



**CALL FOR PROPOSAL: ORGANISATIONAL REVIEW FOR THE BENGUELA CURRENT  
CONVENTION**

**TENDER NUMBER: BCC/2017/05**

**CLOSING DATE & TIME**

23 December 2017 – 16H30 (Namibian Time)

**POSTAL & PHYSICAL ADDRESS FOR TENDER SUBMISSION**

Benguela Current Convention (BCC) – Secretariat

Private Bag 5031

No. 1 Strand Street, Swakopmund

Namibia

**TECHNICAL ENQUIRIES:**

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## TERMS OF REFERENCE FOR THE ORGANISATIONAL PERFORMANCE REVIEW OF THE BENGUELA CURRENT CONVENTION

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<b>Name of Client</b>	Benguela Current Convention Commission
<b>Name of Project</b>	The Organisational Performance Review of the Benguela Current Convention
<b>Contracting Authority</b>	Benguela Current Convention Commission
<b>Accountable Officer</b>	Chairperson of the Commission
<b>Project Purpose</b>	To review the performance of the Benguela Current Convention, focusing on among others, on the effectiveness, efficiency, relevance, impact and sustainability. More consideration given to the Secretariat which facilitates the functioning of the Organisation.

### 1. BACKGROUND

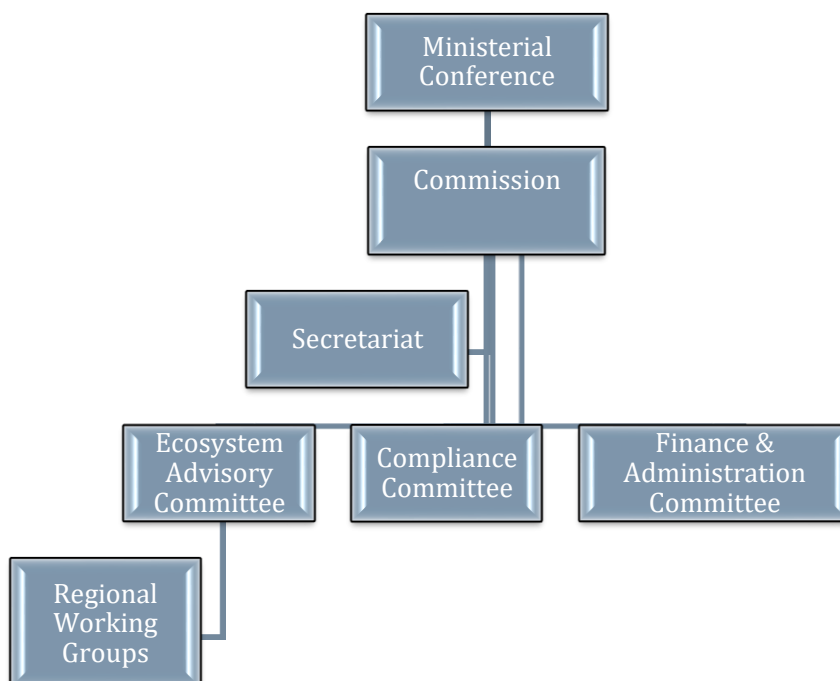
#### *1.1 The Benguela Current Convention*

The Benguela Current Convention (BCC) is a multi-sectoral initiative by Angola, Namibia and South Africa (Parties) to spearhead regional collaboration for integrated management, sustainable development and protection of the environment using an ecosystem approach to ocean governance in the Benguela Current Large Marine Ecosystem (BCLME). On 18 March 2013, the Parties signed the Benguela Current Convention, a ground-breaking environmental treaty that entrenches the BCC as a permanent inter-governmental organization. The objective of the convention is to promote a coordinated approach to the long-term conservation, protection, rehabilitation, enhancement and sustainable use of the BCLME, in order to provide economic, environmental and social benefits. It provides a legal framework for cross-border cooperation between the Parties. The Convention entered into force on 10 December 2015 after deposition of instruments by all Parties and was subsequently registered with the Secretary-General of the United Nations on 13 July 2016.

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.

## 1.2 The structure of the BCC

The BCC is governed through the Ministerial Conference with its operational decision-making body being the Commission and has three permanent advisory committees which are the Ecosystem Advisory Committee, Finance and Administration Committee and the Compliance Committee. The BCC Secretariat is entrusted by the Parties to coordinate of the BCC activities.



### 1.2.1 The Ministerial Conference

The Ministerial Conference consists of BCC sector Ministers, four from each Party as depicted in the Table below. This is the highest decision-making body of the BCC. The primary functions of the Ministerial Conference are to evaluate the implementation of the Convention and approve any changes to the Strategic Action Programme as well as mandate the taking of any actions necessary to facilitate the effective implementation of that programme. It further approves the work plan and budget for the period between the ordinary conferences.

Angola	Namibia	South Africa
Minister of Fisheries and Sea	Minister of Fisheries and Marine Resources	Minister of Agriculture, Forestry and Fisheries
Minister of Environment	Minister of Environment	Minister of Environmental Affairs
Minister of Transport	Minister of Transport	Minister of Transport
Minister of Mineral Resources and Petroleum	Minister of Petroleum	Minister of Mineral Resources

### 1.2.2 The Commission

The Commission is composed of Commissioners, one from each Party that accompanied by sector representative from participating Ministries. The primary functions of the Commission are, *inter alia*:

- Coordinate the implementation of the Strategic Action Programme and to provide strategic direction, coordination and evaluation the implementation of the work plans and budget;
- agree on, where necessary, conservation and management measures concerning transboundary marine resources and the environment;
- agree, as appropriate, on participatory rights, such as harvest levels and sharing arrangements concerning transboundary fishery resources;
- promote and support research programmes related to the transboundary marine resources and the environment; and
- ensure adequate funding and resources to sustain the long-term operations of the Commission.

### *1.2.3 Ecosystem Advisory Committee*

The Ecosystem Advisory Committee (EAC) comprised senior multi-disciplinary experts providing the Commission with the best scientific, legal and socio-economic advice and management recommendations based on best relevant information available as generated and presented by various technical working groups.

### *1.2.4 The Compliance Committee*

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 objective of the Convention.

### *1.2.5 Finance and Administration Committee*

The Finance and Administration Committee has the mandate to provide oversight over the Secretariat's audit and financial control functions to ensure good corporate governance. It also provides independent assurance and support to the Commission and the Secretariat by evaluating the Secretariat's risks, control and compliance framework, and its external accountability responsibilities.

### *1.2.6 The Secretariat*

The Secretariat is entrusted by the Parties to coordinate the activities of the BCC. It provides services to all BCC structures to facilitate the execution of their functions; coordinates programmes; mobilise requisite resources; and establish partnership with relevant organisations. Professional staff are recruited from member countries with gender equity at the forefront of the recruitment process.

## ***1.3 The Strategic Action Programme***

In 2013, the Parties produced updated and improved Transboundary Diagnostic Analysis (TDA) and Strategic Action Programme (SAP) with an accompanying Implementation Plan. The SAP (for the period 2015 to 2019) has been formulated to reflect the objectives, principles, and functions set out in the Benguela Current Convention, the policy framework that now guides the BCLME community. It addresses the challenges to the BCLME, and outlines implementable policy actions that aim to resolve the transboundary environmental issues, address key threats and their root causes, and enhance sustainable development opportunities within the BCLME.

On 21 August 2014 in the town of Namibe, twelve Ministers from BCC participating Ministries (see 1.2.1 above) signed the Strategic Action Programme (SAP), committing to implement the Convention.

## **2. OBJECTIVES OF THE ASSIGNMENT**

The objective of the assignment is to review the performance of the Benguela Current Convention, focusing on among others, effectiveness, efficiency, relevance, impact and sustainability of the Organisation.

Specifically, this assignment is to assess - and make recommendations where applicable:

- if the BCC as an organization is making intended impact on environmental, economical, and social benefits in the BCLME countries and the region;
- institutional governance structures (Secretariat, the Commission and the Committees) capacity and coherence in the delivery of the BCC mandate;
- assess if the current communication channels and cooperation procedures between the BCC structures, national focal institutions and partners are working properly; and
- effectiveness and efficiency of the implementation of SAP highlighting the achievements, opportunities and challenges and how they are addressed.

### **3. SCOPE AND FOCUS OF THE WORK**

#### ***3.1 General***

The scope and focus of the work include desktop research, consultations, and collaborative work with the Parties, organisational structures of the Benguela Current Convention and the Partners, in order to undertake performance review and institutional assessment of the organisation of the Benguela Current Convention.

#### ***3.2 Specific focus***

##### ***3.2.1 Impacts of the BCC***

Assess if the BCC as an organization is making intended impact on environmental, economical, and social benefits in the BCLME countries and the region, particularly:

- assess the effectiveness of the Convention in view of multi-sectoral ecosystem-based management approach;
- assess readiness of the organisational structures towards reaching the overall objectives of the Convention;
  - assess the level of capacity building at partner institutions achieved through the Programmes;
  - assess the effectiveness of the BCC and the extent to which the scientific and management cooperation needs of the three countries and the region are being fulfilled and;
  - make recommendations where applicable.

##### ***3.2.2 Institutional governance structures***

Assess the capacity and coherence of institutional governance structures (Secretariat, the Commission and the Committees) in the delivery of the BCC mandate, mainly focusing on:

- assessing institutional sustainability of the Benguela Current Convention with much emphasis on the Secretariat organisational architecture as the functional structure, composition of committees as oversight structures and funding modality of the organisation;
- assessing the functions and coordination of the BCC governance structures at the regional and national level and those of partners;
- assessing the Secretariat's human resource capacity including human resource management systems. Analyse human resource challenges and identify areas of improvement;
- assessing the current conditions of employment and remuneration policy and benchmark these to similar organisations such as SACU and SADC secretariats;

- assessing financial control and management systems including long-term strategic and financial plans, internal grant management system and procurement processes and contractual management;
- assessing the working procedures and the institutional set-up between the national institutions covered by the BCC and highlight any challenges or problems related to the cooperation;
- assessing the efficiency of the organisational management focusing on return on investment, communication and reporting channels between governance structures, and delegation of authority;
- assessing delivery management, risk management and anti-corruption systems;
- assessing the lessons learned and best practices under the Interim Agreement and their impact in the new reign under the Convention implementation;
- identifying the possible risks involved in a continuation of the cooperation
- make recommendations where applicable.

### 3.2.3 *Partnership and collaboration*

Assess if the current communication channels and cooperation procedures between the BCC structures, national focal institutions and partners are working properly, in particular:

- assess the communication and cooperation between the BCC governance structures, national focal institutions and development partners and funders;
- assess collaboration and potential opportunities of partnerships such as regional seas conventions, SADC and other LMEs; and
- make recommendations where applicable.

### 3.2.4 *SAP Implementation*

Assess the effectiveness and efficiency of the implementation of SAP highlighting the achievements, opportunities and challenges and how they are addressed, specifically:

- assess the effectiveness and efficiency of the implementation of the SAP and if thematic areas are equitably addressed;
- assess how women and youth issues are mainstreamed in the BCC Programmes;
- assess if data is collected and shared to inform the provision of best scientific advice that will result in the adoption of conservation and management measures;
- identify areas of improvement during the SAP/project implementation and recommend how these can be solved;
- assess the functions and coordination of the BCC governance structures at regional and national level in the implementation of the SAP; and
- make recommendations where applicable.

## **4. REQUIRED SKILLS AND EXPERTISE**

A solid knowledge, expertise and experience in the following areas is required.

- Organisational development
- Strategic management (design, implement and control)
- Change management

- Financial management (IFRS, SAICA)
- Monitoring & evaluation (experience with qualitative evaluations)
- Organisational architecture (design, policies, Institutional capacity building)
- Human capital management (HR, HR development, employee wellness, labour relations)
- Compensation and benefits (remuneration, rewards)
- Governance frameworks (King III Report/NamCode Report)
- Risks management (identification, analyse, respond)
- Institutional and governance review
- Organisational performance management/review
- International relations, including intergovernmental organisations
- Project management (planning, execution, review and evaluation); particularly in developing countries
- Stakeholder management experience

## **5. QUALIFICATIONS:**

- Relevant qualifications that meet the required skills and expertise (in section 4 above)
- Have minimum of 10 years relevant experience.

NB: Knowledge and expertise in the following would be an added advantage:

- i. Benguela Current Convention or similar regional organisations;
- ii. Multi-sectoral ecosystem based management approach of ocean governance;
- iii. Working knowledge of Portuguese; and
- iv. Exposure and knowledge of Result Based Management Approach.

## **INSTRUCTIONS TO TENDERERS:**

### **1. TIMEFRAMES**

- 1.1. The “BCC/2017/5” contract will be awarded to a successful bidder within 45 days of closing of this tender.
- 1.2. The successful bidder will commence work within four (4) weeks from the date of signature.
- 1.3. The work must be completed by **20 April 2018**.

### **2. SUBMISSION OF TENDER PROPOSALS**

- 2.1. The bidders are prohibited from using the logo of the BCC on their proposals.
- 2.2. The Tender should be delivered or posted to the “Postal and Physical Address for Tender Submission” specified on the cover page.
- 2.3. The bidder must submit:
  - (a) Six (6) hard copies plus 1 electronic copy (CD or memory stick) of the Technical Proposal in a **sealed envelope separate from the financial proposal**; and
  - (b) Six (6) hard copies plus 1 electronic copy (CD or memory stick) of the Financial Proposal in a **sealed envelope separate from the technical proposal**.

- 2.4. All envelopes should be properly sealed and clearly marked as indicated below:

#### **TECHNICAL PROPOSAL OR FINANCIAL PROPOSAL**

**TENDER NUMBER: BCC/2017/05**

#### **NAME OF THE BIDDING COMPANY/ORGANISATION/FIRM/INDIVIDUAL**

- 2.5. The deadline for the submission of tenders is 23 December 2017 (16h30 Namibian Time). **No late submission of tenders will be accepted.**
- 2.6. The Financial Proposal should remain valid for 90 (ninety) days from the tender closing date.

### **3. PRIME CONTRACTOR RELATIONSHIP**

- 3.1. In the case of the successful bidder being a joint venture or a consortium, the BCC Secretariat shall enter into a contract with the prime contractor only.
- 3.2. After the award has been made, the BCC Secretariat reserves the right to source alternative quotations as part of its procurement governance process, in order to ensure the SUPPLIER(s) demonstrated a proactive approach in reducing cost such as travel expenses, etc.

### **4. FINANCIAL ARRANGEMENTS**

- 4.1. Bidders are solely responsible for their own costs in preparing the tender.
- 4.2. Payments for all Products and Services (professional fees and reimbursements) covered by this tender shall be made within 30 (thirty) days subject to receipt of appropriate invoices, the satisfactory completion of work, and adherence to the BCC Secretariat’s Financial Policy.
- 4.3. The BCC Secretariat shall not be liable for any losses, damages, costs, charges or expenses caused by defects or damage to the bidders cleaning equipment and supplies.
- 4.4. The BCC Secretariat shall not be liable for any losses, damages, costs, charges or expenses caused by injuries to the bidder’s staff during the execution of their duties.

### **5. CONFIDENTIALITY**

- 5.1. Tenders submitted will not be revealed to any other bidders.
- 5.2. The BCC Secretariat reserves the right to seek clarification or verification of any information contained in the tenders.
- 5.3. 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. OWNERSHIP OF DATA**

- 6.1. 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.
- 6.2. Ownership of all data belonging to BCC whether under its control or the bidder's control shall continue to vest in the 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. MODIFICATION OF TERMS**

- 7.1. 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.

**8. EVALUATION OF TENDERS AND AWARD CRITERIA**

**8.1. ELIGIBILITY CRITERIA**

- (a) **The proposal will only be considered if all the following documents listed in the Table below are provided:**

No	Documents inclusive
1.	1 Sealed envelope with 6 hard copies plus 1 electronic copy (CD or memory stick) of the Technical Proposal
2.	1 Sealed envelope with 6 hard copies plus 1 electronic copy (CD or memory stick) of the Financial Proposal
3.	A Profile of the Company / Consultancy Firm / Consortium / Individual
4.	Curriculum vitae and copies of all individuals that will carry out the work as specified in the deliverables
5.	Copy of Certificate of Registration or Incorporation with the relevant national authorities (Companies or corporations)
6.	An original current Certificate of Good Standing from the Ministry of Finance (for Namibians) or an original Income Tax Clearance Certificate or exemption thereof from the relevant national authorities
7.	Copy of Certificate of Good Standing from the Social Security Commission of Namibia (applicable and compulsory for Namibia-based tenderers).
8.	Affirmative Action Certificate from the Ministry of Labour (applicable for Namibia-based tenderers only)
9.	Letter from Bankers confirming bank account details

- (b) This tender is only open to citizens of the BCC Member States or service providers that are majority owned by citizens of the BCC Member States and registered within any of the BCC Member States.

**8.2. QUALIFICATION CRITERIA**

- (a) Eligible tenders will be considered provided that all the documentation as specified in section 8 has been supplied.

**8.3. AWARD CRITERIA**

- (a) The contract will be awarded from the qualifying tenders on the basis of the most economically advantageous proposal by applying the following award criteria:
- (i) Technical Knowledge, Qualifications and Experience;
  - (ii) Company Profile and Reputation of the Bidder.
  - (iii) Price

**8.4. CONTRACT ADMINISTRATION**

- (a) The award will be subject to the successful conclusion of a Service Level Agreement (SLA) to confirm the Terms and Conditions of the Tender.
- (b) The BCC Secretariat reserves the right to negotiate the terms of the tender proposal and the value

**9. TECHNICAL PROPOSAL**

A detailed proposal indicating a clear understanding of the Terms of Reference will be required.

**10. GENERAL INFORMATION**

- 10.1. 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.
- 10.2. A record of previous similar assignments undertaken by the bidder.
- 10.3. Bidders must provide a minimum of three (3) customers (names, addresses and telephone numbers) who may be contacted for references in connection with the scope of works.
- 10.4. These references should be current, stipulate the nature of work undertaken, the financial value of the Services offered and where the work was executed.
- 10.5. The BCC Secretariat reserves the right to undertake a full background check on all references submitted prior to awarding the contract.

**11. FINANCIAL PROPOSAL**

The schedule of costs / financial proposal must take the following format:

- (a) All costs must be quoted in Namibian Dollars (NAD).
- (b) The total cost of the proposal (best and final offer).
- (c) All prices must be quoted excluding VAT.
- (d) A breakdown of the pricing and cost components for Services set out in this invitation to tender (ITT).
- (e) Prices and costs included in this financial proposal must cover all the bidder's costs, including but not limited to surcharges, cancellations, transportation cost, warehouse charges, installation charges and all other charges associated with meeting the requirements.
- (f) The price for each Service as specified in cost schedule must be set out.
- (g) Consideration must be given to the bulk pricing discounts to be offered to the BCC Secretariat, based on services to be carried out.
- (h) Should the bidder not provide a particular Service, please indicate this as set out in the Tender. The bidder will not be excluded from the evaluation of those Services offered.
- (i) After the award has been made, the BCC Secretariat reserves the right to source alternative travel quotations as part of its procurement governance process, in order to ensure the services provider(s) demonstrated a proactive approach in reducing cost, e.g travel cost.