organisation of activities by disseminating information and promoting the event in the community. The implementing partner is also requested to support and facilitate localized mobilization efforts aimed at persuading the village chiefs to offer their full support and to mobilizing various groups to actively participate in the week's events.

Memorialization activities and events may include the following: a combination of community dialogue, artistic, cultural, and theatrical activities to promote awareness-raising about the convicted crimes and the harms suffered by child soldiers; children's rights and child protection; the negative consequences of enlisting, conscripting, and using children in hostilities; trans-generational and gender related topics including as to the various forms in which former child soldiers and their families experience stigma, and to spread the message of reconciliation, non-repetition, and reintegration. Particular attention will be given to mitigating stigma towards former child soldiers and enhancing understanding. In this respect, the participation of young people in such events is particularly important, as such participation can contribute to reducing stigma and ongoing trauma.

Meetings organized during the memorialization week should provide an opportunity for the community to openly acknowledge and discuss how it has been affected by the return of former child soldiers and will facilitate an analysis of the behaviour of community members and former child soldiers, with the aim of improving understanding, reducing conflicts and facilitating the reintegration of former child soldiers into the daily life of the community. Obstacles to reconciliation and reintegration will be assessed in each of the five locations and strategies to address the obstacles will be developed.

This component also contains an element of public communication in form of regular radio transmissions, programmes, and flash messages, in advance of the

memorialization activities and afterwards in support of the activities in the community. The radio transmissions should be designed for reinforcing the messages of the activities and extend the geographic reach of the initiative. Radio messages will be aired on a regular basis and may be delivered by experts, such as psychologists or child protection experts as well as prominent local, religious, and community leaders. The radio messages will discuss the harm to and perceptions of former child soldiers as well as methods for transformation and reintegration of former child soldiers in the community.

The Trust Fund envisions that the **mobile memorialization** component of the project may require an estimated **40% of the project budget** and associated resources.

Symbolic reparation that may bring closure and meaning to a number of victims in the region to know that their perpetrator was pursued and convicted for those criminal acts and contribute to restoring their social standing and dignity.

**The reintegration of former child soldiers into their community and the reduction of stigma are key objectives of the project.** Accordingly, organizations will be chosen based on their ability to promote conflict mediation and stigma reduction, including by engaging with and working through community protection committees and youth clubs.

Implementing organizations will also be required to work closely with the territorial and/or provincial authorities.

### **3. GUIDELINES**

#### **3.1. Selection criteria**

Any non-governmental organisation (national and/or international), relief, and development organization which are duly registered and operating in the Democratic Republic of the Congo (DRC) may submit a proposal.

The TFV will consider project proposals only from organisations which:

- A. have been registered in the DRC for a minimum of two years and comply with the laws governing non-profit organisations in force in the DRC (**pdf copies of relevant certificates, operating permits, and legal status, or a receipt must accompany the proposal file**);
- B. show evidence of solid experience in managing projects similar to the project for which they are bidding (**attach a statement listing past and present project implementation experience noting source (donor), amount of funding, duration of project, type of project**);
- C. have a sound decentralised governance and decision-making structure (**a pdf copy of the latest organisational and/or financial audit report, duly signed by the internal auditor must accompany the proposal file**).

### **3.2. Cross-cutting themes**

#### **3.2.1. Gender**

In accordance with the Convention on the Elimination of All Forms of Discrimination against Women and the UN Security Council resolution on Women, Peace and Security, the TFV's overall strategy seeks to promote women's rights, increase the participation of women and take account of gender mainstreaming, in particular, by being mindful of disparities and the impact of sexual and gender-based violence.

The Appeals Chamber has explicitly stated in its Amended Order at paragraph 34 that "(r)eparations are not limited to restitution, compensation and rehabilitation, as listed in article 75 of the Statute. Other types of reparations, for instance those with a symbolic, preventative or transformative value, may also be appropriate."

Implementing a gendered sensitive approach in collective reparations requires the creation of an environment that reflects an understanding of the realities of the lives of women or men within their social setting. In light of the explicit recognition of the transformative value of reparations by the Appeals Chamber, the proposed activities should be mindful of and proactively take into account the manner in which women's marginalised status may negatively

affect their ability to access justice within their own local settings. Transformative values should guide reparation activities for the benefit of victims and the affected communities that experienced the crimes.

Integrating a gender dimension into reparations will ensure that women are involved in the design, implementation, and monitoring of the reparation process; and that reparations are responsive to women's vulnerability and their roles vis-à-vis their communities.<sup>15</sup>

The TFV follows the Inter-Agency Standing Committee's Gender Handbook in Humanitarian Action and the World Health Organization's Ethical Standards and Procedures for Research with Human Beings. The TFV therefore endeavours to promote the empowerment of women and girls and address the specific needs of survivor victims, irrespective of gender and age, as a condition *sine qua non* for any rehabilitation, reparation, and peace-building process.

### **3.2.2. Sensitivity to conflicts**

In rolling out all its programmes, the TFV is firmly committed to respecting the fundamental "Do No Harm" principle. Reparations should not cause additional harm to the victims themselves or the community in which they live. In that respect, the TFV ensures that none of the activities it sponsors has a negative impact or creates tension between victims of a conflict who are beneficiaries of its projects, and those who are not. The TFV is interested in initiatives for peace-building, community reconciliation, social acceptance, and reintegration as key elements for restoring the dignity of victims and community cohesion.

### **3.2.3. Environmental Impact Assessment**

An Environmental Impact Assessment is an analytical process undertaken to examine any potential positive and negative environmental impact of a given project or activity. The TFV has sought to gradually integrate an environmental component into its actions. In fact, for the purpose of its operations, it has adopted a broad definition of the term "environment" to

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<sup>15</sup> UN WOMEN, *In Pursuit of Justice, 2011-12, Progress of the World's Women*; electronically available at <<http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf>>

encompass, in addition to land, water, and air factors such as human beings, the cultural environment, and biological diversity. There is an “impact” when changes occur in one or more of the above aspects as a result of a specific activity carried out as part of a project. The impact may be positive or negative, direct, indirect, or cumulative. By fully applying the Environmental Impact Assessment, the TFV ensures that the projects which it funds are economically sustainable and protect the environment on which our generation and future generations depend. Bidders must propose measures that limit any potential negative impact their project may have.

### **3.3. Budget and duration of projects**

The project may be implemented over a 24 month period of time. The project may be extended depending on results and the availability of funds.

The project budget is established at a maximum of **150,000 EUR**.

The Trust Fund envisions that the **symbolic structures** component of the project may require an estimated **60% of the project budget** and the **mobile memorialization** component of the project may require an estimated **40% of the project budget**.

### **3.4. Location**

The TFV selected the following affected communities based on their connection to the crimes, size and prominence as trading centres, and the stated interest of the communities to engage with reparations, as expressed during the community consultation missions from May to June 2015.

Eight locations chosen: Tchomia, Rwampara, Bunia, Bogoro, Mongwalu, Kasenyi, Mandro, and Katoto

The projects will be rolled out in the province of Ituri, in eastern DRC.

Djugu Territory: Tchomia, Mongwalu, Katoto and Mandro

Irumu Territory: Rwampara, Bunia, Kasenyi, and Bogoro

### 3.4.1. Project components according to geographic area

The following table shows projects according to geographic area and focus area:

Component area	Description	Project area
<b>Symbolic structures and reconciliation</b>	Participatory design and development process to create meaningful symbolic structures in the affected community. Ensuring non-repetition of the crimes, community dialogue, mediation, and social cohesion.	Tchomia, Rwampara, and TBD
<b>Mobile Memorialization; Community dialogue, reconciliation, and memorialization</b>	The mobile memorialization initiative will promote community awareness and sensitization concerning the violation of victim rights and recognition of the victims. Community dialogue, reconciliation, and memorialization should inspire the affected community to view reparations in terms of justice.	TBD

### 3.5. Collaboration and partnership

The TFV encourages partnership between non-governmental organisations as an effective means of strengthening the capacity and cohesion of activities. Bidders may also be encouraged to set up an official or informal network for referring beneficiaries to other bodies to complement action taken by others when and if the larger integrated reparations initiative is commenced.

If the bidding organisation needs to provide limited financial support to third party organisations in order to implement the project successfully, it may propose that it work in partnership with other organisations. However, sub-contracting must not be the core objective of the project proposed to the TFV/ICC. Bidders will continue to be primarily responsible for all project management matters (including finance, administration, logistics, implementation, reporting, and correspondence) and will be accountable to the TFV/ICC in this regard.



Where the bidding organisation proposes a partnership with a third party organisation, the total amount of the grant awarded to the sub-contractor and the criteria for their selection (which must be as transparent as possible) must be specified in the proposal. The total amount of the grant awarded to third parties may not exceed 50% of the total amount of the grant paid out by the TFV. Once selected by the TFV/ICC, the bidding organisation will be fully responsible for implementing the project and for the financial management and expenditure of its sub-contractor.

### **3.6. Monitoring and Evaluation**

Implementing partner M&E plans are developed by implementers, with Trust Fund programming review, before implementation begins. They should align with the PMP and include indicators that the implementer will need for programme management.

Monitoring and evaluation (M&E) are part of a comprehensive approach for TFV to provide the best available empirical evidence for informing programme decisions and to support effective, learning and sustainable practices.

The M&E approach will help to yield more positive change faster by emphasizing coordination and collaboration, the systematic collection and analysis of strategic information, and the sharing of knowledge generated. This process of programme improvement and reporting will help the TFV, its implementing partners, and other stakeholders learn from their experiences to respond to changes in the assistance and reparation implementation, building on what works, and correcting what does work.

Performance Monitoring is the ongoing and routine collection of performance indicator data to reveal whether desired results are being achieved and whether implementation is on track. TFV's monitoring efforts will track the effectiveness of program implementation as well as progress milestones. Effective monitoring and the review of monitoring data will support accountability, clarity concerning the responsibilities and commitments of stakeholders, and inclusive decision making about how to maximize outcomes for resources invested.

Conducting critical analysis of monitoring data will support TFV's ability to learn and adapt in ways that can strengthen TFV activities and achieve maximum results.

The Trust Fund Performance Monitoring Plan (PMP) is the foundation for informing both TFV and implementing partner planning; including the planning of detailed activities, timelines, indicators to be monitored, and milestones to be achieved during the life of the strategic plan. Implementing Partners M&E plans will align with the PMP to enable the proper monitoring of programme implementation. Implementing partner M&E plans are developed by implementers, with Trust Fund programming review, before implementation begins. They should align with the PMP and include indicators that the implementer will need for programme management.

Implementing partners M&E plans are essential to manage the process of assessing and reporting progress toward achieving the stated goal of reparations. M&E plans will be updated on a regular basis and it will be submitted to Trust Fund programming.

### **3.7. Trust Fund programmatic principles avowed in the Strategic Plan.**

- A.** Support the advancement of women's human rights; increase the participation of women and incorporating gender perspectives including addressing disparities; and the impact of sexual and gender-based violence in line with *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and UN Security Council Resolutions on women, peace and security.
- B.** Restore dignity and promote peace building, community reconciliation, acceptance, and social inclusion through conflict-prevention, the rebuilding of community safety nets, and mitigation of stigma, discrimination, and trauma.
- C.** Support the rights of children affected by armed conflict by supporting intergenerational responses for integrating and rehabilitating former child soldiers and other war-affected youth in line with the *UN Convention on the Rights of the Child (CRC)*.
- D.** Develop and implement communications and outreach initiatives for cultivating relationships, enhancing visibility, mobilising communities, changing attitudes, managing crisis, generating support, and encouraging financial contributions.
- E.** Ensure capacity building to strengthen quality and sustainability.

- F. Work with implementing partners to assess, mitigate and evaluate the likely environmental impact of a proposed project or programme, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.
- G. Facilitate action learning through participatory approach (planning, research, programming, monitoring and evaluation) by safeguarding a dynamic, interactional, and transformative process between people, groups, and institutions that enables victims both individually and collectively, to realize their full potential and be engaged in their own redress.
- H. Conflict sensitivity: 'Do no Harm' is a fundamental principle of the implementation of all TFV programmes to which it is fully committed. TFV programming should not contribute to the creation of further harm, neither for the victims themselves, nor for the society in which they live. Therefore, TFV endeavours to ensure that implementation of all its supported activities has no negative impact and thus does not escalate tensions between beneficiaries and non-beneficiaries to a conflict.

#### 4. SUBMISSION OF PROPOSALS

##### 4.1. Address and deadline for submission

Bidding organisations are invited to submit their project proposal **by electronic mail** to: **XXXXXXXXXX** (ICC, Procurement Unit, XXXXXXXXX, Procurement Assistant), by 5 p.m. (Netherlands time) on [day] [month] 2016). *Additional detailed information concerning the submission of project proposals is provided below.*

Proposals submitted after the deadline will not be considered. Please follow the instructions below. The TFV is in no circumstances bound by this request for proposals in terms of the number of grants awarded or the amount of those grants. It reserves the right not to award any grant and to increase or decrease the number of grants awarded. The TFV will not be liable for any costs incurred by Bidders in responding to this request for proposals. Furthermore, the TFV may at any time before the deadline for submission make written amendments to this request for proposals.

#### **4.2. Timetable for publication of the request for proposals or the direct invitation of proposals and the submission of proposal applications**

- A. Publication or direct invitation of the request for proposals and the invitation to submit by [...] a.m./p.m. on [day] [month] 2016.
- B. Deadline for any requests for clarification of the request for proposals: [...] a.m./p.m. on [day] [month] 2016.
- C. Deadline for responding to requests for clarification from bidding organisations: [...] a.m./p.m. on [day] [month] 2016.
- D. Deadline for submission of a project proposal file: [...] a.m./p.m. on [day] [month] 2016.

#### **4.3. Evaluation of proposal files submitted by bidding organisations**

Proposal files will be examined and evaluated by the Trust Fund. All proposals submitted by bidding organisations will be evaluated according to the following criteria.

- A. Proposal files will be received and opened by the ICC's Procurement Unit;
- B. The TFV reserves the right to pre-select certain bidding organisations which may undergo fast-track evaluation or negotiation;
- C. Once the TFV/ICC has completed the evaluation of Bidders and their proposals, one or more bidding organisations may be invited to negotiate and sign a contract;
- D. The TFV/ICC may, at their sole discretion, suspend negotiations if the parties fail to reach a final agreement within a reasonable time limit, as set unilaterally and confidentially by the TFV/ICC;
- E. The objective of the TFV/ICC is to select Bidders which are able to provide the best value for money and which satisfy the requirements of the TFV/ICC;
- F. The criteria for evaluating proposals, in no order of preference, will include but not be limited to:

- i. The nature of the proposed services and their suitability to respond to the harm suffered by the affected communities;
- ii. Price and value for money;
- iii. The skill and experience of the bidding organisations in the chosen component of activity;
- iv. Project experience, list past and present project implementation, noting source (donor), amount of funding, duration of project, and type of project;
- v. The results of references and background checks on bidding organisations;
- vi. The added value and relevance of the proposed services, and their suitability to respond to the damage suffered by the affected communities and their needs.

Any questions concerning follow-up of the project proposal file must be sent to the ICC Procurement Unit email address noted above. Questions and answers will be disclosed to all Bidders in the form of a single response.

#### **4.4. Content of the proposal file**

Proposals must be accompanied by the following:

- A. Annex A: covering letter;
- B. Annex B: project narrative, including detailed M&E plan (Word or RTF format);
- C. Annex C1: project budget proposal (Excel format);
- D. Annex C3: explanatory notes to the budget;
- E. Annex D: references and or letters from other donors (PDF format);
- F. Annex E: list of past and present projects implemented, noting donor, funding amount, duration, and type of project (pdf format);

- G. Annex F: legal documents issued by the DRC and the supervisory authorities, they may include: operating permit, legal status, protocols for collaboration, and certificates (pdf format); and
- H. Curriculum vitae of key personnel who are to implement the project (administrative and programme personnel).

## **5. CLARIFICATION CONCERNING THE DOCUMENTS CONTAINED IN THE PROPOSAL FILE**

The TFV/ICC will make various guidance documents available to Bidders (annex B, annex C1, annex C2, and annex C3). Please see below an explanatory note concerning annex A and annex D.

### **Annex A: cover letter**

The cover letter must be in pdf format and signed by a person authorised to submit the proposal. The letter must state clearly the name of the Bidder and the names of the people to be contacted for questions or requests for clarification. The names, post titles, postal and electronic mail addresses, and telephone and fax numbers of contact persons must be included.

Bidders must indicate expressly whether or not they accept the general conditions applicable to contracts entered into by the TFV, as set out in Annex 1. If a Bidder does not accept the conditions or should it wish to discuss them, it must indicate the specific items it wishes to amend and propose alternative wording. The TFV reserves the right to refuse without further comment any proposal that does not accept the TFV's privileges and immunities and conditions relating to the applicable law.

Bidders acknowledge the TFV's right to reject all or part of a proposal on the ground of irregularity or non-compliance. Bidders further acknowledge the TFV's right to reject any proposal which fails to provide the information required by the proposal documents or any incomplete or non-compliant proposal file. Furthermore, Bidders acknowledge that the TFV is

not bound to accept any proposal. The decision to enter into a contract shall be for the TFV alone and Bidders may not challenge or question that decision.

**Annex B. Guidelines for drafting the project proposal (Word or RTF format)**

**Annex C1. Project budget proposal template (Excel format)**

**Annex C2. TFV/ICC budget preparation guidelines**

**Annex C3. Explanatory notes to the budget**

**Annex D. References and past performance**

Bidders must submit references from at least three (3) donors or organisations on whose behalf they have carried out similar work. Sufficient information, such as telephone numbers, names and job reference numbers, must be provided to enable the TFV to contact those clients, as necessary.

**Annex E: list of past and present projects implemented, noting donor, funding amount, duration, and type of project (pdf format);**

**Annex F: legal documents issued by the DRC and the supervisory authorities, they may include: operating permit, legal status, protocols for collaboration, and certificates (pdf format)**