



Draft Terms of Reference

Consultancy Services to review and update the Transboundary Diagnostic Analysis (TDA) and Strategic Action Programme (SAP) and to develop National Action Plans (NAPs) for the Benguela Large Marine Ecosystem (BCLME)

1. BACKGROUND

The BCC was established in January 2007 through the signing of an Interim Agreement by Angola, Namibia and South Africa. Then, on 18 March 2013, the three governments signed the Benguela Current Convention, a ground-breaking environmental treaty that entrenches the Benguela Current Commission (BCC) as a permanent inter-governmental organisation. The BCC is the first inter-governmental convention in the world to be based on the Large Marine Ecosystem (LME) concept of ocean governance – a move towards managing transboundary resources at the larger ecosystem level (rather than at the national level) and balancing human needs with conservation imperatives.

The BCC is governed through the Ministerial Conference with its strategic and operational activities driven by the Commission, which has three permanent advisory committees, namely, Ecosystem Advisory Committee (EAC), Finance and Administration Committee (FAC) and Compliance Committee (CC). Coordinating and support to all BCC structures is facilitated by the BCC Secretariat which is based in Swakopmund. The Secretariat is also responsible for facilitating implementation of programmes; mobilise resources; and establish partnerships with relevant organisations.

The Ecosystem Advisory Committee (EAC) comprises senior, multi-disciplinary experts providing the Commission with the best scientific, legal and socio-economic advice and management recommendations based on available relevant information, as generated and presented by various technical working groups; the Finance and Administration Committee (FAC) has the mandate to provide oversight over the Secretariat's audit and financial control functions to ensure good corporate governance and also provides independent assurance and support to the Commission and the Secretariat by evaluating risks, control and compliance framework, and its external accountability responsibilities; the Compliance Committee is mandated to provide the Commission with information, advice and recommendations on the implementation of, and compliance with, the measures adopted to give effect to the objectives of the Convention.

The vision and objectives of the BCC are pursued through the implementation of a Strategic Action Programme (SAP).

The SAP covers eight thematic areas, namely: living marine resources; non-living marine resources; productivity and environmental variability; pollution, ecosystem health and biodiversity; human dimensions; economic development potential; and governance. The SAP was informed by the Transboundary Diagnostic Analysis (TDA) of the Benguela Current Large

Marine Ecosystem (BCLME), which was originally developed in 1999 and updated in 2013. The objective of the BCLME TDA was to provide structured information relating to the ecological, social and economic status of the BCLME, with particular focus on transboundary impacts resulting from human activities.

Since 2013, when the TDA was last updated, a number of assessments and studies have been coordinated by BCC for the BCLME. This warrants the review and update of TDA to ensure the critical key information is included in TDA and reflected in its Causal Chain Analysis, identify any critical knowledge gaps that still exist and propose how the gaps will be addressed. Subsequently, a review of SAP should be conducted, based on the updated TDA. It is also proposed that three National Action Plans (NAPS, one Action Plan for each country), which link the transboundary priorities identified in the SAP and the national development/s and strategic priorities as well as investments in each country, be developed to support the SAP implementation at the country level.

The BCC with support from UNDP-GEF through the project “Improving Ocean Governance in the Benguela Current Large Marine Ecosystem” (“BCLME III Project” in short) is preparing to undertake this review and update of the TDA and SAP and the development of three National Action Plans.

The BCC seeks to recruit two consultants: i) an international consultant with global experience in the development of the TDA/SAP process and ii) a regional consultant who has a good knowledge of the BCLME (and its challenges). The two consultants are expected to work closely with the BCC, BCLME III Project Manager, three National Project Officers (one in each country), and regional and national expert groups to be formed for the process of TDA and SAP review and updates, as well as the development of NAPS. They will be guided by the BCC with support from the UNDP-GEF Regional Technical Advisor for Water and Ocean Governance.

To ensure the ownership of the documents, a highly consultative and participatory process will be adopted, involving experts and a wide range of stakeholders, following and supplementing the process and procedures of BCC applied to the technical document review (or TDA) and to the policy development (for SAP), as well as national process applied for policy development (for NAPS).

The expected end results of this consultancy are:

- 1) TDA reviewed and updated.
- 2) SAP reviewed, updated, and approved by BCC Ministerial Conference.
- 3) NAPS developed and validated at the national level in the respective countries.

2. SCOPE OF WORK

2.1.General

The consultants will facilitate the review and update of the BCC TDA and SAP and the development of the NAPS. The review and update process will be highly consultative with strong engagement of the BCC Parties. The BCLME III Project has National Project Officers in each of the three BCC Parties who will support the consultants with stakeholder engagement

and consultation as well as data collection at national level. BCC will form expert groups for different technical themes as needed to support the TDA review and update process.

2.2. Specific focus

Result 1: TDA for the BCLME reviewed and updated

The review will focus on the current TDA and the Consultant will carry out the following tasks, in consultation with the BCC:

- i. Identify the transboundary issues,
- ii. Gather and interpret information on environmental impacts and socio-economic consequences of each problem/impact,
- iii. Analyse the immediate, underlying, and root causes for each challenge; and in particular identify specific practices, sources, locations, and human activity sectors from which environmental degradation arises or threatens to arise.

The TDA will provide the factual basis for the formulation of the next BCC SAP. It is expected that the consultants will facilitate a process that will enable the Parties to agree on and prioritise the transboundary issues and strengthen the existing cooperation amongst the BCC Parties.

Result 2: SAP reviewed, updated, and accepted by BCC Ministerial Conference

The Consultant will update the current SAP in close collaboration with the BCC. The SAP will address the priority transboundary problems identified in the TDA.

The SAP will establish clear priorities for action including *inter alia*, policy, legal, institutional capacity development, management measures and sources of funding. In addition to the policy actions, the consultants are expected to develop monitoring and evaluation procedures, with a clear baseline and indicators, to measure the effectiveness of SAP implementation by the BCC during the next SAP period.

Result 3: NAPs developed and validated at the national level in the respective countries

The NAPs will define technical and management interventions at Party (country) level that would contribute to the effective implementation of the SAP. Furthermore, the plans will be aligned with the Party's (country's) national development and sector plans. These national plans will be developed through extensive consultation processes

2.3. Expected outputs

The consultants will deliver the following outputs:

- 1) Inception report
- 2) First report on transboundary problems/issues and table of contents for the TDA
- 3) Draft TDA report which will include an updated causal chain analysis and critical knowledge gaps
- 4) National and regional level validation reports on the TDA
- 5) Final TDA report incorporating comments from the validation meetings and from the BCC

- 6) Draft objectives, thematic areas and policy & intervention options as well as the outline for the SAPs and NAPs
- 7) Draft elaborated SAP and NAPs
- 8) National validation reports on the SAP and NAPs and regional validation of the SAP
- 9) Presentation of the SAP and NAPs to the Commission
- 10) Final draft SAP and NAPs

3. TIMELINE

It is anticipated that the consultancy will run from July 2019 to November 2020.

4. WORK STATION

This is a home based assignment with travels to the BCC Parties (Angola, Namibia and South Africa) as necessary. All travels require prior authorization by the BCC.

5. QUALIFYING REQUIREMENTS FOR THE CONSULTANT/FIRM

5.1. Eligibility

The International consultant should be a registered entity or individuals with proven experience in the GEF TDA/SAP process. Experience in Large Marine Ecosystems (LMEs) and in particular the BCLME will be an added advantage.

The Regional Consultant should be a registered entity or individuals with proven experience in the BCLME region. Preference will be given to an entity registered in any of the BCC countries; including those (meeting the criteria/ suitably qualified) from previously disadvantaged companies/entities.

Tenders will only be considered provided that all the documentation as specified in Appendix A and B of this document have been supplied.

5.2. Team Composition

The consulting team will consist of an International Consultant with global experience in the TDA/SAP process and a Regional Consultant from the BCLME countries. In addition, the National Project Officers under the BCLME III project will provide support to the process of stakeholder engagement and data/information collection. The consultants will be overall responsible for the delivery of all the outputs.

5.3. Qualifications of Consultant(s)

The consultants are required to have the following qualifications and expertise:

- A relevant Master's degree, preferably PhD;
- Global experience in the development of the GEF TDA/SAP process;
- Previous involvement with inter-governmental and multilateral cooperation initiatives, as well as with consultative process of the implementation of decisions related to the (natural) environment in general, and the BCLME in particular.

- Demonstrated, successful experience in working collaboratively with a broad array of stakeholders;
- Demonstrated ability to facilitate processes and to work with a broad array of stakeholders
- Well-developed analytical and reporting skills;
- Good command of spoken and written English language;
- Working knowledge of Portuguese would be highly advantageous;

6. ADDITIONAL INFORMATION

6.1.Evaluation of tenders

- a) The contract will be awarded from the qualifying tenders as per the following criteria:
- i. Responsive/compliant/acceptable, and
 - ii. Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the tender proposal. In this regard, the respective weight of the proposals are as follows:
 - a. Technical Criteria weight is **70%**
 - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
Technical Competence (based on CV, Proposal and interview (if required))	70%	100
▪ Knowledge and experience of the consultants in TDA/SAP process		25%
▪ Knowledge and experience of the consultants in LMEs, BCLME in particular		25%
▪ Understanding of ToR and Comprehensiveness of the methodology/approach		20%
▪ Participation of consultants from the BCLME region, with emphasis on previously disadvantaged entities		20%
▪ Working knowledge of Portuguese		10%
Financial (Lower Offer/Offer*100)	30%	30%
Total Score	Technical Score * 70% + Financial Score * 30%	

6.2.Modification of terms

The BCC Secretariat reserves the right to add, modify or omit certain portions of the tender scope at any time at its sole discretion. This includes the right to cancel this tender at any time prior to entering into a contract with the successful bidder.

6.3. Tender award

The contract will be awarded to a successful bidder within 60 days of closing of this tender and the successful bidder will commence work within four (4) weeks from the date of signature, by all parties.

6.4. Prime contractor relationship

The BCC Secretariat will enter into a contract with only one successful bidder.

6.5. Confidentiality

- i. Tenders submitted will not be revealed to any other bidders.
- ii. The BCC Secretariat reserves the right to seek clarification or verification of any information contained in the tenders.
- iii. All information pertaining to BCC obtained by the bidder as a result of participation in this tender is confidential and must not be disclosed without written authorisation from the Executive Secretary of BCC.

6.6. Ownership of data

All tenders, including any supporting documents and or training materials or any other documentation with reference to this tender, submitted to the BCC Secretariat becomes the property of BCC.

Any data of whatever nature resulting from the provision of the Products and Services shall be the property of BCC and may be used by BCC without restriction. All data or information that may be shared with the successful bidder during the provision of the Products and Services shall upon termination of the contract, be returned to the BCC Secretariat.

7. SUBMISSION OF PROPOSALS/BIDS

The deadline for the submission of tenders is **14 June 2019**

The Proposal shall comprise the following documents in both hard copy and in electronic copy (flash disk in rich text format):

- a) Technical Component (six copies)
- b) Financial Component (six copies)

Technical and Financial components must each be in separate envelopes. The Proposal shall be sealed in one outer and two inner envelopes, as detailed below:

The outer envelope shall be addressed and posted or couriered to:

Executive Secretary
Benguela Current Convention
1 Strand Street, Swakopmund
Private Bag 5031, Swakopmund
Benguela Current Convention Secretariat
Swakopmund

Both inside envelopes shall indicate your firm's name and address. The first inner envelope shall be marked Technical Proposal and contain the Technical Component of your proposal (both hard copy and electronic versions). The second inner envelope shall be marked Financial Component and include your financial proposal" (both hard copy and electronic versions).

The Financial Proposal should remain **valid for 90 (ninety) days** from the tender closing date.

The BCC may decide to reserve the right to annul the tendering process and not award the contracts.

APPENDIX A - TECHNICAL PROPOSAL

Bidders must address all the issues and requirements which appear in this Appendix A.

1. UNDERSTANDING OF THE ASSIGNMENT

A detailed proposal indicating a clear understanding of the Terms of Reference and the methodology to be applied will be required.

2. TECHNICAL REQUIREMENTS

- i. A one-page letter of introduction identifying the bidder and signed by the person(s) authorised to bind the bidder to statements made in the proposal.
- ii. Complete CV, certified qualifications and other documentation in support of the CV.
- iii. Proof of technical knowledge or qualifications or experience of staff that will carry out the work as specified in the deliverables
- iv. A Profile of the Company / Consultancy Firm / Consortium / Individual.
- v. All bidders are required to clearly state the name of the Primary Party with whom the BCC Secretariat will enter into an Agreement. In the event of a consortium, or group of companies jointly delivering a response, full details are required of each of the legal entities involved.
- vi. Description of role or element of the proposal to be fulfilled by any third-party and the full contact details of any third-parties involved in the proposal (if applicable).

3. REFERENCES

- i. A record of previous similar assignments undertaken by the bidder.
- ii. Bidders must provide a minimum of three (3) clients (names, addresses and telephone numbers) who may be contacted for references in connection with the scope of work.
- iii. These references should be current, stipulate the nature of work undertaken, the financial value of the Services offered and where the work was executed.
- iv. The BCC Secretariat reserves the right to undertake a full background check on all references submitted prior to awarding the contract.

APPENDIX B - FINANCIAL PROPOSAL

Bidders must address all the issues and requirements which appear in this Appendix B.

1. SCHEDULE OF COSTS/FINANCIAL PROPOSAL

The schedule must take the following format:

- i. All costs must be quoted in Namibian Dollars (NAD).
- ii. The total cost of the proposal (best and final offer).
- iii. All prices must be quoted including VAT.
- iv. The BCC shall cover all workshops, travel and subsistence costs
- v. A breakdown of the pricing and cost components for Services set out in this invitation to tender should be in line with the given timelines.

2. GENERAL INFORMATION

- i. Bidders are solely responsible for their own costs in preparing the tender.
- ii. Payments for all products and services (professional fees and reimbursements) covered by this project shall be made within 30 (thirty) days subject to receipt of appropriate invoices, the satisfactory completion of work, and adherence to BCC policies.
- iii. The BCC shall not be liable for any losses, damages, costs, charges or expenses caused by defects or damage to the service provider's equipment and supplies.
- iv. The BCC may decide to reserve the right to add, modify or omit certain portions of the proposal.