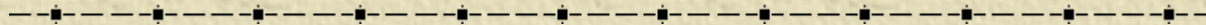
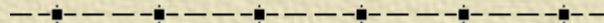




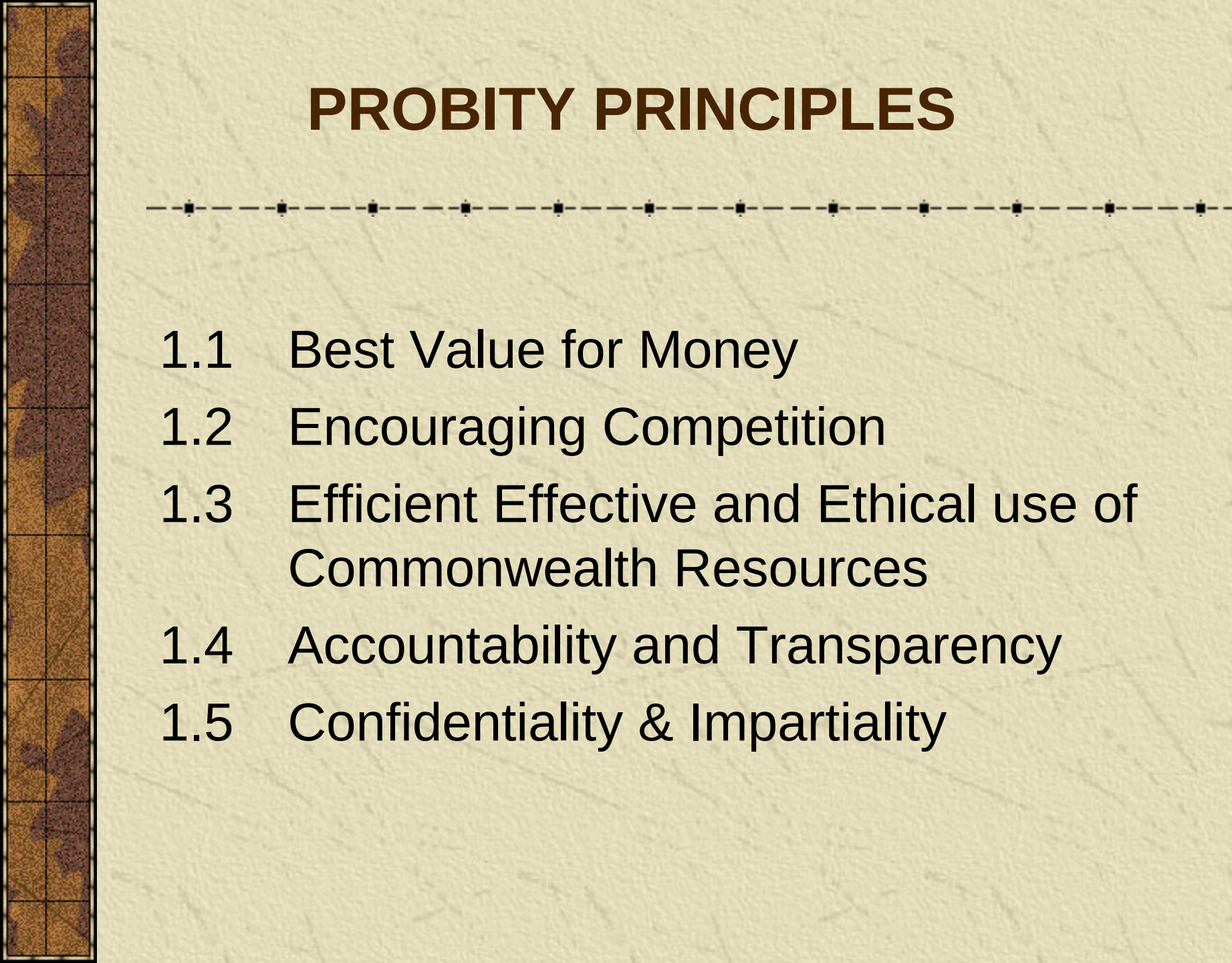
Australia Indonesia Partnership for Justice (AIPJ)



Pre-Tender Briefing
19 August 2010



PROBITY PRINCIPLES



- 1.1 Best Value for Money
- 1.2 Encouraging Competition
- 1.3 Efficient Effective and Ethical use of Commonwealth Resources
- 1.4 Accountability and Transparency
- 1.5 Confidentiality & Impartiality

Commonwealth Procurement Guidelines ¹

Legislative & Policy Framework

Governs Australian Public Service

Financial Management Framework

Governs financial management, including proposals to spend public money

Procurement Policy Framework

Governs duties related to the procurement of property or services

¹ Department of Finance & Deregulation – Financial Management Guidance No. 1

1. PROBITY PRINCIPLES

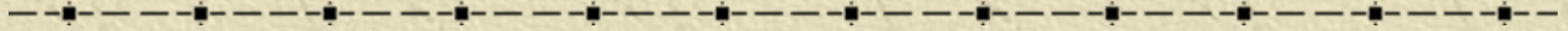
1.1 Value for Money

- Core principle underpinning the procurement
- Cost is only one element in assessing VFM

1.1.1 Whole of life value for money assessment

- Fit for purpose
- Performance history of the supplier
- Relative risk of each proposal
- Flexibility to adapt to change

1. PROBITY PRINCIPLES (Cont'd)



1.2 Encouraging Competition

- Potential suppliers should have an equal opportunity

1. PROBITY PRINCIPLES (Cont'd)

-
- 1.3 Efficient Effective and Ethical use of Commonwealth Resources - requirement of S44 of the Financial Management & Accountability Act 1997
 - 1.3.1 Efficiency – the selection of the procurement process in terms of transparency and fairness.
 - 1.3.2 Effectiveness – accuracy in the specification, rigor in the evaluation process and contract negotiations, and management of the contract.
 - 1.3.3 Ethics – moral boundaries underpinning the procurement process, eg. honesty, consistency, integrity

1. PROBITY PRINCIPLES (Cont'd)



1.4 Accountability & Transparency

- Prime consideration throughout the procurement process.
- Documentation of the procurement process to facilitate scrutiny.

1. PROBITY PRINCIPLES (Cont'd)

1.5 Confidentiality & Impartiality

- Proposals are treated as Commercial in Confidence
- TAP members are required to sign Confidentiality and Conflict of Interest declarations
- Proposals are only assessed on responses to the selection criteria



2. Probity Advisor

2.1 Advisor vs Auditor

2.2 Probity Audit Opinion



Australia Indonesia Partnership
Kemitraan Australia Indonesia



Australia-Indonesia Partnership: An Overview

**Pre-tender Briefing – Australia
Indonesia Partnership for
Justice
19 August 2010**



Australia Indonesia Relations

AIP – Australia Indonesia Partnership

- Strategic, regional partnership
- Long term commitment.
- Australian assistance has tripled since the tsunami in 2004.
- Indonesia's is Australia's largest development partner.
- Indonesia is also a new emerging middle income country and is striving to achieve MDG's target.



AIP – Australia Indonesia Partnership

- AIP launched in June 2008
- \$2.5 billion over 5 years
- Five priority provinces – Aceh, NTT, NTB, Papua and Papua Barat
- Goal of the AIP: to work in partnership with the government of Indonesia to achieve a more prosperous, democratic and safe Indonesia



AIP continued

- 4 Pillars
 - Sustainable growth and economic management
 - Investing in people
 - Democracy, justice and good governance
 - Safety and peace



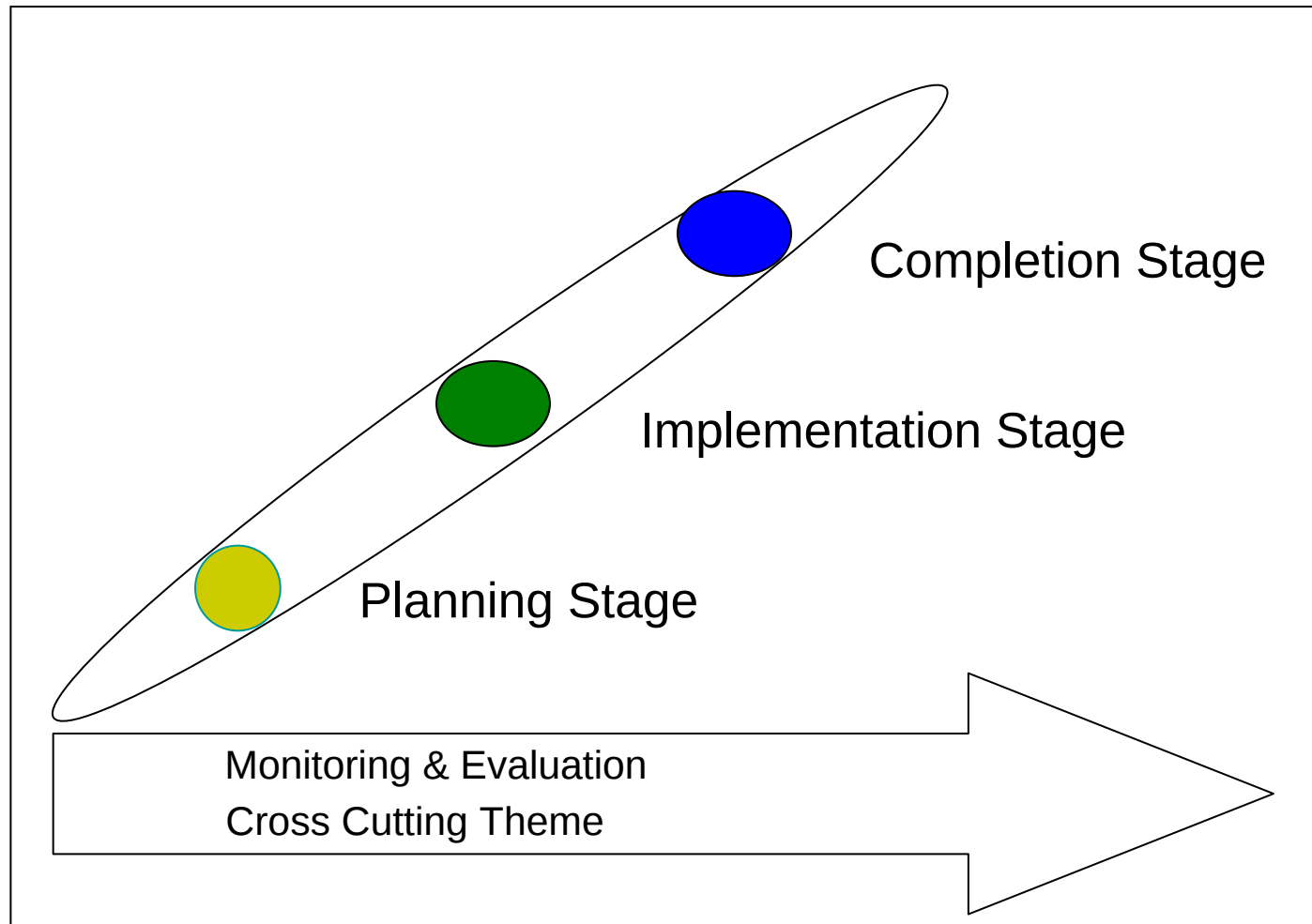
Aid Effectiveness Principles

1. Ownership
2. Alignment
3. Harmonisation
4. Managing for results
5. Mutual accountability

The Jakarta Commitment



Partnership Program Stages





Democracy, Justice & Good Governance

- Strengthened capacity, accountability and responsiveness of legal, democratic and oversight institutions and processes
 - Support improved institutional capacity in the courts and key government partners
 - Improve access to justice for poor and marginalised
 - Support human rights institutions



Australia's engagement in law and justice

- Strong relationships built with Indonesia – Indonesian institutions playing leadership role
- Whole of Australian Government interest
- Memorandum of Understanding on Judicial Cooperation
 - Supreme Court Indonesia
 - Federal and Family Court of Australia



Australia Indonesia Partnership
Kemitraan Australia Indonesia



- Thank You

The background of the slide is a dark blue overlay. On the left side, there are several tall, dark bookshelves filled with books. On the right side, there is a large, white scale of justice, which is a symbol often used to represent law and justice. A thin red horizontal line is positioned above the main title.

Australia-Indonesia Partnership for Justice (AIPJ)

Borobudur Hotel, August 19th, 2010

Long Term National Development Plan 2005-2025

Visions

INDEPENDENT, DEVELOP, JUST AND PROSPEROUS INDONESIA

Independent Ability to have equal position with other countries depend on its competencies and strength

Develop Indicate by human resources quality, level of prosperity and the enforcement of law and political system

Just No discrimination in all forms

Prosperous Indicate by level of life fulfillment

Development Phases of National Long Term Development Plan 2005-2025



MTDP I (2005-2009)

Arrangement of unification in the Republic of Indonesia, in peace, just and democratic with high level of prosperity



MTDP II (2010-2014)

Stabilizing arrangement of unification of the RI by improving human resources quality, developing IT ability and strengthening economic competitiveness



MTDP III (2015-2019)

Stabilizing a comprehensive development by underlining major competitive economy base on natural resources, quality of human resources and IT competence



MTDP IV (2020-2024)

Actualizing an independent, developed, just and prosperous Indonesia through acceleration of development by sturdy economic structure and major competitiveness

MEDIUM TERM DEVELOPMENT PLAN 2010-2014

VISION

PROSPEROUS

Empowering *triple tracks strategy (projob-propoor-progrowth)*, inclusive and just development

DEMOCRACY

Ensuring democracy consolidation

JUST

Empowering law enforcement and corruption eradication effort and minimizing gaps

MISSIONS

Continuation of
Development through
Prosperous Indonesia

Empowering
Democracy

Empowering
Justice in all
sectors

AGENDAS

Economic
Development
and
Improvement of
People Welfare

Improvement
of Good
Governance

Enforcement
in
Democracy

Law
Enforcement
and Corruption
Eradication

Inclusive and
Just
Development

NATIONAL PRIORITIES

11 National Priorities Elected Indonesia Cabinet 2009-2014

- 1 Bureaucratic Reform and Governance
- 2 Education
- 3 Health
- 4 Poverty Alleviation
- 5 Food Resilience
- 6 Infrastructure
- 7 Investment and Business Climate
- 8 Energy
- 9 Environmental and Disaster Management
- 10 Marginalize, Outer, Foremost, & Post Conflict Areas
- 11 Cultural, Creativity and Technology Innovation

Other Priorities

- 12 **Politics, Law and Security Sector**
- 13 Economic Sector
- 14 People Welfare Sector

Other National Priority

- **Politics, Law and Security Sector**

- Implementing coordination to the mechanism and procedure of terrorism management
- Implementing de-radicalization program to prevent terrorism
- Improving GoI role to world peace
- Improving services and protection to Indonesia worker abroad
- **Strengthening coordination amongst institutions in terms of corruption prevention and eradication**
- **Asset Recovery**
- **Improving law enforcement**
- **Strengthening human rights protection**
- Empowering strategic industry in security sector

MTDP 2010-2014

Law and Apparatus Sector (Cross sector)

- **Target Priority:**
Improving Good Governance Practices
- **Through:**
 - Improving legal certainty
 - Improving performance of law enforcement agencies
 - Improving fulfillment, protection and enforcement of human rights
 - Improving Good Governance practices
 - Improving public services quality
 - Improving capacity and accountability of bureaucracy performance

FRAMEWORK OF JAKARTA COMMITMENT: AID FOR DEVELOPMENT EFFECTIVENESS



Commitment and Agenda

Commitment	Agenda
1. Strengthening country ownership over development	➤ Strengthening capacities and using stronger government system ➤ Improving the International governance of aid and strengthening cooperation
2. Building more effective and inclusive development	➤ Developing a new partnership paradigm ➤ Strengthening existing aid instruments and shaping new ones ➤ Expanding dialogue to include new actors
3. Delivering and accounting for development results	➤ Strengthening a focus on, and capacity to manage by, development result ➤ Working together to review progress across development partnerships



Thank You

**Directorate of Law and Human
Rights, BAPPENAS
T/F. 319-34723,
pandanwangi@bappenas.go.id**



Australia Indonesia Partnership

Kemitraan Australia Indonesia



Australia Indonesia Partnership for Justice

Pre-tender Briefing
August 2010



Overview

- Background to AIPJ
- Program Objectives & Outcomes
- Lessons from IALDF
- Key Stakeholders
- Operating Principles
- Governance Arrangements
- The PD model
- MLE / cross cutting issues
- Transition Program



Background

- Law and justice sector priorities
 - Access
 - Quality
 - Disadvantaged groups
- Builds on long-standing assistance
- Nature of contribution



Justice Partnership Objective & Outcomes

Increased access to better quality legal information and services

- Improved judicial dispute resolution systems for marginalised groups
- Prosecutorial agencies better able to prosecute corruption cases
- Increased public access to and use of legal information, particularly relating to human rights and anti-corruption
- Improved framework and delivery of a legal aid system
- Increased capacity of civil society organisations and national commissions to support Indonesian law and justice sector reform efforts



Lessons & Recommend- ations from IALDF

- Investing in relationships
- Sharp focus (and review) of outcomes
- WoG interventions can be effective
- Need right mix of technical assistance
- Meaningfully mainstream cross-cutting issues
- Monitoring, learning and evaluation
- Counterpart involvement in activity planning and management
- Triangulation



Key Stakeholders

- Key stakeholders
 - BAPPENAS
 - Supreme Court of Indonesia
 - Attorney-General's Office
 - National Commissions – Corruption Eradication, Human Rights, Perempuan
 - Ministry of HR & DG for HR
 - Civil society



Approach & Operating Principles

- Partnership
- Effective Demand
- Critical Mass
- Incremental Engagement
- Use of Indonesian Expertise

- Working in Partner Systems
 - Alignment and ownership



Governance Arrangements

AIPJ Partnership Board

Strategic and technical advice on
Program planning

Co-chaired by AusAID & Bappenas, with *ex officio*
members from other GoI and GoA bodies, human
rights commissions & civil society

Working Committee

GoI: Bappenas and GoA: AusAID

Approval of workplan and
ongoing management issues

Program Director and Implementation Service Provider

ISP responsible for supporting Program Director's
management and implementation of AIPJ

Technical Support Pool

Pool of independent technical support for
AIPJ, including advice on:

- Capacity Building
- M&E - Human Rights
- Gender



The Justice Partnership model

- Program Director and Implementation Services Provider
- Lessons
 - Relationship between PD and ISP - mutually-supportive and based on a high degree of trust
 - Effective communication
 - Agreement of roles and responsibilities
 - Clear working and reporting arrangements



Monitoring learning & evaluation

- Approach to monitoring, learning & evaluation
- Cross-cutting issues

AI Partnership

- Gender Equality
- Disability-inclusive Development
- HIV/AIDs

Justice Partnership

- Human rights
- Anti-corruption
- Partnerships
- Performance

Cross Cutting



Transition Program

- The transition program
 - Supreme Court
 - Attorney General's Office
 - Komnas Perempuan
 - Analytical Pieces
 - Anti-Corruption state of play
 - A2J for People with disability
 - Perda
 - Juvenile Justice/Child Rights
- Expectations moving into AIPJ



Australian Government
AusAID

The Australian Government's
Overseas Aid Program

Australia Indonesia Partnership for Justice (AIPJ) – Implementation Service Provider (ISP)

Request for Tender (RFT)

Pre-Tender Industry Briefing/Information
Session

Thursday 19 August, Jakarta



Australian Government
AusAID

Procurement Process Presentations:

Topic 1) AIPJ-ISP RFT/Selection Process, and Contract Overview

Topic 2) Hints for Companies Unfamiliar with Bidding for AusAID Tenders *(optional basic session for companies new to AusAID to stay for following main briefing session)*

Contact email regarding the RFT: aipjtender@ausaid.gov.au ;

Topic 1 –Tender Particulars (RFT)

Topic 1: AIPJ-ISP RFT Selection Process and Contract Overview

Presenter: Byron Singline
PAS, AusAID



Topic 1 –Tender Particulars (RFT)

Request for Tender Particulars

- RFT Closing Time: 14:00 pm (AEST) Tuesday 14 September 2010
- Mode of Submission: Either:
 - Electronically, via AusTender at <https://tenders.gov.au> before RFT Closing Time;
 - or:
 - Hardcopy, by depositing by hand/post/courier in the Canberra Tender Box before RFT Closing Time, address below.
- Address: TenderBox
Tender for the AIPJ-ISP”
Ground Floor, AusAID
255 London Circuit,
Canberra ACT 2601
Australia

Submission Requirements:

- Electronic Submission - One (1) electronic file (.pdf format) of the Technical Proposal, one (1) electronic file of the Financial Proposal, and one(1) electronic file of the Financial Assessment material.
- Hardcopy Submission: One (1) ‘original’ (marked) copy each of the Technical Proposal, Financial Proposal and Financial assessment material. Also four (4) other copies of the Technical Proposal and one (1) CD containing one (1) electronic (.pdf) file for each of the above three required submissions.



Topic 1 –Tender Particulars (RFT)

Any questions on contract or program issues:

- To be submitted in writing to the Contracts contact (myself) via email address previously displayed. I will ensure addressed by appropriate area in AusAID and responded to as soon as possible via public addendum.
- Can be submitted anytime prior to COB (AEST) 31 August 2010 (14 days before the close of the Tender period)
- Will be answered by issue of a public Addendum on the AusTender website (www.tenders.gov.au) as soon as possible prior to COB 7 September 2010 (7 days before the close of the Tender).



Topic 1 –Tender Particulars (RFT)

Some useful general background documents

Tenderers are encouraged to familiarise themselves with the following documents available on the Ausaid website to assist their bid preparation:

- the AusAID contracts charter:
(<http://www.ausaid.gov.au/business/pdf/charter.pdf>); and
- the Commonwealth Procurement Guidelines (CPGs)
(http://www.finance.gov.au/procurement/procurement_guidelines.html)



Topic 1 –Tender Particulars (RFT)

Tenderers need to be aware of the expectation they will be compliant and consider in their bids with general overarching cross-cutting principles which have been made AusAID policies (Clause 17 of Part 5):

- Expected to be familiar and compliant with overarching policies including Gender Equality and Development, and the Environment Policies, in the context of the program
- <http://www.aisaid.gov.au/publications/pubs.cfm?Type=PubPolicyDocument>
S
- More recent additions to be aware of:
- **Child Protection Policy (2008)** – to provide a framework for managing and reducing risks of child abuse by persons engaged in delivering Australian aid program activities; and
- **Development for All (2008)** – to ensure that people with disability are included and supported in improving their quality of life through all aspects of the aid program.

Topic 1 –Tender Particulars (RFT)

CARETAKER PERIOD FOR AUSTRALIAN GOVERNMENT (*Clause 5 of Part 1 of RFT*)

- This AIPJ-ISP was released to the market in what is known as “caretaker period”.
- **NOTE:** Tenderers are advised that a Federal Election has been called for 21 August 2010. The Commonwealth Government has therefore entered into a ‘caretaker period’ which places limitations on Commonwealth Agencies entering into major new commitments.
- The tender assessment process will proceed as normal. AusAID, however, will defer entering into a contract with a preferred tenderer until after the end of the caretaker period. Tenderers are further advised that there is also the possibility that any incoming Government may decide to terminate a tender process if it does not wish a particular activity to proceed.



Topic 1 –Tender Particulars (RFT)

Structure of the AIPJ-ISP Request for Tender (RFT)

The RFT is separated into 2 sections and 6 parts:

Section 1:

- Program Specific Tender Conditions (Part 1)
- Program Specific Contract Conditions (Part 2)
- The Draft Scope of Services (SOS Part 3)
- The Draft Basis of Payment (BOP Part 4)

Section 2:

- Standard Tender Conditions (Part 5)
- Standard Contract Conditions (Part 6)
- Other documentation released with RFT : the AIPJ Program Design Document (PDD))
- Addenda to the RFT: 2 Addenda have also been released on AusTender (www.tenders.gov.au) and these become additional components of the RFT.

Topic 1 –Tender Particulars (RFT)

How the Tenders will be Initially Assessed Weighting of Technical Merit vs. Weighting of Financial Cost:

(Clause 6 of Part 1):

- For this tender bidders will be assessed on responses to the technical criteria and approach, staffing, etc. as 85% of their overall score.
- Bidders will also be assessed as 15% of their overall score, based on the cost structure they put forward, and AusAID will allocate a financial score on top of technical score, for each bidder, based on a comparison of overall cost between bids, considerations of the benefits in bids, value adds provided by companies.. etc.

Conforming Tender:

What is a conforming tender and why is it important?

- For AusAID to be able to assess submitted bid, it has to pass a conformity check against required submission elements, as detailed in the RFT .
- Bidders need to ensure they include all required elements of the bid, when submitting it to AusAID to ensure they are able to be assessed in the process.

Required Elements for submission (see Annex C of Part 5)

- 1. Tender Schedule A: Response to Selection Criteria** (Clause 7 of Part 1- up to 8xA4 pages) –including coversheet to bid including name of bidder, main contact for bid, email contact;
- 2. Supporting Annexes to Sched A.** (*information supplementing response to selection criteria, and other relevant information to bid etc.*):
 - a) Annex 1- Past Experience Forms (up to 5 forms – one page each, A4) ;
 - b) Annex 2 - Specified Personnel Terms of Reference (max. 2 xA4 pages per ToR for nominated position);
 - c) Annex 3 – Work Plans (Initial 12 month overview shown in 1xA3 page; plus a brief written overview of full 3 years up To 2x additional A4 pages
 - d) Annex 4 – Team Member Inputs (Bar Charts) (max. 2 x A3 pages);
 - e) Annex 5 – Risk Management Plan (max. 4 x A4 pages);
 - f) Annex 6 – Mobilisation Plan (max. 2 x A4 pages); and
 - g) Annex 7 – Letters of Association and other detailed of proposed sub-contractors (as needed)

Conforming Tender:

3. **Tender Schedule B (Clause 8 of Part 1) – all information on nominated team to carry out the services:**
 - ◆ List of team members for proposed personnel as per Clause 8.1 and CVs as per requirements listed in Clause 7.16 and 7.17 of Part 5 (3xA4 p max per CV);
 - ◆ A skills matrix summarising team as whole, and specific key skills of individuals for project implementation;
 - ◆ Referee information on team members as required by Clause 7.16 and 7.17 of Part 5; and
 - ◆ Table 1: Specified Personnel breakdown for each nominated and specified position.
4. **Tender Schedule C (Clause 9 of Part 1) – all information on cost of bid/pricing:**
 - ◆ Fully costed price including Fixed Management Fee (FMF) and breakdown in tables 2A and 2B;
 - ◆ Long Term Personnel costs as per tables 4A and 4B; and
 - ◆ Summary Tables of total cost of bid as per Tables 6A and 6B.
5. **Tender Schedule D (Clause 10 of Part 1) – provide contact details for an independent financial assessor to be able to obtain information as required through process.**

Also required in submission: a) Tender Declaration (see Annex B of Part 5); Statement on the compliance of the tenderer with relevant Commonwealth Government Policies (see Clause 37 of Part 6);

Conforming Tender:

Tenderers are advised:

The financial proposal (Schedule C) must be fully costed price (in AUD) to undertake the services as per the PDD , including outputs and inputs as specified in the Draft Scope of Services (Part 3 of RFT) including:

- *Escalation of any foreign exchange rate variations, other price risks, necessary insurances required (note – to be listed separately and itemised as per Clause 9.2 (a) (ii) of Part 1, and separate costs for Performance Guarantee as per Clause 8.7 of Part 1 RFT)*
- *Also any other assumptions bidder may rely on later or in future amendment discussions, that were used in preparing the pricing of the bid*

*****A cost included in one of the above components may not be included in any other component*****

- *Information here will assist AusAID to assist assessment and Value for Money rankings of bids, following the Technical Assessment Panel (TAP), technical assessment of bids.*
- *While the financial records provided to the assessor (Schedule D), and available to AusAID also, will not be provided to the TAP and will be treated and stored confidentially, the financial assessors report on capacity of the bidder to undertake the Contract may be provided to either the TAP or AusAID delegate, should the TAP chair deem it necessary and useful.*
- *Clause 10.7 of Part 1 RFT : “Failure by a Tenderer to provide financial information when requested by the financial assessor may result in the tender not being assessed further.”*



Topic 1 –Tender Particulars (RFT)

Selection Criteria for AIPJ-ISP RFT:

(limited to max. eight (8) x A4 pages)

- A. MANAGEMENT CAPABILITY (35% of technical assessment)**
- (i)** Experience in implementing law and justice programs in highly complex governance environments;
 - (ii)** Demonstrated ability to monitor and evaluate progress in governance programs, preferable in the law and justice sector, and to take a proactive approach to continual program improvement and risk management; and
 - (iii)** Demonstrated ability to promote and operationalise systems for harmonisation and alignment of aid activities with principles of development effectiveness.

Topic 1 –Tender Particulars (RFT)

B. PERSONNEL (35% of technical assessment)

- (i) Proposed team to support effective implementation of AIPJ, including an appropriate team structure and appropriate mix of personnel with essential skills;
- (ii) Strategic and practical approach to the engagement and management of a Technical Support Pool; and
- (iii) Skills and experience of the proposed Team Leader.

C. APPROACH (30% of technical assessment)

- (i) Approach to facilitating sustainable relationships between Australian and Indonesian stakeholders through the program, including an understanding and appreciation of the role of the donor-funded law and justice assistance within Indonesia's broader development context;
- (ii) Approach to engaging and utilizing all resources, including the Technical Support Pool, in order to achieve program outcomes, together with a strategic and practical approach to monitoring and evaluation; and
- (iii) Approach to integration of gender equality and other cross cutting issues, such as people with disabilities and people living with HIV, across the program.



Topic 1 –Tender Particulars (RFT)

Tenderers should be aware Table of Part 1 was changed via Addendum 2 to require inclusion now of proposed Leave Entitlements and whether nominated positions are considered as "working with children".

Table 1: Key Personnel

		Total inputs in person months		Referee contact details				
Position	Name	In-country	Overseas	#1	#2	Commitments	Leave entitlements	Position specified as <i>Working With Children</i>
Team Leader (TL)								
Tenderer to nominate other positions and add rows as needed								

Topic 1 –Tender Particulars (RFT)

Curriculum Vitae in proposals - must be submitted for each proposed key personnel as follows:

- in accordance with clause 7.16-7.17 of Part 5 Standard Tender Conditions of RFT
- CV's for each proposed personnel must nominate 2 referees who can provide an objective assessment (see clause 7.18 of Part 5) –and referees must be available and contactable for 3 wks after close of RFT to comment on individual. They must also be able to comment in English. Please provide 2 ways to contact them (ie. email and phone)
- Tenderers must also be aware of and manage any actual or potential sources of conflict of interest (see Clause 11 Part 5 for details)
- All and any existing and proposed personnel commitments must be advised (see Clause 8 of Part 6) – or AusAID may reject tender submission.
- AusAID preference is for personnel with no conflicting commitments. It will be a case by case assessment by AusAID as to whether any conflicts of staff availability will affect services to be provided by the Facility and can be managed or not.



Topic 1 –Tender Particulars (RFT)

Some Aspects of Technical proposal we want to highlight :

Schedule A: Technical Proposal Submission

■ **Annex 2 : Specified Personnel Terms of Reference**

-bidders must supply a TOR for all key nominated personnel they put forward in their bid and approach, outlining roles, skills, exp. Etc. as per the template p.7 of RFT. Key nominated personnel will become Specified Personnel in final contract of winning bidder. These will be attached to final contract in Annex 1 to the Scope of Services (SOS).

■ **Annex 3: Work Plans**

-2 elements required, an A3 page overview of the resourcing of the first 12 months of the program, and a brief written overview of the full 3 years of program.

■ **Annex 6: Mobilisation Plan**

-need to cover mobilisation of first 6 months only and should highlight all important things to setup in this period, to ensure successfully attaining objectives of the program..ie. communication channels, financial controls, management and admin, any other matters as deemed important by bidder in Part 3, draft Scope of Services.



Topic 1 –Tender Particulars (RFT)

Detail of Contract Basis of Payment (Part 4 RFT)

- **The Technical Support Pool Fund will be set for all parties at A\$1,800,000 in contract (see Clause 3 Part 4) – for approved expenditure on support pool personnel through term of contract as detailed.**
- **The Reimbursable Procurement, Operational and Travel Costs will also be set for all parties at A\$1,002,000 (Clause 4 of Part 4) – for office costs, program activity related travel costs, and logistics for the Partnership Board and AIPJ Working Committee, as directed by the Program Director (PD).**
- **Activity Costs for the Contact term are also set at A\$18,600,000 – for expenditure on approved activities as per Clause 5 of Part 3 draft Scope of Services).**

Note: Reimbursable Costs and Activity Costs are not to include ANY profit or mark-up/margins etc. all of which are contained solely in the Fixed Management Fee.



Topic 1 – Tender Particulars (RFT)

Fixed Management Fee (FMF)

- Will be total set Fee Contractor paid for running the Program for term of contract, with options periods set (see Clause 7 of Part 4 Basis of Payment)
 - to include profits including commercial margins/mark-up etc. (*except those on long term personnel that are covered under clause 2 of Part 4*), any overhead costs, head office support costs, financial management costs, security, taxes, insurance, reporting costs, subcontracting costs, all escalators, allowances for risks/contingencies for life of contract.
 - **The FMF will be paid through 2 payment streams as follows:**
 1. FMF Monthly Payments (see Clause 8 of Part 4) – this will deliver the Contractor 60% of the total set FMF fee; and
 2. Performance Payments (see Clause 9 of Part 4) – this will deliver the Contractor a variable amount of the remaining 40% of the set FMF, based on Payments set for assessment under the criteria as per Table 8 of Part 4. From 0% - 120% of this amount set aside for Performance Payments will be made.
- (Criteria when finalised and when varied each year will then be set in final contract as Annex 2 to Scope of Services).*



Topic 1 –Tender Particulars (RFT)

Mobilisation Costs

- To assist the Contactor with office setup and cash-flow, a one-off fully acquittable Mobilisation payment will be made within 30 days of contract signature (see Clause 5 of Part 4)

Comment on Payment Streams in the Contract:

- In this AIPJ-ISP contract to assist cash flow for the contractor, AusAID has decided to make all payments in the basis of payment monthly reimbursable payments. This will ensure Contractor's won't have to carry too much financial burden through the contract, and have a steady cash flow.
- Additionally there is provision in the contract for the Contractor to be reimbursed for Activities either by payment based on receipt of an Activity Completion Report or an 'Activity Progress Report in the case of any large activities and if approved in the Activity Proposal previously'. This will limit the financial burden the Contractor will have to carry. Levels for this will be discussed and agreed with the Contractor and AusAID as needed through Contract.



Topic 1 - Summary of AIPJ ISP Contract Particulars

Duration of Contract:

- Contract will be for 3 years

NB: AusAID has sole discretion of taking up a 2 year Option to Extend.

An Idea of Phasing within the AIPJ Program:

- Previous work in this sector was done via the Indonesia-Australia Legal Development Facility (IALDF).
- An AIPJt (Transition Phase) for AIPJ Program has been running and will be completing on 30 December 2010.
- 1 month handover with AIPJt Contractor is expected.

Topic 1:

Some AIPJ-ISP Contract Particulars to note:

Monitoring Review Group

(See Clause 7 Part 2 – Program Specific Contract Conditions)

- AusAID may set this up at any time if deemed necessary by program, to provide independent technical advice and assistance assessing the performance of the services by the Facility.
- Clause 7.2 outlines the Contractor's responsibilities and the expectations AusAID has of them in such a situation.

Sub-Contracting

(Clause 9 of Part 2 RFT, and standard conditions Clause 11 of Part 6)

- Contractor must seek AusAID's approval to subcontract services valued at A\$100,000 or more (except to specified personnel), and all subcontracting must be in done by Contractor with due consideration of the Commonwealth Procurement Guidelines (CPGs) - including consideration of value for money, transparency, fair process and competition, according to size of procurement, to locate and subcontract appropriate candidate.
- The Contractor may not not subcontract the whole of the services.



Topic 1: Some AIPJ-ISP Contract Particulars to note:

Grant Administration

(Clause 10 of Part 2 of RFT)

- The Scope of Services at Clause 5.1 (b) AIPJ Activities advises some grant funding will be provided.
- Bidders should be aware of the recent Commonwealth Grant Guidelines (CGG's) that were released by the Australian Department of Finance in July 2009, and consider these in terms of how they go about such grant administration.

Performance Guarantee

(Clause 16 of Part 2 of RFT)

- Bidders should be aware AusAID may require this as part of the terms of the final contract to be signed, dependent on outcomes of the financial assessment and consortia bidding. As such this should be costed into Fixed Management Fee (FMF) as a line item in case required.

Topic 1 –AIPJ ISP - Reports

Outline of Reports and when Due during AIPJ-ISP Contract:

(see Clauses 7 and 8 of Part 3 of RFT)

Prior to Mobilisation:

1. A draft Security Plan is to be submitted to AusAID Jakarta for their information prior to mobilisation.

Within 3 months of Contract start date:

2. An Inception Phase Report - to include draft evaluability framework (see clause 7.7), operations Handbook, and draft performance criteria for first annual assessment)

Within 5 months of Contract start date: (see clause 7.13 Part 3)

3. Outcomes Work Plan for the 3 years;
4. Monitoring and Learning Framework (see also clause 8.32 of Part 3);
5. Gender Strategy and Action Plan;
6. Capacity Development Strategy; and
7. Communications Strategy.

Other Reports:

8. Progress Reports (6 monthly – see Clause 7.10 Part 3)
9. Annual Reports (Due 31 March each Year, including first one 4 months after contract start);
10. Handover Plan (due by end of Year 1 – see Clause 14 of Part 6 of RFT); and
11. Activity Completion Report (due 3 months before end of Contract)



Topic 1 – Some Standard AusAID Contract Conditions

Finally a few other Standard Clauses of AusAID Contracts to be aware of:

Fraud (Clause 36 Part 6)

- Responsibility of Contractor to prepare a fraud risk assessment and zero tolerance fraud control strategy.
- Contractor responsible for preventing, detecting and is accountable for fraudulent activities within it's own staff and its subcontractors' staff during implementation
- AusAID may appoint its own investigator if it deems appropriate to protect Commonwealth interests and AusAID program money.

Topic 1 – Some Standard AusAID Contract Conditions

Reviews (Clause 17, Part 6)

- AusAID can at any time appoint an independent reviewer to ensure Contract being properly performed
- Contractor must cooperate with any such review fully, and respond within 28 days to any draft review report , each party must bear its own costs of such review(s)
- A review doesn't reduce the Contractor's responsibility to perform its obligations in accordance with agreed Contract.

Publicity (Clause 28, Part 6)

- Contractor must identify and implement appropriate opportunities for publicity of the Program
- Prior approval by AusAID Public Affairs Group (PAG) must be obtained for any press, media or other relating to the Program



Topic 1 – Some Standard AusAID Contract Conditions:

Insurance (Clause 34, Part 6)

- This lists the levels of insurance AusAID requires the Contractor to have in place while implementing the Program

Handover Plan (Clause 14, Part 6)

- As mentioned previously is a standard requirement – draft due by end of year 1, due 3 month prior to contract end date.

Tenderers should note:

*All other Standard Tender and contract conditions
(Part 5 and 6 of the RFT) are not negotiable*



Topic 1 – Where to from here?

Important Dates in the AIPJ-ISP Tender Process following this Industry Briefing:

- Final Questions on RFT/Program due COB AEST 31 August 2010
- Answers to final RFT questions provided via Addendum on AusTender website by COB 7 September 2010
- RFT Closes 2pm (AEST) on Tuesday 14 September 2010.
- AusAID will check tenders for conformity and forward them to the TAP to technically assess
- Tender submissions will be technically assessed by a Technical Assessment Panel (TAP) and short-listed, if required, in late September
- A TAP will be held, including interviews of Key Personnel as advised by AusAID , on short-listed bids in Jakarta in mid-October 2010 (tbc) – and the TAP will make a recommendation for preferred tenderer to an AusAID delegate
- AusAID will then undertake a Value for Money assessment of the bids and the delegate (who is not bound by TAP decision) will ask PAS to enter into negotiations with chosen tenderer in an attempt to form a mutually agreeable contract to provide the services
- If negotiations should break down with preferred tenderer, and if other tenderers' proposals were found technically viable by the TAP, AusAID reserves the right to move to the next preferred tenderer to try to negotiate a contract
- AusAID is aiming for contract signature by 1 December 2010, with mobilisation in Indonesia to occur as soon as practicable following contract signature, as negotiated and agreed with AusAID



Feedback on Tenders

- Debriefs are provided:
 - ◆ on request;
 - ◆ in writing; and
 - ◆ after the procurement process has been completed.



Topic 1 - Conclusion

■ Questions....?

Topic 2:

Hints for Companies Unfamiliar with Bidding for AusAID Tenders

Presenter: Byron Singline

Procurement and Agreement Services,
AusAID Canberra

Topic 2 – Advice for new companies bidding on AusAID work

New Tenderers wishing to be a part of Australia's overseas aid program should:

- Take advantage of early warning of tenders on AusAID's website (www.ausaid.gov.au) and Austender (www.tenders.gov.au); you don't have to wait until tenders are advertised before beginning preparation of your bid
- Consult the provided information on how AusAID conducts its business and contracts out at www.ausaid.gov.au/business/default.cfm



Topic 2 – Advice for new companies bidding on AusAID work

- Adopt a strategic and focused approach by targeting specific projects and opportunities where your organisation has expertise
- Understanding AusAID is important. You are always welcome to meet with Country Program Managers and Contracts staff
- Network with other consultants and organisations as bids comprising several companies in association with each other are common and can benefit new companies



Topic 2 – Advice for new companies bidding on AusAID work

- After a tender process (whether successful or not), take advantage of AusAID's offer of a debrief
- Bidding is a highly competitive process and bidders should be prepared for a medium to long term view about doing business with AusAID rather than expecting to win vast amounts of work in the short term
- Liaise with Managing Contractors who have been awarded AusAID contracts before



Topic 2 – Advice for new companies bidding on AusAID work

Hints on Proposal/Tender Writing

- Read the documentation carefully to ensure your bid meets all requirements
- Directly address the selection criteria and substantiate your claims strongly
- Note any weightings attached to selection criteria, and subsequently ensure that the emphasis in your submission reflects the weightings on the selection criteria



Topic 2 – Advice for new companies bidding on AusAID work

- Ensure your bid is subjected to some form of quality control and checking prior to its submission to AusAID – an independent review to assist in editorial and logical consistency is recommended.
- If you are unsure of something, please ask questions. We are here to respond.
- Don't make claims that can not be substantiated

Topic 2 – Advice for new companies bidding on AusAID work

Management Arrangements

- Clearly identify management inputs (who will do what, and with what level of input) as well as your proposed management framework. This is particularly necessary when a joint venture or consortium bid is submitted



Topic 2 – Advice for new companies bidding on AusAID work

Approach and Methodology

- Bidders need to demonstrate original thought. Do not just repeat what AusAID has already provided in the tender document.
- Bidders need to show that they understand what the activity is about.
- Specifically identify project risks and how you propose to manage them

Topic 2 – Advice for new companies bidding on AusAID work

Key Personnel

- CVs should be provided for all Key Personnel nominated. The CVs should be focused towards skills required and clearly outlined the duration and extent of the nominee's involvement in activities
- Provide referees who can comment on the nominee's experience and their claims against the selection criteria. AusAID can identify and contact referees of its choosing if it considers that it is not getting a complete picture

Topic 2 – Advice for new companies bidding on AusAID work

Pricing of Bids

- Prices submitted with bids must reflect the whole of life costs of undertaking the activity.
- AusAID is not interested in proposals from bidders that do not adequately resource the task.

Topic 2 – Advice for new companies bidding on AusAID work

Presentations and Interviews during Technical Assessment Process (TAP)

- Bidders may be invited to meet with the Technical Assessment Panel to make a brief presentation or to undertake an interview. In those instances, AusAID recommends the following
- Keep the presentation focused and within the allocated time limit
- Ensure the team is fully knowledgeable of the proposal



Topic 2 – Advice for new companies bidding on AusAID work

- Ensure the presentation is vibrant and engaging remembering that several will be sat through by the panel
- Avoid overly complicated diagrams
- Let team members answer questions posed to them. Do not answer questions on their behalf
- The TAP process allows bidders to send an observer to the briefing. This provides an ideal opportunity for either bid writers or management to see how their team performs and to understand comments provided during the briefings.



Topic 2 – Advice for new companies bidding on AusAID work

Value for Money Assessment of Tenders by AusAID

- As an Australian Government Agency that is governed by the Financial Management Act AusAID's overriding priority is to achieve a
- Value for Money outcome.
- “Value for money is the core principle underpinning Australian Government procurement. In a procurement process this principle requires a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle.”



Topic 2 – Advice for new companies bidding on AusAID work

Value for money is enhanced in Government procurement by:

- **Encouraging competition**
 - ◆ transparent, public tender process
 - ◆ seeking your proposals and costings
- **Promoting the efficient, effective and ethical use of resources**
 - ◆ an overriding priority in this tender
 - ◆ AusAID will evaluate your proposal accordingly

Topic 2 – Advice for new companies bidding on AusAID work

- Cost is not the only determining factor in assessing value for money.
- There is no formula to measure value for money
- Value for money means “ the best available outcome when all relevant costs and benefits over the procurement cycle are considered”
- Value for money does not necessarily mean the lowest price and price alone is not a reliable indicator of value for money.



Topic 2 – Advice for new companies bidding on AusAID work

- Some important considerations when assessing value for money include:
- The performance history of each tenderer
- Does your firm have a record of achievement?
- Does your firm deliver a quality outcome, on time and on budget?
- Are your previous clients satisfied with your companies performance?



Topic 2 – Advice for new companies bidding on AusAID work

- The relative risk of each proposal
- Does your proposal adequately address attendant risks?
- Do you identify risk and propose strategies to deal with these risks?
- Are the proposed costings, methodology and approach appropriate to the risk identified?



Topic 2 – Advice for new companies bidding on AusAID work

- The flexibility to adapt to possible change
- Does your proposal recognise the need for flexibility in the project environment?
- Does it propose strategies to manage this change?



Topic 2 – Advice for new companies bidding on AusAID work

- Financial considerations including all relevant direct and indirect benefits and costs:
- Have you costed your proposal to allow for all known costs at appropriate rates, in a way that allows for reasonable profit, head office overheads and variables?
- Costings that are too high or too low could make a difference!



Topic 2 – Advice for new companies bidding on AusAID work

- Is the proposal balanced in terms of its articulation of inputs, outputs, outcomes, risks, costs, quality and timeliness and overall effectiveness:
- As a client, AusAID & GOI need to be satisfied that the winning proposal is sound, capable of being implemented and effective in achieving stated objectives within a timeframe and budget that is acceptable.

Topic 2 – Advice for new companies bidding on AusAID work

In your proposal you need to explain and demonstrate to AusAID the Value for Money (VFM) merits and considerations of your proposal – and how they will ensure efficient and effective implementation



Topic 2 – Advice for new companies bidding on AusAID work

Value for Money Assessment by AusAID:

- Will be an overarching consideration when the delegate makes a decision on preferred tenderer, along with consideration of the technical assessment rankings of the TAP
- All information provided by tenderers in Technical Proposal, Financial Proposal and all Annexes will be utilised by the AusAID to do this.
- Financial Assessment of Tender by external auditor will be employed also to assist AusAID's decision

Topic 2 – Advice for new companies bidding on AusAID work

- Questions...?

- Conclusion of Briefing:
- Break now – and any companies that accepted the one-on-one interview offer, we'll see you back in here at your allocated time then.
- Thankyou all for your attention.

AIPJ Program Overview, and the ISP – an AusAID Perspective

Emily Rainey (Unit Manager, Law and Justice, AusAID Jakarta) – Speaking Notes

BACKGROUND

- The law and justice sector is central to supporting Indonesia's status as an emerging middle-income country and for the consolidation of democracy.
- President Yudhoyono has acknowledged law and justice sector reform as a major national priority during his second term. The establishment and ongoing success of a taskforce on the eradication of the legal mafia, and the development of national strategies on combating corruption and access to justice has created renewed government focus on reform progress and the performance of key law and justice institutions. The Supreme Court is due to soon release its 5 year Blueprint for Reform and the Attorney General's Office will continue its Bureaucracy Reform Program. This creates a window of opportunity to support reform efforts in a sector that is known for its slow pace and/or reluctance to reform.
- An effective law and justice sector makes an important contribution to alleviating poverty, promoting sustainable development and consolidating democratic values.
- However many Indonesians are unable to access the formal legal system due to:
 - the costs associated with registering cases and difficulties in obtaining legal aid and physically accessing court buildings (due mainly to high transport costs); and
 - the lack of user-friendly mechanisms within courts, prosecutorial agencies and the national human rights institutions for registering grievances.
- There is also general lack of faith in capacity of the country's law and justice institutions to deliver quality legal service. The reasons for this are complex, varied and inter-related. They include:
 - Corruption - the Global Corruption Barometer 2009, Indonesians ranked the judiciary as the second-most corrupt institution in the country, following Parliament.
 - Lack of certainty in judicial and prosecutorial decision-making.
 - Lack of consistency in legislation and case law.
 - Marginalisation. Some groups, such as women, people with disability, children, people living far from city centres experience particular difficulties in obtaining just outcomes.
- The Justice Partnership has been developed to closely align with the Indonesian Government's priorities in the law and justice sector, in the Medium Term Development Plan 2010-14. Although there are limited overarching sector-wide reform policies, a range of laws and policy

frameworks demonstrate a clear commitment and emerging set of priorities for reform of the sector.

- The Justice Partnership will build on the assistance AusAID has provided to Indonesia's law and justice sector over the past ten years, continuing the gradual scaling up of Australia's engagement in this sector.

OUTCOMES AND OBJECTIVES

- Based on issues in sector, Indonesian Government priorities, advice from Bappenas and key partners following consultation, and taking into account Australia's comparative advantage/expertise, the AIPJ will focus on one objective: increased access to better quality legal information and services.
- The outcomes are considered to be the main areas where changes must occur in order to achieve the objective, but they are also separate, important outcomes in and of themselves.
- By the end of the AIPJ, it is expected that Indonesia's courts, prosecutors and human rights institutions will be better able to supply quality legal services and information to the community. Such improvements will likely involve, for example, the introduction of court policies (such as fee waivers and circuit courts) to provide dispute resolution services to a greater number and diversity of justice-seekers; the regular publication of clear reasons for executing or dropping corruption prosecutions; online access to the annual reports of key institutions and to decisions in individual cases; less dependency on donor funding for legal aid; and greater levels of robust scrutiny and analysis of the extent to which relevant institutions guarantee the rights of the poor and marginalised.

LESSONS FROM IALDF

Indonesia Australia Legal Development Facility –2004 to 2009 - \$24 million. Judicial reform, access to justice, anti-corruption, human rights and transnational crime.

An ICR conducted earlier this year found that LDF provided a strong platform for a new phase of assistance:

- Well regarded – good relationships developed
- but recommended strengthening government-to-government linkages in the sector (along the lines of the successful court-to-court relationship between the Indonesian Supreme Court and the Australian Federal and Family Courts of Australia), reducing the number of small activities, and focusing on working with central law and justice institutions to support institutional reform, improve service delivery and increase public access. Central to these efforts are improving transparency and accountability,

increasing public participation in the sector (particularly through greater access for the poor and marginalised) and addressing corruption.

The ICR highlighted a number of lessons from this assistance most notably:

- Importance in investing in relationships
- Need to ensure a sharp focus if want to demonstrate change/success – partners, ISP and AusAID need to regularly review our engagement approach, the most appropriate mix of inputs, especially around technical assistance, and the approach to monitoring and reporting – to ensure it feeds in lessons and is useful.
- WoG interventions can be effective: if they are nurtured, supported and if they are working directly in areas of mutual interest – however we need to establish stronger coordination, coherence and communication and reporting approaches for WoG engagements.
- It is important to ensure the right mix of technical assistance. Not all challenges facing the legal sector require legal technical expertise – extend to capacity, budgetary, planning, human resource, public administration and cross cutting issues – recommended more flexible way of bringing in a variety of technical expertise.
- Mainstreaming cross-cutting issues can often be challenging and is often dependent on the importance individuals place on dealing with those issues- need not only a good cross-cutting plan or policy but a way where it is implemented, reviewed and improved across the program
- M&E – the capture and dissemination of lessons needs structure and process for them to be fed back in to the activity delivery process to improve performance. The growing aid budget = growing scrutiny of how money is used and reported. Need to ensure and be able to talk easily and in straight forward language about what we are doing and why – to a wide range of audiences. M&E must be systematic and needs to involve everybody – not a function of m&e experts alone.
- Counterpart involvement in activity planning and management – as a way of ensuring priorities are aligned, as a means of building capacity, ensuring mutual accountability & responsibility and for empowering partners. They should be supported to work within their own government systems
- Triangulation – term used in LDF for bringing together Indonesian institutions, civil society and external technical expertise – approach the ICR found to be highly effective. The ICR found that civil society in particular can be supported to engage successfully with formal government agencies for specific interest to both. Significant support for CSOs to promote reform, engage in direct support of the agencies and encourage service delivery improvements.

STAKEHOLDERS

- In determining which institutions will receive direct assistance through the Justice Partnership, Indonesian law and justice sector actors were assessed according to their ability to impact on the wide-ranging issues outlined above, their capacity and commitment to reform, and the

extent to which they fit Australia's comparative advantage as a donor (particularly in terms of existing relationships and policy directions).

- need for engagement beyond primary stakeholders in order to maintain effective and relevant presence - shift funding if commitment to reform or priorities change.

APPROACH AND OPERATING PRINCIPLES

- While the Justice Partnership will utilise the relationships and expertise formed throughout the last decade, its implementation will differ from previous assistance in several important ways.
- Activities will need be both focused, in the sense that they will directly address the objective and outcomes of the program, and responsive to the fast-changing legal environment in Indonesia.
- We anticipate fewer, longer term, larger scale activities than what was implemented under LDF – placing greater control over program implementation in the hands of key partners (including civil society), and drawing more on Indonesian expertise and technical assistance in ways that will ensure this expertise also contributes to Indonesia's own knowledge sector (not just that of the program).
- The Justice Partnership design documents outlines operating principles to guide the use of funds:
- **Partnership:** the Justice Partnership is not simply about the provision of technical assistance – it is about developing the relationships that will give rise to effective cooperation over the long-term. This will require the Australian Government to play a key role in the governance of the Justice Partnership and for AusAID in particular to be actively engaged in its delivery. The development of long-term relationships between Australian and Indonesian government agencies provides a strong basis for policy dialogue on justice sector issues, as well as a useful framework for capacity development.
- **Effective Demand:** To be effective, requests for assistance from partner organisations need to align with Justice Partnership objectives, be accompanied by the capacity of the partner organisation to actually deliver the proposed benefits and be responsive to the needs of the requesting organisation rather than the individuals working for it.
- **Critical Mass:** Justice Partnership should attempt to maintain a balance between assisting a range of different organisations and ensuring that its assistance does not become 'drops in the ocean' – building on what works, not spreading ourselves too thinly
- **Incremental Engagement:** 'Incremental engagement' involves providing an initial level of support and then expanding this based on success. The intention is to avoid being over-

ambitious and to build gradually on demonstrated success. This principle also has a useful incentivising effect – when partners understand that continued or additional support is contingent on success, there is a greater likelihood of achieving that success.

- **Use of Indonesian Expertise:** Justice Partnership will look to prioritise use of Indonesian expertise in all program activities. This reflects recognition that Indonesia holds a wealth of technical knowledge and expertise that can be both utilised and supported more effectively by donors.

Aid Effectiveness

- Most notably the Justice Partnership will be aligned with Indonesian Government policies and strategies, including the law and justice components of the RPJMN 2010-15.
- Other ways the Justice Partnership will contribute to the aid effectiveness agenda include:
 - promoting greater ownership by the Indonesian Government.
 - Focusing on performance and strengthening Indonesian Government performance evaluation systems: moving towards working more in partner systems including using and strengthening local evaluation, procurement, and audit systems.
 - Working with Indonesia's civil society to support reforms to the law and justice sector, including in ways which empower rather than weaken the long-term sustainability of civil society organisations.

GOVERNANCE ARRANGEMENTS

- AIPJ's governance arrangements will reflect the importance both governments place on genuine partnerships in the sector. The governance arrangements will involve a Partnership Board comprising ex-officio representatives from a range of Indonesian and Australian partner bodies. This Board will promote whole-of-government engagement between the two countries and ensure that AIPJ activities are aligned with the Indonesian Government's priorities in the law and justice sector. In addition, AIPJ will be managed by an AusAID Program Director to promote the sustainability of relationships formed between Australian and Indonesian partners under AIPJ beyond the term of a managing contractor.

The Australia Indonesia Partnership for Justice Board (Partnership Board)

- overall strategic direction for the Justice Partnership.
- Provide the opportunity for frank discussions about the political dynamics and current reform directions in the Indonesian law and justice sector to inform the direction of AIPJ.

Australia Indonesia Partnership for Justice Working Committee (Working Committee)

- responsible for key decisions relating to the management and implementation of AIPJ.

Technical Support Pool

- The ISP will be responsible for coordinating inputs of a Technical Support Pool (TSP) which will be built up and maintained over the life of the Partnership. Inputs will be set through the Annual Workplan.
- We know this is a relatively small community of Indonesian legal technical experts – intention of the TSP is to retain flexibility in our ability to draw in technical expertise as requested/required, and not lock busy people into long-term full time roles over the life of the program.
- The TSP will comprise a selection of national and international specialists in key areas including: Indonesian law and justice expertise, gender analysis, capacity development, monitoring and evaluation, human rights, people with disability and other technical specialist areas identified over the life of the Partnership.
- There will be a strong focus on utilising Indonesian expertise across the program, where appropriate.

THE PROGRAM DIRECTOR MODEL

The Program will be managed by a Program Director engaged by AusAID. The Program Director will take a lead role on fostering partnerships, facilitating and guiding policy dialogue, driving program directions, and managing whole-of-government and court-to-court engagement. The implementing service provider will be responsible for delivering annual workplans and quality activities that link to outcomes, and helping to ensure assistance remains responsive to changing sector priorities. ISP Personnel will require strong management experience and some degree of technical expertise – as highlighted in the RFT.

The Program Director model is seen as an effective model but is not without its lessons. As with most programs it requires people with good people and management skills – willing to build mutual trust and positive, cooperative working relationships – particularly between the PD and ISP. Key lessons include:

- Need to develop good working relationships between all parties (PD, IDP, AusAID);
- Ongoing and open communication are vital;
- Need to be clear from the beginning about expected working and reporting arrangements – roles and responsibilities

Monitoring, evaluation and learning

- A Monitoring and Learning Framework will be developed during the inception phase which will specify, as a minimum, performance expectations, means of verification, stakeholders who will use the information and indicators to track performance. It will also track follow-up responses and actions on:
 - ISP performance in meeting the requirements set out in its Scope of Services;
 - Governance arrangements and their effectiveness;
 - Activity delivery that is in accordance with the Operations Handbook, and, in particular, that meets the needs of stakeholders;
 - Assessment of progress against the AIPJ outcomes and AIPJ's objective, that takes into account the broader context in which the AIPJ is operating; and
 - Cross-cutting Issues – human rights, anti-corruption, performance management and partnerships.

Reason why m&l and learning system will be developed after program mobilisation is to ensure that key partners, notably AusAID and managing contractor develop system together to ensure shared understanding of principles behind framework, and expectations for its implementation and review. Anticipate system will be multilayered, that everyone will be have m&l responsibilities and that building capacity in m&l will continue throughout the life of the program.

Cross Cutting Issues

- The implementation of AIPJ will be informed by a number of thematic 'cross-cutting' issues which GoA has put in place to ensure the quality and effectiveness of the aid program. It is expected that these issues be considered in the development of all program activities.
 - Gender Equality
 - Disability-inclusive Development
 - HIV/AIDS
- Human rights, anti-corruption, partnerships and performance have been identified as priority cross-cutting issues under the Justice Partnership.
- Activities funded under the five outcomes will be expected to explicitly highlight their approach to these cross-cutting issues, and separate monitoring will be established and resourced from AIPJ funds for each cross-cutting issue that will track and report progress separately as part of the formal reporting processes.

THE TRANSITION PROGRAM

- \$2.7m – Jan – Dec 2010
- MA, AGO, Komnas Perempuan,
- Analytical Work – new areas, will help program decisions in lead up to preliminary workplans – info will be published.
- Rationale: continue Australian engagement in the sector in 2010, continue support for MoU on Judicial Cooperation, support for two reform teams in the AGO and MA, ongoing support for Komnas Perempuan. Ensure effective entry points for AIPJ assistance, test new way of AusAID engagement – for us to learn more about our programs and partners. Assist with development of first AIPJ workplan. Help us manage the transition between programs.
- While all activities are expected to finish in December this year, as mentioned in the design we do anticipate that continued assistance to MA & AGO reform teams, and work under the MoU on Judicial Cooperation will be supported through future workplans.