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Resilient nations.*

GEF FSP Project Preparation Phase

Strengthening the enabling framework for biodiversity mainstreaming and mercury reduction in small scale gold mining operations

Terms of Reference

Policy and Legal Expert

Type of Contract:	Individual Contract
Languages Required:	English,
Post level:	National Consultant
Duration:	20 days over from the period 6 August 2018 – 30 November 2018
Location:	Home- base in Guyana
Application Deadline:	20 July 2018 (Midnight NY, USA time)

I. Background

Guyana maintains high levels of forest with an estimated 87% forest cover or 18.4 million hectares. The Guyana Highlands are considered one of the four largest contiguous and intact forested ecoregions, and form part of the Amazon forest. Two globally important ecoregions are found in Guyana. Biodiversity levels in Guyana's forests are extremely high.

While forest cover remains high, deforestation and forest degradation rates have increased substantially since the 1990s. Eighty-five percent of the recorded deforestation and 87% of forest degradation is due to mining. Various types of mineral and non-mineral mining take place, including gold, diamonds, bauxite and sand, among others, and the possibility of mining low-value minerals and rare earth is being explored. However, it is the gold mining sector that is leading to the most significant negative impacts on the country's forests, biodiversity, and health of its watersheds. Gold mining is primarily carried out by small -scale miners. There are over 16,000 small scale miners, and due to their location in the vast interior and institutional barriers, much of the activity is uncontrolled, unplanned and haphazard.

The Government of Guyana has requested UNDP to provide support in the design, preparation and elaboration of one Full Size project from Guyana's STAR allocation under GEF-6 funding.

UNDP's Sustainable Development Cluster is responsible for providing leadership and technical support for the delivery of the Environment and Sustainable Development pillar of UNDP's Strategic Plan. Its main focus is on helping countries develop the capacity to fully incorporate environmental sustainability into development at national and local, but also global and regional, levels.

UNDP, acting as an implementing agency of GEF, is providing assistance to Guyana in the preparation of the GEF Full Size Project (FSP). The objective of the GEF Project Preparation Grant (PPG) is to develop the project concept into a full project: "Strengthening the enabling framework for biodiversity mainstreaming and mercury reduction in small-scale gold mining operations".

In accordance with UNDP procedures, UNDP is hiring a team of consultants to develop the ProDoc and CEO Endorsement for the project for submission to the GEF Secretariat fully compliant with the applicable GEF guidelines and standards.

The purpose of the PPG is to fully design the activities, outputs, and outcomes of the ‘Strengthening the enabling framework for biodiversity mainstreaming and mercury reduction in small-scale gold mining operations’ full size project and to fully develop a full set of project documentation, including UNDP project document and GEF CEO endorsement document, for submission to UNDP and GEF. The GEF templates and guidelines can be found at: http://www.thegef.org/gef/guidelines_templates

2. Scope of Work

The main objective of this consultancy is to undertake an assessment of the policy and legal context of the project and define appropriate project interventions to strengthen the policy framework. The consultancy will provide important inputs that will be included in the Project Document for the ‘Strengthening the enabling framework for biodiversity mainstreaming and mercury reduction in small scale gold mining operations Project’.

Policies that the project may develop include a National Mining Policy, regulations that increase the fines, fees and/or environmental bond amount, and water quality standards for the Environmental Protection Agency, among others.

3. Implementation Arrangements

UNDP will contract and make payments upon certification of deliverables and completion of the assignment by the UNDP Country Office. The consultant will coordinate as necessary with other members of the project preparation (PPG) team, in particular, the national project coordinator, and the international GEF project design expert, among others.

4. Responsibility for Managing the People and the Work Plan

The principal responsibility for managing the consultant will lie with the Programme Analyst - Energy, Environmental and Extractive Industries (EEEE), UNDP Guyana, with the support of the Regional Technical Advisor at the UNDP Regional Hub in Panama as needed. The consultant would report directly to the Programme Analyst, EEEI UNDP Guyana.

The international project design consultant will also provide oversight of the work of the consultant. The timeframe and duration of activities are estimated to be broken down as follows:

5. DESCRIPTION OF RESPONSIBILITIES

Policy and Legal Expert

Duties and Responsibilities

The expert will be responsible for the following tasks:

- Collecting and analysing information on existing policy, legal and regulatory framework and guidelines for the management of mining in Guyana, in particular gold mining. This will include written material, online material as well as information from interviews with key stakeholders such as the Department of Environment, the Environmental Protection Agency, the Guyana Geology and Mines Commission (GGMC), the Guyana Gold and Diamond Association (GGDMA), and the Guyana Women Miners Organization (GWMO), the Guyana Forestry Commission, the Guyana Lands and Surveys Commission, among others;
- Determining gaps in the policy and legal framework;
- Identifying barriers to addressing these;
- Providing recommendations on project activities to strengthen the policy, legal and regulatory framework. These may include different policies mentioned in the PIF, such as a

Policy and Legal Expert
Duties and Responsibilities
<p>National Mining Policy, regulations that increase the fines, fees, and/or environmental bond amount, and water quality standards for EPA, among others.</p> <ul style="list-style-type: none"> ➤ Providing relevant and succinct information to the International Project Design Expert as it relates to the policy and legal framework to support the drafting of the ProDoc, including but not necessarily limited to the legal context section, the barriers section, the project strategy section (particularly Component I), and country ownership section. The consultant will also provide support in the identification of appropriate indicators, baselines, targets and sources of verification related to strengthening the policy, legal and regulatory framework, to include in the project Strategic Results Framework.

6. Minimum Education and Specific Qualifications International Expert in Environmentally Responsible Mining Technologies and Techniques

Education
<p>A. Education:</p> <ul style="list-style-type: none"> ▪ Bachelor's degree or higher in law or political science.
Specific qualifications
<p>Years of experience:</p> <p>B. Work experience in similar context:</p> <ul style="list-style-type: none"> • Minimum 7 years of demonstrable experience in the public sector of Guyana and in policy analysis <p>C. Relevant professional experience in mining sector is considered a strong asset</p> <p>D. Fluency in written and spoken English</p>
<p>Competencies:</p> <ul style="list-style-type: none"> • Strong interpersonal and communication skills and ability to meet with and interview key stakeholders to determine the related policy and legal context and recommended and feasible measures to strengthen the policy and regulatory framework. • Commitment to team work and to working across disciplines; • Ability to produce clear and concise written reports.

7. Deliverables and indicatives dates

Deliverables (changes in sequencing are possible)	Indicative dates	Indicative percentage
1. Detailed work plan for this consultancy.	10 August, 2018	5%
2. Succinct report on desk review of existing legal, policy and regulatory instruments related to the context of the project with a focus on the management of the environmental impacts of gold mining. This report will also include an Annex summarizing the documents reviewed and consultations undertaken.	31 August 2018	25%

Deliverables (changes in sequencing are possible)	Indicative dates	Indicative percentage
<p>3. Complete draft report which will include, among others:</p> <p>a) A succinct description of the existing policy, legal and regulatory framework and guidelines for the management of mining in Guyana, in particular gold mining;</p> <p>b) the identification of the gaps in the policy and legal framework</p> <p>c) the identification of barriers to addressing gaps</p> <p>d) Recommendations on project activities to strengthen the policy, legal and regulatory; framework. These may include developing/strengthening different policies mentioned in the PIF, such as a National Mining Policy, regulations that increase the fines, fees, and/or environmental bond amount, and water quality standards for EPA, among others</p> <p>This report will also summarize the support provided by the consultant on policy and regulatory aspects to the International Design consultant, as explained in the list of responsibilities for this consultancy (for example, in terms of the identification of relevant indicators for the project Strategic Results framework). The report should include an Annex summarizing the consultations undertaken and documents reviewed.</p>	30 September, 2018	45%
<p>4. Final report (as per guidelines above), incorporating feedback received from the government, the UNDP Country Office and the UNDP Regional Technical Adviser in the Regional Hub and other key stakeholders.</p>	30 October, 2018	25%

8. Evaluation Method and Criteria

The individual consultant offerors will be evaluated based on the following methodology

Cumulative analysis;

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

- Responsive/compliant/acceptable;
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

Technical Criteria: weight 70%

Financial Criteria weight 30%

Only candidates obtaining a minimum of 70 points of the total technical points would be considered for the Financial Evaluation.

Technical Criteria – Maximum 100 points:

- Criteria A: Relevance of education - Max 20 points;
- Criteria B: Work experience in similar context- Max 30 points;
- Criteria C: Specific work experience in similar project management role in Environmental or Mining projects – Max 50 points.

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- Duly accomplished Letter of Confirmation of Interest and Availability using the template provided by UNDP (Annex II);
- Personal CV or PII, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references.

Technical proposal:

- Brief description of why the individual considers him/herself as the most suitable for the assignment;
- A methodology, on how they propose to complete the assignment;

Financial proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided (Annex II) and Schedule of Payments:

- Daily Fee – The consultant/contractor shall propose a daily/monthly fee, which should be inclusive of his professional fee, local communication cost and insurance (inclusive of medical health insurance). The number of working days for which the daily/monthly fee shall be payable under the contract is for a maximum of 20 working days.
- Field visits within Guyana are separate and not included in the contractor cost. All attempts will be made to coordinate these visits with other members of the project preparation team to achieve efficiencies.

UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. All applications will be treated with the strictest confidence.

**OFFEROR'S LETTER TO UNDP
CONFIRMING INTEREST AND AVAILABILITY
FOR THE INDIVIDUAL CONTRACTOR (IC) ASSIGNMENT**

Date:

Shabnam Mallick
Deputy Resident Representative
United Nations Development Programme
42 Brickdam & United Nations Place
Stabroek,
Georgetown
GUYANA

Dear Sir/Madam:

I hereby declare that:

- a) I have read, understood and hereby accept the Terms of Reference describing the duties and responsibilities of [*indicate title of assignment*] under the [*state project title*];
- b) I have also read, understood and hereby accept UNDP's General Conditions of Contract for the Services of the Individual Contractors;
- c) I hereby propose my services and I confirm my interest in performing the assignment through the submission of my CV or Personal History Form (PII) which I have duly signed and attached hereto as Annex I;
- d) In compliance with the requirements of the Terms of Reference, I hereby confirm that I am available for the entire duration of the assignment, and I shall perform the services in the manner described in my proposed approach/methodology which I have attached hereto as Annex 3 [*delete this item if the TOR does not require submission of this document*];
- e) I hereby propose to complete the services based on the following payment rate: [*pls. check the box corresponding to the preferred option*]:
- f)
 - ☐ An all-inclusive daily fee of [*state amount in words and in numbers indicating currency*]
 - ☐ A total lump sum of [*state amount in words and in numbers, indicating exact currency*], payable in the manner described in the Terms of Reference.
- g) For your evaluation, the breakdown of the abovementioned all-inclusive amount is attached hereto as Annex 2;
- h) I recognize that the payment of the abovementioned amounts due to me shall be based on my delivery of outputs within the timeframe specified in the TOR, which shall be subject to UNDP's review, acceptance and payment certification procedures;

i) This offer shall remain valid for a total period of _____ days [*minimum of 90 days*] after the submission deadline;

j) I confirm that I have no first degree relative (mother, father, son, daughter, spouse/partner, brother or sister) currently employed with any UN agency or office [*disclose the name of the relative, the UN office employing the relative, and the relationship if, any such relationship exists*];

k) If I am selected for this assignment, I shall [*pls. check the appropriate box*]:

- ☐ Sign an Individual Contract with UNDP;
- ☐ Request my employer [*state name of company/organization/institution*] to sign with UNDP a Reimbursable Loan Agreement (RLA), for and on my behalf. The contact person and details of my employer for this purpose are as follows:

l) I hereby confirm that [*check all that applies*]:

- ☐ At the time of this submission, I have no active Individual Contract or any form of engagement with any Business Unit of UNDP;
- ☐ I am currently engaged with UNDP and/or other entities for the following work:

Assignment	Contract Type	UNDP Business Unit / Name of Institution/Company	Contract Duration	Contract Amount

- ☐ I am also anticipating conclusion of the following work from UNDP and/or other entities for which I have submitted a proposal:

Assignment	Contract Type	Name of Institution/Company	Contract Duration	Contract Amount

m) I fully understand and recognize that UNDP is not bound to accept this proposal, and I also understand and accept that I shall bear all costs associated with its preparation and submission and that UNDP will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the selection process.

n) *If you are a former staff member of the United Nations recently separated, pls. add this section to your letter:* I hereby confirm that I have complied with the minimum break in service required before I can be eligible for an Individual Contract.

- o) I also fully understand that, if I am engaged as an Individual Contractor, I have no expectations nor entitlements whatsoever to be re-instated or re-employed as a staff member.

Full Name and Signature:

Date Signed:

.....

.....

Annexes *[pls. check all that applies:]*

- ☐ CV or Duly signed PII Form
- ☐ Breakdown of Costs Supporting the Final All-Inclusive Price as per Template
- ☐ Brief Description of Approach to Work (if required by the TOR)

BREAKDOWN OF COSTS SUPPORTING THE ALL-INCLUSIVE FINANCIAL PROPOSAL

A. Breakdown of Cost by Components:

Cost Components	Unit Cost	Quantity	Total Rate for the Contract Duration
I. Personnel Costs			
Professional Fees			
Life Insurance			
Medical Insurance			
Communications			
Land Transportation			
Others (pls. specify)			
II. Travel Expenses to Join duty station			
Round Trip Airfares to and from duty station			
Living Allowance			
Travel Insurance			
Terminal Expenses			
Others (pls. specify)			
III. Duty Travel			
Round Trip Airfares			
Living Allowance			
Travel Insurance			
Terminal Expenses			
Others (pls. specify)			

Breakdown of Cost by Deliverables*

Deliverables <i>[list them as referred to in the TOR]</i>	Percentage of Total Price (Weight for payment)	Amount
Deliverable 1		
Deliverable 2		
....		
Total	100%	USD

**Basis for payment tranches*

PII – Personal History Form

INSTRUCTIONS Please answer each question clearly and completely. Type or print in ink. Read carefully and follow all directions.		UNITED NATIONS DEVELOPMENT PROGRAMME PERSONAL HISTORY FORM <i>(for Service Contracts and Individual Contracts)</i>					
1. Family Name		First Name		Middle name		Maiden name, if any	
2. Da Mo Yr Date of birth		3. Place of Birth		4. Nationality (ies) at birth		5. Present nationality (ies)	
6. Sexe							
7. Height		8. Weight		9. Marital status Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Widow <input type="checkbox"/> Divorced <input type="checkbox"/>			
10. Permanent address Telephone No. Fax No.		11. Present Address (if different) Telephone No. Fax No.		12. Office Telephone No. Office Fax No. Office E-mail No.			
13. Do you have a spouse and/or child? YES <input type="checkbox"/> NO <input type="checkbox"/> if the answer is "yes", give the following information:							
NAME		Date of birth		Relationship		NAME	
14. Have you taken up any legal permanent status in any country other than that of your nationality? YES <input type="checkbox"/> NO <input type="checkbox"/> If the answer is "yes", which country?							
15. Have you taken any legal steps towards changing your present nationality? YES <input type="checkbox"/> NO <input type="checkbox"/> If answer is "yes", explain fully:							
16. Are any of your relatives employed by UNDP, any other UN organization or any other public international organization? YES <input type="checkbox"/> NO <input type="checkbox"/> If the answer is "yes", give the following information:							
NAME		Relationship		Name of International Organization			
17. What is your preferred field of work?							
18. KNOWLEDGE OF LANGUAGES. What is your mother tongue?							
OTHER LANGUAGES	READ		WRITE		SPEAK		UNDERSTAND
	Easily	Not Easily	Easily	Not Easily	Fluently	Not Fluently	Easily
19. For clerical grades only <i>Indicate speed in words per minute</i>					List any office machines or equipment you can use		
Typing Shorthand	English	French	Other languages				

20. EDUCATIONAL. Give full details - N.B. Please give exact titles or degree in original language.				
A. UNIVERSITY OR EQUIVALENT		Please do not translate or equate to other degrees.		
NAME, PLACE AND COUNTRY	ATTENDED FROM/TO		DEGREES and ACADEMIC DISTINCTIONS OBTAINED	MAIN COURSE OF STUDY
	Mo./Year	Mo./Year		
B. SCHOOLS OR OTHER FORMAL TRAINING OR EDUCATION FROM AGE 14 (e.g. high school, technical school or apprenticeship)				
NAME, PLACE AND COUNTRY	TYPE	ATTENDED FROM/TO		CERTIFICATES OR DIPLOMAS OBTAINED
		Mo./Year	Mo./Year	
21. LIST PROFESSIONAL SOCIETIES AND ACTIVITIES IN CIVIC, PUBLIC OR INTERNATIONAL AFFAIRS				
22. LIST ANY SIGNIFICANT PUBLICATIONS YOU HAVE WRITTEN (Do not attach)				
23. EMPLOYMENT RECORD: Starting with your present function, list in reverse order every employment you have had. Use a separate block for each FUNCTION. Include also service in the armed forces and note any period during which you were not gainfully employed. If you need more space, attach additional pages of the same size. Give both gross and net salaries per annum for your last and present FUNCTION.				
A. PRESENT FUNCTION (LAST FUNCTION, IF NOT PRESENTLY IN EMPLOYMENT)				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:		TYPE OF BUSINESS:		
ADDRESS OF EMPLOYER:		NAME OF SUPERVISOR:		
		NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:		REASON FOR LEAVING:
DESCRIPTION OF YOUR DUTIES				

B. PREVIOUS FUNCTION (*IN REVERSE ORDER*)

FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				

FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				
FROM	TO	SALARY PER ANNUM		EXACT TITLE OF YOUR FUNCTION:
MONTH/YEAR	MONTH/YEAR	STARTING	FINAL	
NAME OF EMPLOYER:				TYPE OF BUSINESS:
ADDRESS OF EMPLOYER:				NAME OF SUPERVISOR:
				NO AND KIND OF EMPLOYEES SUPERVISED BY YOU:
DESCRIPTION OF YOUR DUTIES				

24. DO YOU HAVE ANY OBJECTIONS TO OUR MAKING ENQUIRIES OF YOUR PRESENT EMPLOYER? YES <input type="checkbox"/> NO <input type="checkbox"/>		
25. ARE YOU NOW, OR HAVE YOU EVER BEEN A PERMANENT CIVIL SERVANT IN YOUR GOVERNMENT'S EMPLOY? YES <input type="checkbox"/> NO <input type="checkbox"/> If answer if "yes", WHEN?		
26. REFERENCES: List three persons, not related to you, who are familiar with your character and qualifications. <i>Do not repeat names of supervisors listed in item 24.</i>		
FULL NAME	FULL ADDRESS	BUSINESS OR OCCUPATION
27. STATE ANY OTHER RELEVANT FACTS IN SUPPORT OF YOUR APPLICATION. INCLUDE INFORMATION REGARDING ANY RESIDENCE OUTSIDE THE COUNTRY OF YOUR NATIONALITY.		
28. HAVE YOU BEEN ARRESTED, INDICTED, OR SUMMONED INTO COURT AS A DEFENDANT IN A CRIMINAL PROCEEDING, OR CONVICTED, FINED OR IMPRISONED FOR THE VIOLATION OF ANY LAW (excluding minor traffic violations)? YES <input type="checkbox"/> NO <input type="checkbox"/> If "yes", give full particulars of each case in an attached statement.		
29. I certify that the statements made by me in answer to the foregoing questions are true, complete and correct to the best of my knowledge and belief. I understand that any misrepresentation or material omission made on a Personal History form or other document requested by the Organization may result in the termination of the service contract or special services agreement without notice.		
<div style="display: flex; justify-content: space-between;"> DATE: _____ SIGNATURE: _____ </div>		
NB. You will be requested to supply documentary evidence which support the statements you have made above. Do not, however, send any documentary evidence until you have been asked to do so and, in any event, do not submit the original texts of references or testimonials unless they have been obtained for the sole use of UNDP.		