

Annex "A"

Project Description

Context

In the context of the Middle East peace process, Canada believes that a just and lasting peace can only be achieved through a negotiated two-state solution, with a future Palestinian state living side by side in peace and security with Israel and its neighbours. To this end, Canada pledged \$300 million over five years (2008-2013) to improve security, strengthen governance and promote prosperity, and to provide continued support for humanitarian needs. Of this amount, \$250 million was earmarked for the Canadian International Development Agency's (CIDA) bilateral aid program that is focused on justice sector reform, private sector development, with continued humanitarian assistance to vulnerable populations.

Justice sector reform is necessary to allow the Palestinian Authority (PA) to demonstrate democratic accountability to the Palestinian population. Reform efforts in the West Bank and Gaza face daunting obstacles. For the past decade, PA lawmakers have grappled with three fundamental justice-sector reform challenges. First, PA justice sector institutions face continued shortcomings related to jurisdiction and governance, administrative and financial management, infrastructure, technology and equipment, and human capacity. Second, there is no single legal framework. Ottoman rule, British mandate, Egyptian administration, Jordanian rule and Israel military orders left the West Bank and Gaza devoid of a harmonised legal code. Lastly, the administration and the delivery of justice fall under the responsibility of multiple authorities.

It is in direct response to these shortcomings that the PA drafted its first Justice Sector Strategy in 2008 and subsequently updated in its Justice and Rule of Law National Strategy (2011-2013). Moreover, the development of justice and rule of law infrastructure and administrative systems are highlighted as priority areas under the PA's Homestretch to Freedom – The Second Year of the 13th Government Program (2010-2012). At the core of these documents is a desire to restore public trust in the judiciary and to strengthen the rule of law. To attain this goal, it is imperative that the PA tackle the challenges of: (a) legal reform; (b) institution building; and (c) justice sector infrastructure.

The lack of basic justice sector infrastructure and equipment impedes the PA's ability to reform criminal and civil law, strengthen justice sector institutions and develop the requisite professional capacities of the justice sector. Ultimately, poorly conceived, built and maintained courthouses contribute to the challenges the PA faces in fully restoring public trust in the judiciary.

It is against this backdrop that the PA's long-term strategic plan calls for the establishment of a four-tier court system for the West Bank consisting of a Supreme Court, Magistrates' (i.e., Suloh) or Conciliation Court, First Instance Court (i.e., Badaya) and Court of Appeal (i.e., Appellate) serving the West Bank's twelve court districts. While organizational plans are drawn up for the recruitment of new personnel and/or the redeployment of existing personnel and the

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provision of specialized training, donor support is nonetheless sought to increase and improve courthouse infrastructure.

Project Description

In June 2009, CIDA conducted a preliminary facilities needs assessment of courthouse infrastructure in nine of the West Bank's twelve court districts. The needs assessment examined the current conditions of existing court facilities, developed estimates of current and future requirements for space and the current facilities' ability to accommodate those needs. The estimate of future needs were considered, including projected increases and decreases of caseloads and population, anticipated jurisdiction changes, if any, and the consequent personnel and space requirements. Additional assessment criteria included: (a) design and image; (b) space allocation; (c) environment; (d) handicapped access; (e) adjacency and circulation; (f) accessibility; (g) security; (h) furnishings; and (i) technical aspects.

The assessment found that, with the exception of newly constructed (Jericho, Nablus and Jenin) or expanded (Bethlehem and Jericho) courthouses, PA courts are located in sub-standard rented facilities that were operationally obsolete and physically overcrowded. They do not adequately respond to current, let alone, future infrastructure requirements. Until the adoption of the Oslo Accords in 1994, there were no Palestinian courthouses in the West Bank and Gaza. The PA inherited facilities previously used by the Israeli Military Courts.

Significant concerns flagged by the assessment include, for instance: (a) accessibility and parking; (b) public/private/secure building circulation and zoning; (c) central holding and staging areas; and (d) basic courthouse safety and security that do not meet international norms and standards. The last of these lacunae is of most importance: judges, prosecutors and staff need to feel safe if they are to conduct themselves in a fair and impartial manner in accordance with judicial decorum.

The information corroborates the results of a January 2009 Assessment Report on the Palestinian Criminal Justice System carried out by the European Union Police Coordinating Office for Palestinian Police Support (EUPOL COPPS) that concluded that 'most of the courts in the West Bank are completely inadequate for the purposes of serving as a court'. An April 2009 United States Agency for International Development (USAID) survey on 'Perceptions of the Palestinian Authority Judiciary' highlighted building maintenance, suitable furniture, direction signs, cleanliness and ventilation as shortcomings.

The results of the preliminary needs assessment were subsequently discussed with the High Judicial Council (HJC) and the Office of the Attorney General (OAG). Three court district sites were identified for CIDA support:

- Ramallah: The Courts Complex (i.e., Judicial Palace) will include the Supreme Court and the Court of Cassation. The site will also house the Magistrates, First Instance and the Ramallah Appeals courts. The offices of the High Judicial Council will be co-located.

- Hebron: The courthouse facility will provide facilities for the Magistrates, First Instance and the Hebron Appeals courts, which covers the southern portion of the West Bank.
- Tulkarem: The courthouse facility will house the Magistrates and First Instance courts.

Courthouse facilities will include sufficient office space for the district premises of the Office of the Attorney General and the Public Prosecution Service as well as the Judicial Police of the Ministry of Interior. The functional and jurisdictional relationship between the organizations will inform the determination of facility requirements and the subsequent design of the courthouses.

The facilities planning exercise, which included an examination of functional requirements, organizational requirements, operational context, special relationships, planning requirements, personnel requirements and space requirements, triggered the preparation of a basic program statement to reflect the views of courthouse stakeholders. The program statement included: (a) spatial framework (i.e., space allocation table) that translated the courthouse facilities' operational requirements into area assignments, functional relationships and spatial descriptions; and (b) financial framework that established the baseline budget for each courthouse. As site selection was confirmed during the development of the program statement, geo-technical surveys, soil testing and an environmental impact assessment were carried out. Finally, concept drawings, or concept designs (site plan, floor plans, elevations, basic building sections etc.) were prepared. This program statement is the basis for this current Administrative Arrangement.

Management

Following an analysis of the availability and capacity of required resources for project implementation as well as the risks associated with delivering the desired project outcome, the contracting strategy consists of Administrative Arrangements with the United Nations Development Programme's Programme of Assistance to the Palestinian People (UNDP/PAPP), the United Nations Office for Project Services (UNOPS) and the Palestinian Economic Council for Development and Reconstruction (PECDAR).

Each implementation agency will carry out the functions of a project management firm for design and construction for one courthouse facility (as well as supervision in the case of UNDP and UNOPS). While the organizational structures of the implementing agencies vary, the management structures and approaches are similar (see Annex "B" – Budget for detailed breakdown of project staff Levels of Effort).

UNDP

A Senior UNDP Program Analyst and an Engineering Analyst will provide overall operational and technical oversight. A Project Implementation Unit (PIU) is responsible for day-to-day project management and implementation. Led by a Project Manager and supported by a Project Assistant, the PIU will also include four technical staff persons: (a) Resident Civil Engineer; (b) Junior Engineer; (c) Mechanical Engineer; and (d) Electrical Engineer.

UNDP in-house technical expertise will provide Engineering Quality Assurance. They include: (a) Contracts Associate; (b) Engineering Associate; (c) Engineering Analyst; (d) Area Engineer; (e) Senior Mechanical Engineer; (f) Senior Electrical Engineer; and (g) Office Engineer.

UNOPS

A Project Manager is responsible for programmatic, administrative and financial management. A Deputy Project Manager (Senior Engineer), who will initially play an active role in procurement and tendering, will support the Project Manager. The Senior Engineer will also lead the on-site team once construction is underway. A Project Assistant will form the remainder of the core project team.

In addition to the Deputy Project Manager, the site team will consist of UNOPS' Site Engineer who will be responsible for the on-site planning, scheduling, and quality assurance on the construction tasks executed by the contractors. UNOPS' engineers are responsible for conducting the on-site monitoring and certification of the contractors' works. The engineering staff will be comprised of civil, structural, mechanical and electrical specialists, as required.

PECDAR

PECDAR has assembled a technical team for the purpose of implementation. The project team consists of: (a) Program Manager; (b) Site Engineer; (c) Senior Civil Engineer; (d) Senior Electrical Engineer; (e) Senior Mechanical Engineer; (f) Quantity Surveyor; (g) Site Surveyor; and (h) Site and Quality Engineer.

PECDAR will sub-contract design and management supervision of construction activities (described in more detail below). As such, the design and construction management firm will provide a comprehensive technical team: (a) Programme Manager; (b) Architect; (c) Quantity and Cost Analyst; (d) CaD Draftsman; (e) Senior Mechanical Engineer, (f) Senior Electrical Engineer; (g) Senior Civil Engineer; (h) Senior Environmental Engineer; (i) Site Surveyor; (j) Site Engineer; and (k) Foreman. Levels of effort will vary over the course of the project and will be finalised during project start-up.

Implementation

UNDP

The design of the Ramallah Courts Complex (i.e., Judicial Palace) will be implemented via a three-stage process: (a) pre-qualification; (b) international design competition; and (c) preparation of the detailed design. The process of pre-qualification will begin by inviting international design firms *in consortia* with Palestinian design firms to submit expressions of interest. Local design firms must have a minimum of 51% stake in a consortia and/or the joint venture. The pre-qualification advertisement will be published internationally to maximize the number of firms submitting expressions of interest. It is expected that consortia will apply as this will increase the likelihood of comprehensive design teams, including sub-consultants well

versed in court-specific design expertise (e.g., security, acoustical, audio/visual, information technology and green building design).

Each firm will be assessed against: (a) experience and design excellence in projects of a similar scale and scope; (b) proposed architectural and engineering team, including the past experience of individual team members in relationship to this assignment; (c) proposed functional responsibility of project team members; and (d) financial resources and overall financial capabilities. The expressions of interest will be evaluated on a Pass/Fail basis. Short listed design firms will be invited to submit an interim design submission including: (a) site plan, including building and parking location as well as landscaping plan; (b) architectural plan, including floor and key areas plans, as well as building elevations and sections; (c) Bill of Quantities; and (d) baseline budget. The financial value of the design contract is set at a cost of approximately 4.5% of the estimated construction works and will include elements of design supervision during the construction works.

To prepare for the design competition stage, the selection of design requirements is entrusted to a Committee of Assessors comprised of representatives from UNDP, CIDA, the HJC and the Palestinian Engineering Association. Design requirements, or evaluation criteria will include: (a) functionality; (b) durability; (c) accessibility; (d) adaptability and expansion; (e) security; (f) green building design; (g) context; (h) value for money; and (g) culturally and historically sensitive esthetics. A separate Jury Panel comprised of UNDP, HJC, CIDA, the Palestinian Engineering Association and a yet-to-be determined representative of civil society will evaluate design submissions. The winning design firm will be responsible for the preparation of design drawings and Bills of Quantities, as well as a final construction cost estimate. The design period will take approximately four months. (See Annex "C" – Programme Schedule, for a detailed description of design and construction stage timelines and milestones.)

Construction packages will be bid in accordance with UNDP procurement rules and regulations via Request for Proposal (RFP). RFPs are posted on the UNDP and United Nations Global Market (UNGM) procurement websites. Each Bidding firm will be evaluated against pre-determined eligibility and qualification requirements such as, but not limited to: (a) average annual turn-over over the past five years for works carried out as a prime contractor; (b) independently audited financial accounts; (c) minimum working capital and/or credit facilities, net of other contractual commitments and exclusive of any other advance payments which may be made under contract; (d) experience as a prime contractor of projects of an equivalent nature and complexity; and (e) required key personnel proposed for the supervision and management of the project. Contractors registered with the Palestinian Contractors Union will be sought based on appropriate grading and qualifications. The number of work packages and their sequencing will be determined upon completion of the design phase.

The construction of the Ramallah Courts Complex features two marked approaches. First is the retention of a design firm(s) throughout the construction stage, primarily to assume accountability for their design(s), to provide consistent technical support for clarifying missing details and to mitigate design changes that may affect functionality and the budget. Second is the establishment of a partnership between UNDP and CIDA/HJC, thereby enabling a collective

review and approval of pre-qualification and tender documents as well as the technical evaluation of expressions of interest, design submissions and bid proposals.

The final stage is equipping the Ramallah Courts Complex with basic office furniture (e.g. workstations, offices, file systems and seating for all spaces occupied by the courts, the public prosecution and the public) and equipment. In order to achieve economies of scale, UNDP will also be responsible for equipping the Tulkarem and Hebron courthouse facilities. A dedicated team will conduct a needs assessment, prepare a budgeted package of office furniture and equipment for Project Steering Committee approval as well as purchase and coordinate its installation. UNDP's Long Term Agreements (LTAs) will be used for procurement, whenever possible.

UNOPS

Implementation is informed by a UNOPS technical Project Brief. As such, the building of the Tulkarem courthouse facility will consist of two main phases: design and construction. Due to the relatively small scale and scope of the Tulkarem courthouse facility and the availability of an existing concept design, an international design competition will not be conducted. (See Annex "C" – Programme Schedule, for a detailed description of design and construction stage timelines and milestones.)

Design firms will be selected via RFP posted on the UNOPS and UNGM procurement websites. Should a consortium submit a proposal, the Palestinian design firm must have a minimum of 51% stake in the *consortia*. Firms will be assessed against: (a) experience and design excellence in projects of a similar scale and scope; (b) methodology for implementing the design work; (c) proposed personnel; (d) level of effort; and (d) financial resources and overall financial capabilities. The RFP will consist of technical and financial components. Once selected via a competitive bid, the design firm will be contracted to coordinate all specialist design services required for the preparation of a comprehensive design, detailed Bills of Quantities, detailed specifications and tender documents for the selection of contractors and construction of the works. The financial value of the design contract is set at a cost of approximately 4.5% of the estimated construction works and will include elements of design supervision during the construction works.

Construction packages will be bid in accordance with UNOPS procurement rules and regulations. Each Bidding firm will be evaluated against pre-determined eligibility and qualification requirements such as, but not limited to: (a) average annual turn-over over the past five years for works carried out as a prime contractor; (b) independently audited financial accounts; (c) minimum working capital and/or credit facilities, net of other contractual commitments and exclusive of any other advance payments which may be made under contract; (d) experience as a prime contractor of projects of an equivalent nature and complexity; and (e) required key personnel proposed for the supervision and management of the project. Contractors registered with the Palestinian Contractors Union will be sought based on appropriate grading and qualifications. The number of work packages and their sequencing will be determined during the design phase.

The construction of the Tulkarem courthouse facility features two marked approaches. First, UNOPS will collaborate with the appointed design firm throughout the construction phase in forming an effective team to manage and ensure designed project outcomes regarding quality assurance, design features and budget parameters. Design criteria and budget performance will be closely monitored by UNOPS throughout the design phase. Second is the establishment of a partnership between UNOPS and CIDA/HJC, thereby enabling a collective review and approval of pre-qualification and tender documents as well as the technical evaluation of expressions of interest, design submissions and bid proposals.

PECDAR

The building of the Hebron courthouse facility will consist of design and construction phases. Due to the relatively small scale and scope of the Hebron courthouse facility and the availability of an existing Concept Design, an international design competition will not be conducted. (See Annex "C" – Programme Schedule for a detailed description of design and construction stage timelines and milestones.)

Design firms will be selected via local Request for Proposal (RFP). Firms will be assessed against: (a) experience and design excellence in projects of a similar scale and scope; (b) methodology for implementing the design work; (c) proposed personnel; (d) level of effort; and (d) financial resources and overall financial capabilities. The RFP will consist of technical and financial components. The successful firm will be the firm that obtains the highest marks in both components. Once selected via a competitive bid, the Palestinian design firm will be contracted to coordinate all specialist design services required for the preparation of a comprehensive design, detailed Bills of Quantities, detailed specifications and tender documents for the selection of contractors. The Hebron courthouse facility's design firm will also be responsible for the provision of direct construction supervision. In a departure from UNDP's and UNOPS' implementing approach, the design firm will serve as PECDAR's Project Implementation Unit. PECDAR will nonetheless assign a Site Engineer.

Construction packages will be bid in accordance with PECDAR procurement rules and regulations. Each Bidding firm will be evaluated against pre-determined eligibility and qualification requirements, but not limited to: (a) average annual turn-over over the past five years for works carried out as a prime contractor; (b) independently audited financial accounts; (c) minimum working capital and/or credit facilities, net of other contractual commitments and exclusive of any other advance payments which may be made under contract; (d) experience as a prime contractor of projects of an equivalent nature and complexity; and (e) required key personnel proposed for the supervision and management of the project. Contractors registered with the Palestinian Contractors Union will be sought based on appropriate grading and qualifications. The number of work packages and their sequencing will be determined upon completion of the design phase.

The construction of the Hebron courthouse facility features a marked approach. This unique characteristic is the establishment of a partnership between PECDAR and CIDA/HJC, thereby enabling a collective review and approval of pre-qualification and tender documents as well as the technical evaluation of expressions of intent, design submissions and bid proposals.

Expected Results

The Courthouse Construction Project's expected project results are intended to contribute to CIDA's West Bank and Gaza Program's outcomes for the justice sector, as outlined in the Performance Management Strategy (2008-2013).

Ultimate Outcome: Contribute to an increased public confidence in the legal system to help build a viable and democratic Palestinian state for men, women and children.

Intermediate Outcomes: (a) More transparent, equitable justice system institutions that apply the rule of law and uphold human rights, including those related to women; and (b) Increased functional independence of justice sector institutions.

At the level of the Courthouse Construction Project, expected results include:

Immediate Outcomes: (a) Increased equitable access to safe and secure courthouses; (b) Increased efficiency of the justice system; and (c) Increased harmonization between justice system stakeholders, donors and multilateral organizations.

Outputs: (a) Construction and equipping of courthouse facilities that meet international safety and security requirements. (b) Development and implementation of facilities management plans, including sustainable administrative and financial systems and procedures; and (c) Engagement in dialogue with Palestinian Authority, various stakeholders and donors involved in justice system support.

For the purposes of the Administrative Arrangements and reporting, expected results are limited to the construction and equipping of courthouse facilities that meet applicable building codes, construction standards and courthouse architectural design standards.

A mechanism for performance measurement for the remainder of the expected results will be established by CIDA in conjunction with the HJC. The expected results regarding the facilities management component will constitute a separate project sub-component, to be developed by CIDA during project start-up.

Ultimately, the project's expected results are anchored in the PA's Justice and Rule of Law National Strategy (2011-2013), which includes as one of its strategic goals to 'support, build, empower and develop justice institutions, including the need to 'develop infrastructure of justice institutions.'

Project Governance

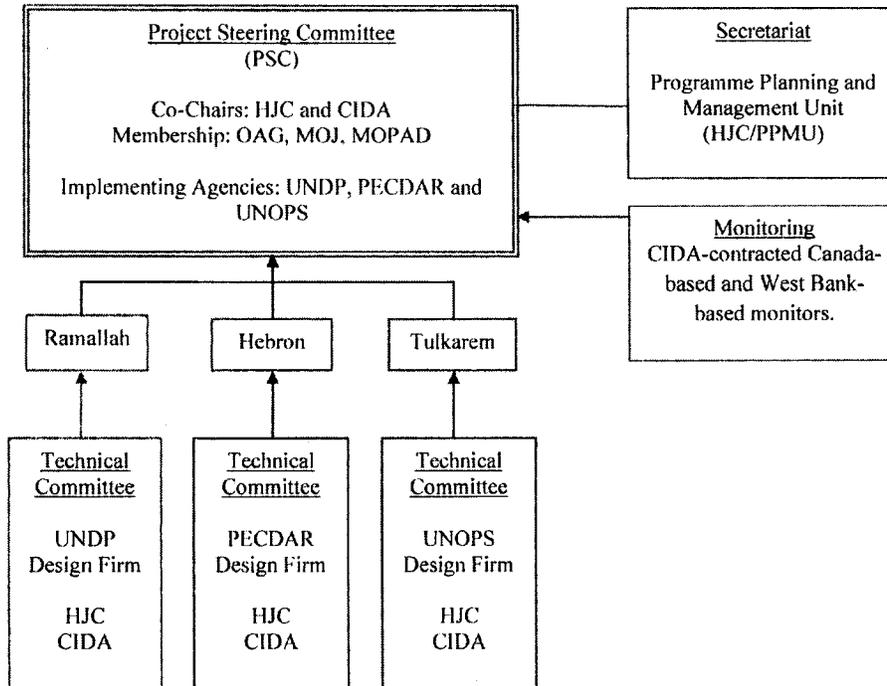
As institutionalised in a Memorandum of Understanding (MOU) between the Palestinian Authority and Canada, a Project Steering Committee (PSC) will govern the project. While co-chaired by the PA and Canada, institutional membership includes the OAG, MOJ and MOPAD for the PA and from CIDA for Canada. Representatives of UNDP, PECDAR and UNOPS will also attend PSC meetings, individually or collectively, as necessary (see Table 1 below).

PSC responsibilities include: (a) providing oversight and strategic direction; (b) reviewing and approving final architectural design plans; (c) reviewing and approving major design changes; (d) reviewing and approving bi-annual and annual progress reports and workplans; (e) cooperation with any monitoring or evaluations of project activities; and (f) coordinating complementary donor mobilization and information sharing efforts. Major design changes are changes to the functionality of the courthouses, schedules (cumulative delays of three months or more) and costs (cumulative construction cost increases of 2% or more).

A Technical Committee (TC) for each courthouse will support the PSC. Membership will include the respective implementing agency (and corresponding architect design firm), the HJC and CIDA. The technical committee will be responsible for the review and approval of the design process at key completion (i.e., 20%, 40%, 60%, 80% and 100%) stages. The TC will review technical progress reports, construction schedules, design changes, and submit its recommendations to the PSC. The TC will also be responsible to analyze the rate of expenditure against the percentage of project completion to identify budget and schedule risks and report trends and patterns to the PSC for consideration.

Institutionalized within the HJC, a Secretariat will be responsible for: (a) scheduling of PSC meetings; (b) preparation of PSC meeting agenda; (c) circulation of documentation; and (d) taking of PSC minutes.

Table 1



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Reporting

1. Quarterly Progress Reports detailing activities undertaken and outlining cumulative results achieved during Quarter 1 (January to March) against the schedule and project budget; implementation challenges encountered; risk mitigation measures undertaken; and including information regarding the work of the Technical Committee and the weekly site meetings. Quarterly Progress Reports are due thirty (30) days following the end of the reporting period.
2. Quarterly Progress Reports detailing activities undertaken and outlining cumulative results achieved during Quarter 1 (January to March) against the schedule and project budget; implementation challenges encountered; risk mitigation measures undertaken; and including information regarding the work of the Technical Committee and the weekly site meetings. Quarterly Progress Reports are due thirty (30) days following the end of the reporting period.
3. Bi-Annual Progress Reports (January to June) detailing cumulative results related to: design, construction, procurement and sundry activities; programme review and update narrative; challenges and issues (risk log and communication summary); and project finances (including financial narrative, budget and expenditure update, forecast and milestone payment update); quality, health and safety and environmental issues summary; and including information regarding the work of the Technical Committee and the weekly site meetings. Bi-Annual Progress Reports are due thirty (30) days following the end of the reporting period.
4. Quarterly Progress Reports detailing activities undertaken and outlining cumulative results achieved during Quarter 3 (July to September) against the schedule and project budget; implementation challenges encountered; risk mitigation measures undertaken; and including information regarding the work of the Technical Committee and the weekly site meetings. Quarterly Progress Reports are due thirty (30) days following the end of the reporting period.
5. Annual Progress Reports (January to December) detailing: cumulative results related to design, construction, procurement and sundry activities; programme review and update narrative; challenges and issues (risk log and communication summary); project finances, including financial narrative, budget and expenditure update, forecast and milestone payment update; quality, health and safety and environmental issues summary; and including information regarding the work of the Technical Committee and the weekly site meetings. Annual Progress Reports are due thirty (30) days following the end of the reporting period.

Monthly Summary Reports will also be provided upon request. The monthly reports will detail project status related to: design, construction and procurement against the schedule and project budget; potential delays and recommended course of action; outstanding issues from the previous month and remedial action undertaken; and planned activities for the coming month.

Payment Schedule

The payment of advances is based on 'work completed milestones' or 'construction staged payments'. While the number of advance payments will be determined during the design phases, up to three advance payments will likely be required by each implementing agency.

➤ *First Advance Payment*

The first advance will enable: (a) project startup, which includes the preparation of design services TORs, issuance of tender, evaluation of bids and award of contract; (b) design firm costs for the preparation of detailed drawings, including construction tender(s), Bills of Quantities and specifications; and (c) the issuance of tender(s), evaluation of bids and award of construction contract(s). In the case of UNDP, this first advance will cover project startup to manage the international design competition, including design contract award.

The advance will likely cover the first construction stage enabling the signing of initial construction contracts to begin site preparation (or ground works), excavation work and footings (i.e., foundation).

➤ *Second Advance Payment*

The advance will cover the second construction stage that consists in building the courthouse facility's structural (skeleton) frame and electrical-mechanical works.

➤ *Third Advance Payment:*

The advance will cover the third construction stage that consists in building the courthouse facility's building envelope, internal finishes, fit-out and services, site works and landscaping.

In the case of UNDP, a fourth advance payment will be required for the purchase of basic office furniture and equipment for all three-courthouse facilities.

Each advance payment must be requested and received prior to the award of design services and construction contracts. All three implementing agencies cannot incur any contractual liability and will therefore require the entire required amount of each contract prior to signing. As a result, there will be a marked difference between the payment of advances and contract disbursements and cash flow.

Monitoring and Evaluation

CIDA will contract two Canada-based consultants and one West Bank-based consultant to monitor this project. The West Bank consultant will be overseen by the Canada-based monitors. Consultancy services to monitor compliance with building codes, construction standards and courthouse architectural design standards may be contracted, if required. CIDA's team of monitors will also provide technical advice for CIDA at the PSC and TCs.

An important monitoring tool will be weekly site meetings that will bring together the implementing agency's Project Manager and Project Resident/Site Engineer as well as the design firm, HJC and CIDA. Its purpose is generally to: (a) review work progress against construction schedules and implementation plans; (b) ensure that the construction works are implemented in accordance with the designs and technical specifications; and (c) tracking that expenditure and commitments do not exceed allocated contract amounts and construction budget. Minutes of these meetings will be prepared by the implementing agency's Resident/Site Engineer and circulated to CIDA and the HJC.

Finally, the PSC will jointly agree on the purpose, use, timing and terms of reference for evaluating the Project, including an evaluation of its contribution to the Project's expected outputs and outcomes. CIDA will commission the evaluation, and external independent evaluators will carry out the evaluation exercise.

Budget resources have also been included in each of the implementation agencies' budgets to cover costs associated with the conduct of audits as well as supplemental and complementary monitoring and evaluation activities.

Sustainability

Project stakeholders recognize that the sustainable financial and administrative management of new courthouse facilities presents a non-negligible challenge, particularly given the PA's fiscal constraints. It is for this reason that CIDA has allocated within the project budget up to \$4 million for technical capacity building in facilities management. The configuration and delivery approach of this component will be developed during project start-up, led by CIDA in consultations with all key stakeholders, and will be submitted to the PSC for approval.

This exercise will include an assessment to identify strengths and weaknesses of the current facilities management practices and recommend areas that require improvement. It will likely include support for the establishment (staffing, training and equipping) of a 'Courts Maintenance Unit' at the HJC and the preparation of facilities management plans that could serve as a model for courthouse facilities management throughout the West Bank. The facilities management plans would include processes and procedures related to the use and maintenance of any new equipment (e.g., HVAC) and systems (e.g., fire protection). The project would also include the provision of extended warranties by contractors and equipment suppliers commencing on the effective date of completion of works.

As noted above, courthouses and public prosecution offices are presently located in inadequate rented accommodation, which places a considerable drain on PA resources. While the new PA courthouses will serve to lessen this financial burden, adequate and predictable resources will be required to cover an expected increase in the costs of utilities and services overhead and maintenance as well as equipment maintenance, repair and parts replacement. Discussions will be initiated with the HJC and the OAG to ensure the operations and maintenance of the courthouse facilities.

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Sustainability also involves considerable relocation planning prior to occupancy. The courts will operate and function differently in the newly constructed facilities, particularly as the buildings will also accommodate the district offices of the Public Prosecution Service. New procedures and processes will need to be carefully considered and developed, especially for the security staff. Understanding how to operate the new facility, how traffic will move through the building and how to move prisoners and trial witnesses will be essential and will need to be worked out prior to move-in. Such planning should include conduct of a 'scenario analysis' during design phase. Failure to plan appropriately could impede the operational sustainability of the new courthouse facilities. All three implementing agencies will play an important supportive role in this regard.

Assessment of Equality Between Men and Women

Gender considerations are important in this project, particularly as they relate to the design of courthouse facilities. While this project is not designed to address gender-related obstacles to criminal and civil law reform, the design of the new courthouse facilities will nonetheless need to address the different experiences and interaction of needs of Palestinian men and women in accessing and moving through the court system.

Women, as well as men, must be provided with security on courthouse premises, whether as an in-custody defendant, litigant, witness, or family member, for example. Design standards will include, for example:

- Separate holding facilities for adult males, females and juveniles, which, if co-located, possess sight and sound separation between the sexes;
- Witness waiting rooms that are to be adjacent to the courtroom, provide sight and sound separation from public waiting areas and access control to keep occupants safe and free from intimidation;
- Public prosecution interview rooms that are soundproof and relatively quiet to enhance a sense of safety and respect for modesty and privacy; and
- Other relevant features that might address different needs between men and women include diaper changing equipment and fixtures in male and female restrooms and private spaces for breastfeeding.

Similar courthouse design standards will be adhered to regarding defence attorney/client meeting areas located in the central holding facility, on the courts floor, or both.

Environmental Assessment

The project has been examined with regard to potential for negative environmental impacts associated with the pre-construction, construction, and operational phases of the project, according to the requirements of the *Canadian Environmental Assessment Act (CEAA)*. This involves site investigations, examination of adjacent residential and business activities at each site, consideration of the environmental baselines at each site, and discussion of municipal and

Environmental Quality Authority requirements for environmental screening with Palestinian stakeholders. The environmental aspects of previous courthouse projects in the West Bank and the experiences of the donors and executing agencies responsible for those projects were also examined.

Given that the proposed courthouses are to be built in urban areas in the West Bank (i.e., in areas that are already developed), the negative environmental effects of the project are expected to be confined to the construction phase, and should be transient and reversible. Mitigation of environmental issues arising during construction will be addressed in contract requirements: each contractor will be required to undertake measures via an environmental management plan to mitigate negative environmental effects. Such measures include: (a) reducing the effects of construction noise, dust and disturbances; (b) using resources such as energy, water and construction materials efficiently; and (c) the safe disposal of any construction waste material.

Furthermore, courthouse facilities will incorporate 'green building design' (e.g. systems, materials and delivery techniques), some specifically related to the unique space and functional needs of courthouses. Specific functions include: (a) site and transportation; (b) energy – building design, electricity as well as heating, cooling and ventilation; (c) materials; (d) indoor air quality; (e) water utilization; and (f) facility operations. Green technologies to reduce energy consumption and to allow conservation and recycling of water (e.g. use of grey water and rainwater harvesting systems) on the premises are to be integrated into building design in order to significantly reduce the operational costs associated and reducing demand on stressed municipal services.

The project will explore the feasibility of employing geothermal energy in order to realize significant savings in the heating and cooling of the courthouse facilities. Geothermal energy systems use the constant temperature of the earth to provide cooling and heating for a building. Unlike traditional furnaces and central air conditioning systems, geothermal energy systems do not use energy to generate hot or cool air. This system uses energy only to move cooler or warmer air depending on the season, into and out of the building. A firm has been identified to carry out a "Thermal Conductivity Test and Analysis" and prepare comprehensive feasibility study (including a detailed cost benefit analysis) for design and costing consideration.

Building Codes and Construction Standards

The purpose of utilizing building codes and construction standards is to establish minimum requirements necessary to protect public health, safety and welfare in new buildings and to ensure that completed buildings are accessible to all, including those with physical disabilities. Construction to building codes and construction standards will increase the likelihood of an extended and efficient use of the courthouse facilities.

The new courthouse facilities will be built to Canadian or equivalent international building codes and construction standards as well as ordinances of the Palestinian Authority and relevant municipal authorities. In many instances, Jordanian codes and standards are used, occasionally combined with components of British, American and/or European codes and standards.

Palestinian design firms and contractors are generally familiar with the American Uniform Building Code.

Building codes and construction standards will include, but not be limited to: (a) fire protection, including building exiting and evacuation; (b) building design and construction minimum life safety, health, occupancy and safety standards during construction and once the building is completed and occupied; and (c) building and ground accessibility for individuals with disabilities. In all cases where differences between the codes and standards noted-above and Canadian codes and standards are found, the more stringent shall apply.

Courthouse Architectural Design Standards

The Palestinian Authority does not have courthouse architectural design standards. Nonetheless, the implementation agencies will draw on generally accepted design standards in other appropriate or relevant jurisdictions. Design standards for courthouses generally encompass a wide range of issues such as: (a) siting; (b) organizational and functional units; (c) technology; (d) security; and (e) type and functions. CIDA is exploring options to provide technical advice for the development of Palestinian basic architectural design standards as well as in the areas of facilities management and court administration.

Due Diligence and Risk Management

A number of non-negligible risks must be managed in any project to construct capital infrastructure. However, UNDP, UNOPS and PEC DAR have put into place a comprehensive set of mitigation measures to reduce the risk level of this project in order to minimise any possible disruption in design and construction.

- *Stakeholders* Transparent and efficient stakeholder input during the design and construction phases to lessen the risk of unmet completion timelines. Through the PSC, the establishment of a manageable stakeholder consultative process at set design completion stages will ensure that designs respond to adequate functional requirements.
- *Currency and Inflation:* Currency fluctuation and inflationary pressures mitigation measures to lessen the impact of potential increases to the costs of labour, equipment, materials and consultancy services. Tracking of currency fluctuation as well as monitoring and review of pricing and tender information received as detailed budgets are compiled and throughout the course of construction, thus allowing cost management decisions to be made with accurate market information. Appropriate contingencies are included in project costs.
- *Project Budget:* Judicious management of the project budget that is capped at a maximum of CND \$45 million. A balance will be maintained between functional requirements and design and construction budgets. While cost vulnerabilities can be identified and tracked, project scope may need to be revised despite previously approved designs should adjustments be required. The use of the contingency cannot be used to accommodate an increase in project scope as it is solely intended to address currency and inflationary pressures.

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- *Technical Expertise and Material:* Availability of local design and construction technical expertise and material components to meet design standards and practice codes (Canadian and Palestinian) for the facility. Carryout a detailed review of the required Canadian buildings codes and construction standards by the design team at the earliest possible stage. Coordinate review and approval process, ensuring expectations of the parties are agreed upon and appropriate building codes and construction standards are adopted.
- *Services and Utilities:* Electricity, water, and sewerage supply feeds to the project site sufficient to support the courthouse facilities. This is a responsibility of the PA to ensure such services are provided. Currently no specific allowance has been made for services supply outside of the site boundary. Prompt discussions with municipal authorities and early design investigation and confirmation of this status are required.
- *Financial Sustainability:* Adequate and predictable availability of financial resources by the PA to assume full responsibility for operating and maintaining the courthouse facilities upon handover. Discussions have been initiated with the PA to ensure the administrative and financial sustainability of the courthouse facilities, including the provision of supplementary office equipment and furniture.
- *Political and Security Situation:* Changes in the security and political situation may lead to project suspension and/or termination (i.e., change in political leadership or escalated conflict). Any *force majeure* will be cause for the project to be re-evaluated by CIDA, the PA and the implementing agencies and new options determined, which could include suspension and/or termination.
- *Israeli Customs Clearance:* Government of Israel approval and prompt customs release of any materials and equipment required to be imported direct from international or outside supplies and transported into the West Bank. Good communication practices and advance purchase and planning strategies will assist in minimising the possible risk of this issue. Selection of locally supplied products, equipment and materials wherever possible will reduce risk.

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Annex B

<u>Budget Categories</u>	<u>Management Team</u>	<u>Duration</u>	<u>LOE</u>	<u>Salary/mts</u>	<u>Total</u>
Management Team	\$ 688,500	34 months	100%	\$5,000	\$170,000
Q&A Team	\$ 216,964	34 months	100%	\$2,750	\$93,500
Direct Costs	\$ 223,500	30 months	100%	\$3,200	\$96,000
Equipment	\$ 1,000,000	30 months	100%	\$3,000	\$90,000
A/M/E	\$ 100,000	30 months	100%	\$3,000	\$90,000
	\$ 2,228,964	34 months	100%	\$3,500	\$119,000
Sub-Total:	\$ 2,228,964				\$30,000
				Sub-Total:	\$688,500

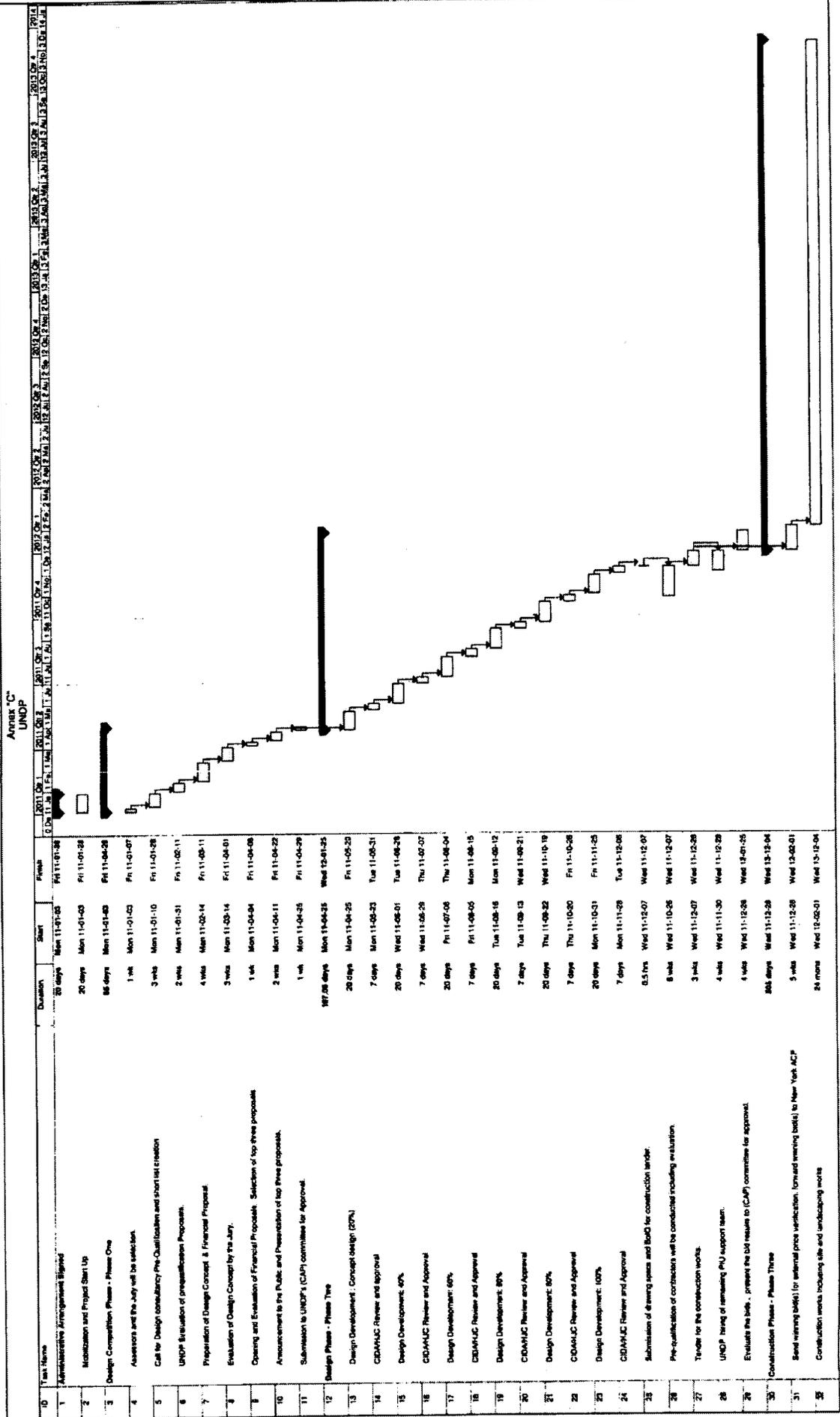
<u>Design and Construction</u>	<u>Quality Assurance Team</u>	<u>Duration</u>	<u>LOE</u>	<u>Salary/mts</u>	<u>Total</u>
Design Works	\$ 800,000	36 months	5%	\$4,626	\$8,327
Construction	\$ 18,600,000	36 months	5%	\$4,626	\$8,327
	\$ 19,400,000	35 months	30%	\$6,174	\$66,679
Sub-Total:	\$ 21,628,964	36 months	20%	\$5,504	\$39,629
		36 months	20%	\$6,172	\$44,438
ISS @ 2%	\$ 432,579	26 months	15%	\$4,916	\$26,546
Sub-Total:	\$ 22,061,543	36 months	20%	\$3,197	\$23,018
GMS @ 7%	\$ 1,544,308			Sub-Total:	\$216,964
Sub-Total:	\$ 23,605,851				

CONTINGENCY (GROSS)	\$2,131,559	TOTAL (USD)	\$25,737,410
GMS @ 7%	\$149,209	TOTAL (CDN)	\$27,024,281
CONTINGENCY (NET)	\$1,982,350		

The USD figure is considered indicative and is used for planning purposes to calculate the value of the Administrative Arrangement. (USD \$1.00 = CND \$1.05)

Contingency (Net): 10% of direct, equipment and construction costs.

A/M/E: Auditing, Monitoring and Evaluation
 ISS: Implementation Support Services
 GMS: General Management Services



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