



THE JUDICIAL OF ZANZIBAR

REQUEST FOR EXPRESSIONS OF INTEREST

CONSULTING SERVICES - FIRMS SELECTION

COUNTRY: THE UNITED REPUBLIC OF TANZANIA

NAME OF PROJECT: JUDICIAL MODERNIZATION PROJECT (Zi-JUMP).

Credit No.: 7547

ASSIGNMENT TITLE: CONSULTANCY SERVICE TO EXAMINE THE ROOT CAUSES OF INEFFICIENCIES, LOW CASE DISPOSAL RATES, AND CASE BACKLOGS ACROSS ALL COURT LEVELS AND DEVELOP RECOMMENDATIONS AND ACTION PLANS TO ADDRESS THE SAME.

Issue Date: 5th November, 2024

Reference No. TZ-JOZ-456063-CS-CQS

The Judiciary of Zanzibar has received financing from the World Bank toward the cost of the *Judicial Modernization Project (Zi-JUMP)* and intends to apply part of the proceeds for Consultancy Services.

The consulting services ("the Services") include in Development of flow charts (de jure, de facto), Mapping out resource allocation and determining utilization and Development of recommendations and action plan to streamline case processing across all court levels, implementation period is 16 weeks, expected start month of assignment is January 2024.

The Judiciary of Zanzibar now invites eligible consulting firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services.

The short-listing criteria are:

- a. Core Business of the firm and Eight (8) years in business.
- b. Relevant similar experience, which should specifically include the following;
 - i. Experience of at least one (1) similar assignment within the last five (5) years in developing countries cumulative years from (2019 to 2023)- *Information to be provided should include name of assignments, names and full contact addresses of the Clients, contract value (in equivalent US dollars) and period (dates) of execution of assignments.*
 - ii. Demonstration of experience of work in similar conditions.
- c. Technical and Managerial Capability of the firm [The Consultant must provide the structure of the organization, general qualifications and number of Key staffs. *(Do not provide CV of the Key staff. Key Experts will not be evaluated at the shortlisting stage)*].

The attention of interested Consultants is drawn to Section III, paragraph, 3.14, 3.16, and 3.17 of the World Bank’s “Procurement Regulations for IPF Borrowers “fifth edition September 2023 (“Procurement Regulations”), setting forth the World Bank’s policy on conflict of interest.

Consultants may associate with other firms in the form of a joint venture or a sub consultancy to enhance their qualifications. In the case of a joint venture, all the partners in the joint venture shall be jointly and severally liable for the entire contract, if selected. For firms participating in a JV, each member of the JV should independently meet the requirement of EoI criteria. For firms participating as association of lead and sub consultant, only the experience and qualification of lead firm will be assessed as per EoI criteria

A Consultant will be selected in accordance with the Consultant’s Qualifications Based Selection (CQS) set out in the World Bank Procurement Regulations for IPF Borrowers Fifth Edition, dated September 2023;

Further information and the detailed Terms of Reference (ToR) for the assignment can be obtained electronically at the following email addresses, from Mondays to Fridays, from 07:30 am to 03:30 pm East Africa time:

Website: www.judiciaryzanzibar.go.tz

Email: procurement@judiciaryzanzibar.go.tz

Expression of Interest; clearly marked **consultancy service to examine the root causes of inefficiencies, low case disposal rates, and case backlogs across all court levels and develop recommendations and action plans to address the same.**, must be delivered in a written form to the address below (in hard and soft copy through flash disk) on or before **10:00 a.m.** Local Time, on **Wednesday, 20th November, 2024**. Bids will be publicly opened in the presence of the bidder's designated representatives and any who choose to attend at the address below at **10:30 am of Wednesday, 20th November, 2024. at Second Floor Room No. 208.**

FOR SUBMISSION:

Attn: Secretary of Tender Board

Judicial of Zanzibar

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THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR
THE JUDICIARY OF ZANZIBAR



TERMS OF REFERENCE

**FOR CONSULTANCY SERVICE TO EXAMINE THE
ROOT CAUSES OF INEFFICIENCIES, LOW CASE
DISPOSAL RATES, AND CASE BACKLOGS ACROSS
ALL COURT LEVELS AND DEVELOP
RECOMMENDATIONS AND ACTION PLANS TO
ADDRESS THE SAME**

NOVEMBER, 2024

I. INTRODUCTION

1. The judiciary plays a crucial role in maintaining the rule of law, protecting rights, and ensuring justice is served. However, inefficiencies, low disposition rates, and case backlogs are significant challenges that undermine the judicial system's effectiveness in dispensing justice. On the other hand, this leads to low and unsatisfactory provision of justice services to the citizens. Conscious of the same, the Judiciary of Zanzibar (JoZ) is embarking on a collaborative investment project called the [Zanzibar Judiciary Modernization Project \(Zi-JUMP\)](#), financed by the World Bank. Zi-JUMP aims to enhance the efficiency, transparency, and accessibility of the judiciary system through technological and procedural advancements.

II. BACKGROUND SPECIFIC TO THE ASSIGNMENT

2. Court inefficiencies, low disposition rates, and case backlogs are significant challenges that undermine the effectiveness of the judicial system Judiciary. The needs assessment report¹ Reveals that citizens and businesses in Zanzibar complain about gaps in the efficiency and quality of Judiciary services with the delay in case disposition considered most critical. Persistent concerns relate to lengthy procedures and complexity of the legal process from filing to case decision, ineffective court management, inadequate access to court information and court services due to long distances to access court building, and lack of technological platform.
3. To address inefficiencies, low disposition rate, and case backlog, several initiatives and efforts have been taken by JoZ such as revising the Chief Justice Circular and having in place Circular No.1 of 2024 which sets a mechanism to

¹JoZ , Holistic Assessment of the Judiciary of Zanzibar, 2022

identify and strategically dispose of backlogs. The introduction of the daily reporting of case disposition mechanism through the WhatsApp group was another initiative taken by JoZ. Whereby, a judge or magistrate has to report the daily status of case disposition, this has helped in conducting daily follow-ups and tracking the disposition of cases thus finding immediate solutions to long pending cases and backlogs.

4. Case specialization techniques at the Regional court level are another effort to facilitate case disposition and reduce backlogs. Whereby, a specific Magistrate does hear and determine specific cases. Examples of categories of cases at the Regional court are sexual offenses, drug offenses, and other criminal offenses. This has enabled the Regional Magistrate to concentrate on specific cases and areas thus facilitating quick disposition of cases and reduced backlogs. The introduction of a Case Management Unit in the organization structure is another initiative, this Unit works closely with the statistic and ethics unit to facilitate efficiency by managing, inspecting, and reporting on case performance. The establishment of case-flow management committees at all Court levels which involves all key stakeholders, is another effort taken by JoZ, where they meet and discuss challenges that hinder the timely disposition of cases and suggest ways to solve the same.
5. Furthermore, developing rules, circulars, and guidelines although some of them are in the zero-draft stage, is another big effort taken by JoZ believing the rules will facilitate the acceleration of case hearings, increase efficiency, and reduce backlog. Examples are Small claims rules, Witness payment rules, Court broker rules, sentencing guidelines, and Case disposal target circulars.
6. Despite all the efforts mentioned above JoZ still experiences growing trends of backlog, pending cases, and inefficiency that hinders efficiency in delivering court services. To address all the above challenges, JoZ intends to bring on board a consulting firm (herein forward: consultant) to examine the root causes of inefficiencies, low case disposal rates, and case backlogs across all court levels and develop recommendations and action plans to address the same.

III. OBJECTIVES.

7. The objective of the assignment is to diagnose the root causes of inefficiencies, low disposition rates, and case backlogs across all court levels and identify solutions to address identified causes.

This assignment will support the development of flow charts (*de jure*, *de facto*); review how resources are allocated and utilized against the *de facto* processing of cases; develop short and long-term recommendations to address challenges/bottlenecks identified and streamline judicial processes; and to review the existing case management system in place and its (potential) capabilities to address identified challenges.

IV. SCOPE OF THE WORK

The assignment is structured into 3 parts as described below and will include the following:

8. **Part 1: Development of flow charts (*de jure*, *de facto*).**

- Scope: The consultant will develop flow charts for all case types across all court levels to map out the *de jure* and the *de facto* processing of cases. The consultant will visualize each (subsequent) task that needs to be completed. For each process, there will be two flow charts developed depicting the *de jure* and the *de facto* process. work with relevant counterparts to advance and finalize the flow charts.

(List of all Court levels and their corresponding case types are included in the Terms of reference as Annexure 1)

- Tasks: This will include:
 - i. Data gathering and analysis, including determining start and endpoints;
 - ii. Meetings and consultations with relevant stakeholders within and outside the judiciary;

- iii. Analysis and mapping out of the current laws, regulations, and administrative procedures from filing to decision.;
- iv. Analysis and mapping out of the current practice on the ground in processing cases from filing to decision; and
- v. Comparison of *de jure* and *de facto* processes.
- Output: The following outputs are foreseen under Part I:
 - i. De jure and de facto flowcharts for each process across all court levels;
 - ii. Comparison report of *de jure* and *de facto* processes; and
 - iii. PowerPoint presentation with key findings.
- Estimated input: 7 weeks.

9. **Task II: Mapping out resource allocation and determining utilization.**

- Scope: The consultant will map the resources allocated to the flow chart (de facto) and determine their actual utilization.
- Tasks: This will include:
 - i. Data gathering, including human and financial resources and ICT² support;
 - ii. Mapping of resource data against the flow chart;
 - iii. Meetings and consultations with relevant stakeholders to confirm the allocation and utilization of resources; and
 - iv. Analysis of actual use of resources as allocated per flow chart steps and identification of any discrepancies.
- Output: The following outputs are foreseen under Part II:
 - i. De facto flowcharts indicating resource allocations;
 - ii. Report outlining discrepancies in resource allocation and utilization and reasons for “mismatch”; and

² ICT capabilities of the existing case management system is addressed separately; relevant findings will be shared as they become available.

iii. PowerPoint presentation with key findings.

- Estimated input: 4 weeks.

10. Task III: Development of recommendations and action plan to streamline case processing across all court levels

- Scope: Based on the outputs under Task I and Task II, the consultant will develop recommendations and an action plan to address the current inefficiency, low case disposal rates, and case backlog across all court levels.
- Tasks: This will include:
 - i. Develop recommendations to address, but not necessarily limited to, the opportunity to automate and simplify, enhance communication, and improve reporting and compliance;
 - ii. Develop an action plan with measurable goals and milestones to support the implementation of recommendations, including responsibilities and cost implications (as required); and
 - iii. Meetings and consultations with relevant stakeholders to discuss and finalize recommendations and proposed action items (action plan).
- Output: The following outputs are foreseen under Task III:
 - i. Set of recommendations presented and finalized;
 - ii. Costed action plan, including responsibilities for implementation and timelines; and
 - iii. PowerPoint Presentation with key recommendations/action items, including costs, responsibilities, and timelines.
- Estimated input: 5 weeks.

V. RESPONSIBILITIES OF THE CLIENT.

11. The judiciary will be responsible for the following:

- i. To facilitate the consultant in the performance of the assignment including but not limited to introducing the consultant to various court

- premises/stakeholders, accessibility of data and information connected with the tasks outlined; and
- ii. To review the report submitted by the consultant, provide feedback and approve the final output.

VI. PROPOSED METHODOLOGY

12. The process will be undertaken through different approaches guided by objectives to ensure efficiency, increase the disposition rate of cases, and reduce case backlogs within all court levels. The Consultant may employ his/her methodologies but is not limited to:

- i. **Literature review:** Review relevant laws, rules, regulations, guidelines, circulars, policies, reports, and other relevant documents;
- ii. **Data collection and analysis:** Use qualitative and quantitative methods to gather data from various sources such as court records, case management systems, reports, and other relevant sources;
- iii. **Stakeholder engagement:** Consult and interview relevant stakeholders including but not limited to JoZ, Zanzibar Law Society, the Director of the Public prosecution's office, the Attorney general's office, the Police, the Prison, and other court users to understand how the process occurs in practice;
- iv. **Observation and Evaluation:** Observe and evaluate the actual court practices to get insight into the reality of how things work; and
- v. **Drafting and Revision:** Develop draft documents and revise them based on feedback provided by JoZ and relevant stakeholders.

I. IMPLEMENTATION SCHEDULE AND DELIVERABLES

13. The assignment under this consultancy shall be implemented in three parts as outlined above. The tentative schedule in weeks is as described in the table below:

S/ N	TASKS	DELIVERABLES/OUTPUT	TIMELINE (IN WEEKS)	PAYMENT 100%
1.	Initial research	<ul style="list-style-type: none"> Inception Report, including detailed work plan and identification of data sources 	1 weeks	20% (upon submission and approval of inception report)
2.	Development of flow charts (<i>de jure, de facto</i>).	De jure and defacto flowcharts for each process across all court levels.	4 weeks	25% (upon submission and approval of deliverables)
		Comparison report of de jure and de facto processes.	1 weeks	
		PowerPoint presentation with key findings.	1 week	
3.	Mapping out resource allocation and determining utilization	De facto flowcharts indicating resource allocations	2 weeks	25% (upon submission and approval of deliverables)
		A report outlining discrepancies in resource allocation and utilization and reasons for "mismatch".	1 weeks	

		PowerPoint presentation with key findings.	1 week	
4	Development of recommendations and action plan to streamline case processing across all court levels	Set of recommendations presented and finalized	2 weeks	30% (upon submission and approval of the final set of recommendations and action plans)
		Costed action plan, including responsibilities for implementation and timelines	2 weeks	
		PowerPoint Presentation with key recommendations/action items, including costs, responsibilities, and timelines.	1 week	
Total estimated timeline by deliverables			16 Weeks (4 Months)	

VII. QUALIFICATION AND EXPERIENCE

14. The Consulting Firm should be registered in the business related to the assignment (Law firm, research firm, or equivalent) with at least eight years (8) of experience and successfully performed at least one similar assignment within the last 5 years in developing countries. Names and contact details of clients' past engagements (references) who can provide feedback should also be provided in the Expression of Interest. The firm shall briefly comprise at least the following key personnel with the specialization and experience indicated below:

- **TEAM LEADER**

- i. Master's degree in law, public administration, business administration, or related field. An advanced degree or certification in project management, process improvement, business re-engineering, or organizational leadership is an added advantage;
- ii. Significant experience in the judicial or legal sector with a deep understanding of court processes and procedures. Experience in managing projects, especially those related to process improvement, business re-engineering or organizational change, is an added advantage;
- iii. Proficiency in root cause analysis techniques, such as the TapRoot® System, which includes tools like SnapCharT®, Safeguards Analysis, and the Root Cause Tree®1. Training in these techniques can help in systematically identifying and addressing the underlying causes of inefficiencies;
- iv. Strong leadership skills to guide and motivate the team. This includes excellent communication, problem-solving, and decision-making abilities, and the ability to manage and coordinate multiple stakeholders;
- v. Proven experience as a Team Leader in at least one similar and/or relevant assignment within the last 5 years. Similarity should be based on size/ magnitude, complexity, and technical specialty comparable to the assignment under consideration;
- vi. Solid knowledge of data analysis and research techniques. This includes familiarity with data analysis tools and methodologies;
- vii. Proven track record in qualitative and quantitative diagnostics and analysis, and development/design action plans, recommendation reports, flowcharts, and legislative, and programmatic approaches. A track record of this in justice sector issues is an added advantage; and
- viii. Excellent reporting, communication, and writing skills.

- **LEGAL EXPERT** with the following qualifications:
 - i. A University degree in Law;
 - ii. At least five years' experience in performing similar assignments;
 - iii. Fluency in written and spoken English and Swahili;
 - iv. Excellent reporting, communication, and writing skills;
 - v. Familiarity and network with various legal actors in Zanzibar are desired; and
 - vi. Working as an advocate of the High Court of Tanzania or Zanzibar and its subordinate courts or any other Common Law Country is considered an advantage.

- **DATA ANALYST**
 - i. Bachelor's degree in Data Science, Statistics/economics, or related areas Proficiency in data analysis tools;
 - ii. Experience in data visualization tools;
 - iii. Knowledge of statistical analysis and modeling techniques;
 - iv. Understanding of court process and legal terminologies;
 - v. Strong written and verbal communication skills to present findings and recommendations;
 - vi. Experience in preparing reports and presentations for diverse audiences; and
 - vii. Five (5) years of experience in data analysis work.

VIII. COORDINATION AND REPORTING

15. The work will be overseen by the Judiciary Reform Delivery Unit (JRDU) and the Case Management Unit of JoZ. Regular progress reports will be submitted to the Case Management Unit and key decisions will be made in consultation with JRDU. During routine work, the Case Management personnel at the JoZ will work hand in hand with the consultant.

ANNEXURE 1

LIST OF ALL COURT LEVELS AND THEIR CORRESPONDING CASE TYPES

HIGH COURT

1. Civil cases: (Commercial claims, Labour disputes, and other Civil Cases.)
2. Criminal cases.
3. Miscellaneous/Civil applications
4. Criminal applications.
5. Civil appeals.
6. Criminal appeals.

REGIONAL COURT

1. Civil cases.
2. Criminal cases: (Sexual offenses, Drugs offenses, and other Criminal cases).
3. Civil applications.
4. Criminal applications.
5. Civil appeals.
6. Criminal appeals.

CHILDREN'S COURT

1. Criminal cases
2. Civil applications

DISTRICT COURT

1. Civil cases.
2. Criminal cases.
3. Civil applications.
4. Civil appeals.
5. Criminal appeals.

PRIMARY COURT

1. Civil cases.
2. Criminal cases
3. Civil applications

NUMBER OF COURT STATIONS

S/N	Name of the Court	Region	District
1	High Court of Zanzibar Main Registry at Tunguu	South Unguja	Central (Kati)
2	High Court of Zanzibar at South Pemba (Chake Chake)	South Pemba	Chake Chake
3	Regional Magistrate's Court of Urban- West at Vuga	Urban West	Urban
4	Regional Magistrate's Court of North Unguja at Mahonda	North Unguja	North B
5	Regional Magistrate's Court of South Unguja at Mwera	Urban West	West A
6	Regional Magistrate's Court of South Pemba at Chake Chake	South Pemba	Chake Chake
7	Regional Magistrate's Court of North Pemba at Wete	North Pemba	Wete
8	West A District Court at Vuga	Urban West	Urban
9	West B District Court at Vuga	Urban West	Urban
10	Central District Court at Mwera	Urban West	West A
11	North A District Court at Gamba	North Unguja	North A
12	North B District Court at Mahonda	North Unguja	North B
13	South District Court at Makunduchi	South Unguja	South
14	Chake Chake District Court	South Pemba	Chake Chake
15	Mkoani District Court at Mkoani	South Pemba	Mkoani
16	Wete District Court	North Pemba	Wete
17	Micheweni District Court at Konde	North Pemba	Micheweni
18	Urban District Court at Vuga	Urban West	Urban
19	Kwerekwe Primary Court at Vuga	Urban West	Urban

S/N	Name of the Court	Region	District
20	Mahonda Primary Court at Mahonda	Noth Unguja	North B
21	Mkokotoni Primary Court at Gamba	North Unguja	North A
22	Mwera Primary Court	Urban West	West A
23	Urban Primary Court at Vuga	Urban West	Urban
24	Chwaka Primary Court	South Unguja	Central
25	Makunduchi Primary Court	South Unguja	South
26	Chake Chake Primary Court	South Pemba	Chake Chake
27	Mkoani Primary Court	South Pemba	Mkoani
28	Wete Primary Court	North Pemba	Wete
29	Konde Primary Court	North Pemba	Micheweni
30	Urban West Children's Court at Vuga	Urban West	Urban
31	South Unguja Children's Court at Tunguu	South Unguja	Central
32	North Unguja Children's Court at Mahonda	North Unguja	North B
33	South Pemba Children's Court at Chake Chake	South Pemba	Chake Chake
34	North Pemba Children's Court at Wete	North Pemba	Wete