



## **TERMS OF REFERENCE**

**Undertake a full feasibility study for the establishment of a BCC MCS Coordination Centre, including initial business plan and budget requirements.**

### **1. BACKGROUND INFORMATION**

The Benguela Current Convention (BCC) is a multi-sectoral organisation established by the republics of 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). The BCC is the first inter-governmental, multi-sectoral Convention in the world based on the Large Marine Ecosystem (LME) approach to ocean governance. Under the Convention the countries are committed to the joint management of the LME, especially the transboundary resources and balancing human needs with conservation imperatives.

#### **1.1 Socio-economic imperatives of Marine Fisheries**

In all three BCLME countries, marine fisheries are one of the major contributors to social well-being and economies. They provide many benefits through recreational, artisanal, small-scale, and large-scale industrial fisheries. Specifically, they contribute to the government revenue and to local food security, poverty alleviation and income generation for hundreds of thousands of people who otherwise have limited alternative livelihoods. Most of the important harvested Living Marine Resources in the BCLME are shared between two or all the three countries, and some are shared with countries outside the region (Crawford et al., 1987; Kainge et al., 2020). Inadequate management and limited monitoring, surveillance, and control as well as IUU fishing, are of concern in many of the region's industrial fisheries.

#### **1.2 The scourge of IUU fishing**

Illegal, unreported, and unregulated (IUU) fishing remains one of the greatest threats to aquatic ecosystems, undermining national and regional efforts to manage fisheries sustainably and conserve aquatic biodiversity. IUU fishing continues to threaten sustainability of fish stocks, distorts markets, undermines governance systems, and imposes considerable loss on economies of the developing countries, including the livelihoods of coastal communities.

The 2013 BCC Transboundary Diagnostic Analysis (TDA) acknowledged the significant improvements in national policy, legislation, management frameworks and improved capacity in monitoring, control, and surveillance (MCS) over the years within the BCLME countries. However, inadequate MCS was noted as a concern, as IUU fishing became prevalent, particularly the industrial fisheries. The TDA urged for regional cooperation; harmonisation of

policies and strengthen information sharing, given the global nature of illegal fishing. Towards achieving one of its strategic objectives, of ensuring compliance with management and conservation measures for shared stocks; the 2014 BCC Strategic Action Program (SAP) underlined that sharing of MCS information and intelligence, resources, etc. between the countries was a priority.

### **1.3 Regional efforts to combat IUU fishing**

In the SADC region IUU fishing is widely recognized as the scourge of the fishing industry, becoming more and more widespread in the area, leading to an unsustainable harvest of fish stocks and other marine wildlife. To face such a challenge in 2003, the SADC Protocol on Fisheries came into force, with the objective of promoting the "responsible use of the living aquatic resources to enhance food security and human health, safeguard the livelihood systems of fishing communities, and generate economic opportunities for nationals in the region and to ensure that future generations benefit from these resources". In July 2008 SADC Fisheries Ministers signed the SADC Fisheries Ministers' Statement of Commitment to stop IUU fishing, which highlighted the priority areas to curb IUU fishing in the region. The statement, calls for strengthening the efforts to improve regional and inter-regional cooperation for fisheries governance and to reinforce MCS capacities at regional level.

In support of Article 9 of the Protocol, in 2017 Ministers responsible for Fisheries and Aquaculture approved a Charter for the establishment of a regional MCS Coordination Centre (MCSCC) in Mozambique. The centre will further assist in promoting regional cooperation, information sharing and cost-effective sharing of assets in the fight against IUU fishing. To this end all BCC countries have signed the Charter for the establishment of the MCSCC.

In accordance with the 2014 African Union's Policy Framework and Reform Strategy for Fisheries and Aquaculture, the high degree of interconnectedness of the African continent requires strengthened regional cooperation, collaboration and coordination in the management of shared ecosystems. This is particularly relevant to combat IUU fishing at a regional and sub-regional level. The aim of the Statement is improving regional cooperation with a view to eradicating IUU fishing; strengthening fisheries governance and legal frameworks to eliminate IUU fishing; developing regional plan of action to combat IUU fishing and strengthening fisheries MCS capacity regionally.

The coming into effect of the FAO Port State Measures Agreement (PSMA) in 2016, was a great achievement; and thus the instrument has been ratified by most countries of the BCC. Following full ratification of the PSMA the BCC countries in collaboration with FAO would need to strengthen their capacity development programs, including measures to domesticate the instrument for effective implementation. The determination and commitment to combat IUU fishing was further demonstrated by the conclusion of bilateral agreements by BCC countries amongst themselves in accordance with PSMA recommendations. These agreements emphasise amongst other things, the need to strengthen cooperation on MCS activities, sharing of information and intelligence, capacity development, etc. Nevertheless, presently there is still limited cooperation and information sharing among the BCC member states on MCS activities.

The BCC seeks to enlist services of a consulting firm or consortium of consultants, ideally with representation from each country, to conduct a full feasibility study for the establishment of a sub-regional MCS (Monitoring, Control and Surveillance) center. This will include initial Business Plan and Budget requirements (taking into account the need to establish a real-time VMS system, on-board observers, other monitoring and compliance tools as necessary) as well as identification of potential sources of sustainable financial support for such an enterprise. And to encourage the commitment of further resources by each country to the LME-wide IUU fishing and MCS.

## **2. SCOPE OF WORK**

### **2.1 Objective of the consultancy**

The overall objective of the consultancy is to contribute towards sustainable use, protection and effective management of the LMR of the BCLME region, thus improving food security in the BCC Parties. It would recommend specific steps and guidance for the establishment of the sub-regional MCS Centre in order to prevent and combat IUU fishing. This include development of initial business plan and budget requirements for such a Centre.

The purpose of the contract is to provide BCC with guidelines for the establishment of the sub-regional MCS Center. The assignment will involve the delivery of technical assistance to the BCC in order to devise an operational and financial plan to identify steps to be performed for the installing and start-up of the regional MCS Center. The contract implementation will also include the organization and facilitation of a validation workshop to ensure ownership of the project by the countries.

### **2.2 Specific Activities**

*The consultant will complete the following tasks:*

- Participate in an inception meeting with the BCC Secretariat, Compliance members and relevant partners to agree on a timetable and milestones for the assignment. The timetable would include:
  - Tentative dates/ timeframes for national and regional consultations, including progress review and validation workshops.
  - Presentations to National Intersectoral Committees in each country and EAC working groups.
- Set up a task team made up of relevant members from the Compliance Committee to assist the consultant in drawing up the business plan and budget requirements.
- Collect and review information and relevant documentation useful for the assessment including:
  - National legislations, RFMOs MCS related resolutions and international fisheries instruments and plans relevant to the subject (e.g national fisheries action plans, SADC Protocol on Fisheries, SADC Statement of commitment on IUU fishing, FAO International Plan of Action on IUU, Port State Measures Agreement, etc) ;
  - Relevant thematic reports produced by the BCC, and recent published information and data on the pressures, states and responses of key issues in the BCLME

- Similar regional initiatives involving regional MCS joint management (e.g. RPOA-IUU; Pacific Islands Forum Fisheries Agency - FFA; Regional Plan for Fisheries Surveillance in the South-East Indian Ocean; etc)
- Prepare a workplan for the assignment, with the methodology to be proposed, and the travels to the three BCC countries and regional organisations;
- Travel to the countries and consult with Fisheries Authorities, Fishing associations; other relevant authorities, regional organizations and representatives of regional initiatives involving MCS to gather further information and meaningful inputs.
- Prepare and submit a first draft of the business plan and budget requirements for the establishment and management of the sub-regional MCS Coordination Center. The plan should include among others:
  - The operational steps to be performed in order to set up the Center
  - The needed legal arrangements in order to make the Center operational and its decisions enforceable at national and regional level
  - A set of administrative and management procedures necessary to run the Center
  - A plan of human resources and equipment to set up and run the Center
  - A provisional list of the training needs to set up and run the Center.
  - A budget for the installing and start-up phase
  - Recommendations on possible options for funding and sustainance of the Center
- Review the draft as to include findings/recommendations of the discussion with BCC Secretariat and the countries
- Convene and conduct a regional validation workshop (2 days) to present and validate the final document.

*Liaison:*

- Liaise with the Manager responsible for the Compliance program and the BCLME III Project Manager for progress updates, to seek advice, discuss amendments to the timelines and milestones, and to agree on how to resolve assignment challenges.
- Consult with the Compliance Committee to for advice and recommendations on status, pressures and responses, and to frame management and policy recommendations.
- Liaise and collaborate with the consultants revising and updating the SAP and developing NAPs to capture and current advice and recommendations.

**2.3 Expected deliverables and proposed payments**

<b>Expected \deliverable</b>	<b>Proposed payment per deliverable</b>
1. Assignment inception report with agreed work plan and milestone dates. Agreed tentative national and regional consultations and presentations schedule.	20%
2. National consultation reports for country review and approval	30%
3. First draft of the business plan and budget requirements for the establishment and management of the sub-regional MCS Centre	30%
4. Submission of the Final Technical Report (FTR) including the amended main report.	20%

### **3. TIMELINE**

It is anticipated that the consultancy will run from **June 2022** to **August 2022**.

### **4. WORKSTATION**

This is a home-based assignment with travel to the BCC Parties. All travels shall require prior authorisation by the BCC.

The Consultants are expected to conduct at least one national consultation in each country, Angola, Namibia and South Africa, and facilitate at least one regional meeting for review and validation of the regional MCS business plan and budget requirements.

### **5. QUALIFYING REQUIREMENTS FOR THE CONSULTANT/FIRM**

#### **5.1. Eligibility**

The consultants should have a minimum of 10 years of experience in fisheries governance and institutional arrangements with proven experience in the establishment of national and/or intergovernmental bodies;

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. Qualifications of Consultant(s)**

Minimum requirements of the Team Leader:

- A Master's degree in Natural Resource Management, Maritime law; Ocean Governance, or a field relevant to the scope of the assignment.
- Proven experience in fisheries management projects
- Previous experience as a team leader
- Demonstrated experience in stakeholder consultations, and in delivering quality technical reports.
- Proven competency in one or both of the BCC's official languages, English and Portuguese.
- Excellent communication, report-writing and project management skills

Minimum requirements of the Fisheries MCS expert:

- A university degree or equivalent in a relevant field (e.g. Fisheries, Natural Resource Management, Maritime law, etc.)
- Experience in the development of fisheries MCS strategies, MCS institutional arrangements and regional arrangements to strengthen cooperation in fisheries MCS and law enforcement;
- Project management and facilitation skills;
- The expert should have a high level of proficiency in written and spoken English;

Core Competencies of the desired Team:

- Proven experience in the setting up of public institutions/agencies
- Understanding of fisheries MCS and law enforcement issues and realities in the region
- Experience of carrying out assignments for the international development partners
- Ability to produce high quality outputs in a timely manner while understanding and anticipating the evolving needs of the BCC;
- Proven data analysis and interpretation capability;
- Proven organizational skills and ability to work independently;
- Sound judgement, strategic thinking and ability to manage competing priorities;
- Display cultural, gender, nationality sensitivity, understanding and adaptability;

## 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
<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	100
▪ Response to the ToRs and comprehensiveness of the methodology/approach		30%
▪ Proven ability to deliver work of this kind with demonstrated relevant experiences and technical skills.		40%
▪ Proven record of making recommendations to improve natural resource and/ or ecosystem management and decision making.		20%
▪ Previously disadvantages individual/entity, young professionals and women		10%
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	30%
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

### 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 the termination of the contract, be returned to the BCC Secretariat.

## **7. SUBMISSION OF PROPOSALS/BIDS**

The deadline for the submission of tenders is **31 May 2022 at 17h00, Namibia time.**

The Proposal shall comprise the following documents in electronic copies:

- a) Technical Component
- b) Financial Component

The Proposal shall be emailed to Laimy Brown at [laimy@benguelacc.org](mailto:laimy@benguelacc.org)

The BCC may decide to reserve the right to annul the tendering process and not award the contracts. The Financial Proposal should remain **valid for 90 (ninety) days** from the tender closing date.

## **APPENDIX A - TECHNICAL PROPOSAL**

Bidders must address all the issues and requirements which appear in 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 CVs, certified qualifications and other documentation in support of the CVs for each proposed team member.
- 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.
- 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. Proof of such work may be requested by the BCC.
- 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 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.