

## Request for Proposal

Consultancy Service for Drafting and Compiling Report - Business & Human Rights: A Business Perspective (Volume I)

<b>Location</b>	South Asia
<b>Application Deadline</b>	10-10-2022
<b>Post Level</b>	Consultant
<b>Language Required</b>	English
<b>Duration of the Contract</b>	Until 31-12-2022
<b>Start Date</b>	17-Oct-2022

### 1. Background

Business and Human Rights (BHR), albeit nascent, is fast evolving. The BHR framework – Protect, Respect and Remedy - was crystallised in 2011, when the United Nations Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights (UNGPs). As per the Guidelines, it is the duty of State to protect human rights, responsibility of businesses to respect human rights and responsibility of both State and businesses to provide effective remedial mechanisms in case of human rights violations occurring out of business operations. The UNGP are recognised as the global standard of practice and expectation from States and businesses.

Since 2011, BHR has been strongly discoursed and endorsed. The European Union (EU) and member States (Germany, Norway, Netherlands, Austria, Belgium) have/are tabling laws pertaining mandatory human rights and environment due diligence. Australia, Japan and the United States are reviewing regulations pertaining business transparency on human rights and accountability. In the developing world, Thailand, Malaysia, Indonesia, Kenya, Colombia are introducing guidelines around human rights and environment due diligence.

The institutional investors are also endorsing the BHR agenda. The investors have moved from the traditional style of investing to investing in businesses demonstrating principles of human rights, environment and good governance across operations. In 2021, the Environment Social Governance (ESG) inflow stood at a voluminous estimate of at least USD 330 Billion.<sup>1</sup> As per the 2021 EY Global

<sup>1</sup> <https://corpgov.law.harvard.edu/2022/02/25/esg-2021-trends-and-expectations-for-2022/#:~:text=Inflows%20into%20ESG%20funds%20continued%20to%20grow%20in,creation%20of%20more%20ESG%20funds%20expected%20in%202022.>

Investor Survey, 74 percent of institutional investors were likely to 'divest' based on poor ESG performance indicators.<sup>2</sup>

In South Asia, the BHR uptake has been slow but relevant. In 2021, Pakistan published its first National Action Plan on Business and Human Rights. In 2020, India released the Business Responsibility & Sustainability Report, requiring companies (beyond certain threshold) to provide disclosures on ESG indicators, one of them being – BHR. Sri Lanka has ratified 39 ILO Conventions, the highest in South Asian States, and launched the 'Garment without Guilt' campaign in line with its commitment to respect human rights in the garments sector. Bangladesh has launched multiple initiatives towards safety, health and occupation such as the Accord on Fire and Building Safety, the Alliance for Bangladesh Worker Safety and the RMG Sustainability Council in its most thriving sector - the garment sector.

To sustain and further BHR, as one of the core stakeholders, it is the businesses that will have to own the BHR agenda and roll out effective policies and practices. Unfortunately, business participation in the BHR discourse has been limited. Further, there is limited literature on how the businesses perceive BHR and the advantages and challenges they face in BHR uptake.

Against this backdrop, CRB intends to create literature on the business perspective on BHR. This will be a Volume of essays, encapsulating the key drivers, relevance, scope, advantages, challenges and the overall understanding of BHR, from the business viewpoint. It is envisaged, insights gathered from the assignment will provide pathway to encourage pragmatic uptake of BHR by businesses.

## **1.1 Objective**

The objective of the assignment is twofold. First, to collect empirical information on the way businesses perceive BHR. The assignment will provide a bottom-up approach on the relevance of BHR, theory and practice, from the business viewpoint. Second, to collate the information collected and chart pragmatic way forward for effective application of BHR among South Asian businesses.

## **2. Duties and Responsibilities**

### **2.1 Scope & Methodology**

The scope of the assignment is limited to South Asian businesses. The assignment will comprise 5 Essays and 1 Analysis Chapter. The essays and Analysis Chapter will be compiled into one report titled,

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<sup>2</sup> [https://www.ey.com/en\\_gl/news/2021/11/three-quarters-of-institutional-investors-say-they-may-divest-from-companies-with-poor-environmental-track-records](https://www.ey.com/en_gl/news/2021/11/three-quarters-of-institutional-investors-say-they-may-divest-from-companies-with-poor-environmental-track-records)

‘Business & Human Rights: An Industry Perspective’. However, each of the Chapters should be drafted in a manner that it may be published as a standalone piece. The details of scope are as:

- i. 5 essays – The Consultant/Organisation will draft 5 essays, each representing 1 South Asian business. The select business may be of any sector or size, but no more than 2 businesses should represent the same State. The purpose of the essays will be to strategically collate primary and secondary information from identified businesses and demonstrate the meaning of BHR to them. The essays will be comprehensive and entail information pertaining – who drives the BHR agenda for the company, why the need to undertake BHR practices, the scope of BHR policy and practices, challenges faced and way forward. Each essay will comprise 3000 - 5000 words.
- ii. Analysis Chapter – The Analysis Chapter will assimilate information from the 5 essays and provide analysis, drawbacks, challenges, potential, good practices from the Essays. The Chapter will also provide evidence based recommendations for furthering the BHR agenda, keeping ground practicalities in mind. The Chapter will comprise about 3000 words.

The assignment will entail the following methodology:

- i. Preparatory Phase – To create clear frameworks and approach. The activities will include (but not limit to):
  - Create Terms of Reference for the Essays and Analysis Chapter
  - Identification of Stakeholders
  - Secondary Research Plan
  - Primary Research Plan
- ii. Research and Interviews – To obtain primary and secondary information. The activities will entail:
  - Implement Secondary Research Plan
  - Implement Primary Research Plan
- iii. Drafting
  - Assimilate and draft business specific Chapters
  - Analyse information and provide recommendations to encourage uptake

### 3. Expected Outputs & Deliverables

S.No	Deliverable/Output	Due Date	Review & Approvals Required
i.	Methodology	27-10-22	

ii.	Draft Report - 3 Chapters	1-12-22	Business & Human Rights Unit, CRB
iii.	Draft Complete Report	20-12-22	
iv.	Final Report	31-12-22	

#### 4. Institutional Arrangement

- i. The Consultant/Organisation shall work under the overall guidance of the Business and Human Rights Unit, CRB
- ii. Fortnightly reporting will be required, and each deliverable shall be presented to the Business and Human Rights Unit for review and approval
- iii. The project will not be required to provide any facilities or other support, though the Business and Human Rights Unit may provide guidance.

#### 5. Duration

The timeline for the assignment is 3 months. The work will commence in Oct 2022, and conclude on 31 December 2022.

#### 6. Duty Station

- i. It is not required for the Consultant/Organisation to physically visit the CRB office in New Delhi. The Consultant/Organisation may set-up a schedule to engage with the project team through video conference or other remote communication tools.
- ii. Travels, if needed, to be undertaken by the Consultant/Organisation at their expense.

#### 7. Competencies

- i. Demonstrate overall understanding of Environment, Social, Governance (ESG) trends, globally and in South Asia.
- ii. Demonstrate overall understanding of BHR, the global legislations, trends, practices in the South Asian context.
- iii. Proven track record in systematically obtaining data (primary and secondary), analysing data, drafting succinct reports.
- iv. Proven track record in engaging with businesses for multi-discipline, cross sector and cross country research and incidental activities.
- v. Fluency in written and oral English is essential. Working knowledge of a South Asian language is an advantage

## **8. Required Documents**

- i. Letter of Confirmation of Interest and Availability commenting on the ability to start the assignment by October 2022.
- ii. Curriculum Vitae (of lead and 2 team members, if applicable) indicating all past experience from similar projects, as well as the contact details.
- iii. Technical Proposal, including a suitability statement for the assignment and overall methodology for the assignment, including work samples.
- iv. Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs. The term “all-inclusive” implies that all costs (professional fees, communications, consumables, etc.) that could be incurred by the consultant in completing the assignment, are already factored into the fee submitted in the proposal.

## **9. Payment Schedule**

Payments shall be done upon verification of completion of deliverables and approval by Finance Manager, CRB. The payment schedule will be as follows:

- i. First Tranche (20%): Upon submission and approval of Deliverable 1
- ii. Second Tranche (50%): Upon submission and approval of Deliverable 3
- iii. Third Tranche (30%): Upon submission and approval of Deliverable 4

## **10. Evaluation Model and Criteria**

Proposals will be evaluated based on the following methodology:

- i. Cumulative Analysis:
  - The award of the contract shall be made to the consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%) and financial criteria (30%).
  - The technical criteria consists of qualification review (relevant experience, work samples, language etc.)
  - Financial score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by CRB for the assignment.
- ii. Technical Criteria for Evaluation (Maximum 70 points)
  - Criteria 1: Relevant experience in BHR (max 30 points)
  - Criteria 2: Relevant experience in South Asia (max 20 points)

- Criteria 3: Availability to start by Oct 2021 (max 10 points)
- Criteria 4: Reporting and Project drafting experience (max 10 points)

Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation. For those passing technical evaluation above, offers will be evaluated per the Combined Scoring method: a) Technical evaluation (70%) b) Financial evaluation (30%). The proposals receiving the Highest Combined Score will be awarded the contract. Incomplete proposals will not be considered.

The short-listed candidates may be contacted, and the successful candidate will be notified. Duly filled proposals may only be emailed in PDF format to: [nandini@c4rb.in](mailto:nandini@c4rb.in), [neha@c4rb.in](mailto:neha@c4rb.in)