



Empowered lives.  
Resilient nations.

### TERMS OF REFERENCE International Consultant

Assignment Title	EIA Management Advisor
Project	Governance for Resilience and Sustainability Project
Type of Contract	Individual Contract (International)
Contract Period	3 months (1 Oct 2018 to 31 Dec 2018)
Supervisor	Project Manager/CTA, Governance for Resilience and Sustainability Project
Location	Naypyitaw
Country	Myanmar

#### A. BACKGROUND AND CONTEXT

---

UNDP Myanmar has commenced implementation of its Country Programme for 2018-2022. Integrated programming has guided the design of the new programme in order to better address the inter-linkages between peace-building, governance, natural resource management and disaster resilience, inclusive growth, and the vertical linkages between subnational and national governance levels.

The Governance for Resilience and Sustainability Project (GRSP) leverages existing AF/GEF/REDD/GCF vertical funding and links up to horizontally and vertically with UNDP Country Programme key priority areas working at national and sub-national levels. GRSP is designed to help the Government of Myanmar (GoM) implement recent policy reforms related to environmental governance, climate change and disaster risk reduction (DRR), to ensure that economic growth in Myanmar is more inclusive, resilient and sustainable. The project recognises that environmental degradation, when combined with natural disasters and effects of climate change, undermines the attainment of inclusive and sustainable growth. It also recognises that Myanmar's environmental assets present unique opportunities for green economic development, which can directly support women's economic empowerment and community resilience.

The increased emphasis on public infrastructure investments and foreign direct investments in recent years require matching increases in environmental management and resilience. At the same time, the potential of green investments as wealth and employment generators needs to be supported and promoted by the GoM. The Union Government is promulgating a series of policies to address these challenges including the National Environmental Policy, Green Economy Policy Framework, Myanmar Climate Change Strategy and Action Plan, and Myanmar Action Plan on DRR (MAPDRR). These policies now require enabling mechanisms for effective implementation and enforcement so that they deliver benefits for all people.

Over the 5-year period of the new CPD, GRSP aims to enable the GoM mainstream environment, climate change and DRR considerations into planning and project appraisal systems of at least three key sectors (out of renewable energy, mining, tourism, agriculture and fisheries) and three States and Regions (beginning with Rakhine, Bago and Sagaing). It will also support key counterparts implement the new policies, including by promoting an integrated environmental financing framework by helping develop comprehensive organisational and human resources development plans. GRSP also aims to help promote green investments in environmental goods and services to protect natural resources, minimize and manage waste more effectively, while simultaneously creating sustainable wealth and employment.

UNDP's support for the implementation of the NEP is initially through the development of a national level Master Plan and similar master plans at the sub-national levels, to guide priority environmental governance interventions and the mainstreaming of environmental considerations throughout all government planning and decision-making. UNDP is supporting the Environmental Conservation Department (ECD) of the Ministry of Natural Resources and Environmental Conservation (MONREC) to prepare the first national environmental master plan.

ECD is a relatively new organization, having been established in 2012. It has primary responsibility for environmental policy setting and as the country's environmental regulator, including administration of the environmental impact assessment system. Since the launch of the EIA Procedure in late 2015, a large number of IEE and EIA reports, scoping reports and EMPs have been submitted to ECD for review. The volume of work required to review and comment on these reports significantly exceeds ECD's capacity (in terms of staff numbers and technical expertise) to process them in a timely manner. This situation is exacerbated by the low quality of the majority of reports submitted, due to the lack of capacity and professional experience in EIA processes amongst Myanmar's consulting community.

While a number of development partners are supporting capacity building both within ECD and amongst non-government stakeholders to engage effectively with the EIA Procedure, the burden of the submitted reports requiring attention impedes the effectiveness of these capacity building efforts by requiring ECD staff to react to outstanding deadlines. To help address this burden and allow ECD to focus on implementing longer term systems and capacity improvements, a number of development partners have agreed to coordinate the provision of immediate assistance for ECD in three areas:

1. Identification of those EIA Reports into categories for prioritization for approval, or for further review, or for rejection in accordance with the EIA Procedure 2015
2. Rapid review of existing EIA Reports (and IEE Reports) to provide comments for the EIA Report Review Committee in accordance with the EIA Procedure 2015, based on the aforementioned prioritization and to relieve the backlog of submitted reports
3. Assistance in preparing Environmental Compliance Certificates for approval of EIA/IEE reports in accordance with Chapter VIII of the EIA Procedure 2015.

In addition, ECD will be assisted to prepare a decision-making tree and work flow-chart to help progress the review and approval of EIA Reports in accordance with the EIA Procedure 2015.

A team of international consultants is to be deployed within ECD to address these tasks, comprising:

- One EIA Management Advisor
- Two to three EIA Specialist Reviewers
- One Legal Expert to support the issuance of ECCs

The team of international consultants will also be supported by a national consultant to assist with data gathering, report organisation, translation and liaison with ECD staff. This national consultant will be based in ECD full-time for the duration of the assistance project.

This TOR is for the international EIA Management Advisor.

## **B. SCOPE OF WORK, OUTPUTS AND DELIVERABLES**

---

With the technical guidance of the Project Manager/Chief Technical Advisor (GRSP) from UNDP Country Office, and in coordination with the other consultants supporting ECD's review of EIAs, the international consultant will work closely with ECD executive management to support the management of the EIA Division and the streamlining of EIA processes within the organisation.

In particular, the consultant will work with ECD to identify the priority reports for assessment and review based on certain criteria – this should include:

1. Date on which the EIA Report was submitted to ECD;
2. Type and scale of Project;
3. Liaison with the EIA Consultant and/or Project Proponent to date;
4. Whether the Project is under construction or has been completed;
5. Any directives from DG ECD.

This process should be conducted together with a rapid administrative level review to determine that the EIA Report has complied with the requirements of the EIA Procedure and that the EIA Report has sufficient information to ensure that it can be assessed by the EIA Report Review Committee.

This process should also identify those Scoping Reports that are related to the EIA Report and any Environmental Management Plan that has been submitted in accordance with the EIA Procedure.

The consultant will need to prepare short reports on the number and type of projects divided into categories that will assist ECD in prioritizing those EIA Reports (together with the EMP) for assessment and review.

The consultant shall work with ECD staff to prepare a short decision-making tool that can assist with the rapid assessment of these EIA Report to identify those that need to be prioritized. The decision-making tool may also consider recommendations to ensure how future EIA Report and IEE Report can be efficiently reviewed, this may include recommendations at to the role of State and Regional offices for the gathering of site specific information, how to ensure that public participation requirements have been met and how project commitments can be clarified in the EIA Review process.

The consultant will be responsible for supporting the Specialist EIA Reviewers and ECD staff with:

- Reviewing EIA reports
- Ensuring reviews are completed according to agreed priorities
- Ensuring reviews are completed with sufficient detail to support a decision by ECD management (approve, approve with conditions, reject) without requiring further liaison with the EIA consultant or clarification from the reviewers
- Ensuring an efficient workflow allocating EIA reports for review and submitting reviews to ECD management for decision
- Drafting letters of approval or rejection and, where necessary, conditions of approval

For the purposes of this TOR, references to EIAs and EIA Reports should be read to include all processes and reports under the EIA Procedure (including scoping reports, IEEs and EMPs).

*Inputs and deliverables:*

The consultant will be based full-time at ECD for a period of three months. Key deliverables are:

1. Initial categorisation of submitted IEE and EIA reports into priority groups for further action and ongoing categorisation of newly submitted reports
2. Prioritisation of most urgent and significant reports and a workplan for processing their review and response
3. Template response letters for those IEE and EIA reports that are to be rejected (for insufficient detail and/or lack of compliance with basic requirements under the EIA Procedure)
4. Weekly meetings with ECD DG and EIA Division Director on EIA management arrangements and processes
5. Decision-making tree and work flow-chart to help progress the review and approval of EIA Reports in accordance with the EIA Procedure 2015
6. Written completion report summarising all inputs during the consultancy including:
  - a. Number of EIA reports processed (disaggregated by decision)
  - b. Number of meetings with ECD management on EIA processes
  - c. Introduced management arrangements within ECD
  - d. Recommendations for further management arrangements and/or technical assistance, if necessary

A national consultant will provide translation support throughout the assignment for both documents written in Myanmar language and for meetings with ECD staff. UNDP Myanmar will provide any additional such support, as required.

## **C. EXPERTISE AND QUALIFICATIONS REQUIRED**

---

The successful applicant should have the following expertise and qualifications:

- Masters degree in environmental related field, including natural resources management, environmental assessment, environmental policy or law.
- 5 years of experience in senior management in the public sector, preferably with an environmental agency
- 10 years of experience with EIA process and EIA systems.
- Experience working and knowledge of EIA processes in Myanmar.
- Experience in working with ECD is desirable.
- Demonstrated capacity to work in a consultative manner, good networking and capacity to deal well with people.
- Excellent oral and written communication skills.
- Must be an international

## **D. MANAGEMENT AND IMPLEMENTATION ARRANGEMENTS**

---

- The consultant will report to the Project Manager/CTA, Governance for Resilience and Sustainability Project, of the UNDP Country Office in Myanmar as necessary against the deliverable progress for administrative purpose.

- The consultant is also required to comply with the UN security directives set forth under <http://dss.un.org>
- The duty travel in Myanmar will be to Nay Pyi Taw and Yangon, and will be undertaken in agreement with the Project Manager/CTA, GRSP.
- UNDP will provide economy class air fares and living allowance rates prevailing at the time of sourcing, for the duty station and all other cities indicated in the TOR as part of duty travel destinations, in line with UNDP's travel policy for consultants.
- The consultant will be given access to relevant information necessary for execution of the tasks under this assignment;
- The consultant is responsible for providing their own laptop computers and mobile phones for use during this assignment; the consultant must have access to reliable internet connection
- Payments will be made upon submission of a detailed time sheet and certification of payment form, and acceptance and confirmation by the supervisor

#### **E. DUTY STATION**

---

- The consultant will be based in Nay Pyi Taw, with travel other locations in Myanmar as required;
- Any necessary missions must be approved in advance and in writing by the supervisor

#### **F. TIMEFRAME**

---

The consultancy will be carried out for 3 months between October and December 2018.

#### **G. PAYMENT SCHEDULE**

---

Interested persons are requested to submit their financial proposals quoting their **daily fees** noting the following conditions:

- Payments will be made upon submission of certification of payment form, and acceptance and confirmation by the supervisor

<b>Deliverable No.</b>	<b>Description of deliverables</b>	<b>Timeline</b>	<b>Payment</b>
Deliverable 1	Initial categorisation of submitted IEE and EIA reports into priority groups for further action; and Prioritisation of most urgent and significant reports and a workplan for processing their review and response	15 October 2018	25 %
Deliverable 2	Template response letters for those IEE and EIA reports that are to be rejected (for insufficient detail and/or lack of compliance with basic requirements under the EIA Procedure); Decision-making tree and work flow-chart to help progress the review and	15 November 2018	35 %

	approval of EIA Reports in accordance with the EIA Procedure 2015; and Brief written progress report, highlighting achievements, challenges and coordination arrangements with other EIA consultants		
Deliverable 3	Written completion report summarising all inputs during the consultancy including: <ul style="list-style-type: none"> <li>• Number of EIA reports processed (disaggregated by decision)</li> <li>• Number of meetings with ECD management on EIA processes</li> <li>• Introduced management arrangements within ECD</li> <li>• Recommendations for further management arrangements and/or technical assistance, if necessary</li> </ul>	20 December 2018	40 %

## H. RECOMMENDED PRESENTATION OF OFFER

---

Interested persons are requested to submit the following documents as part of their application:

- 1) **Brief description/ cover letter** of why the individual considers him/herself as the most suitable for the assignment. Please paste the letter into the 'Resume and Motivation' section of the electronic application
- 2) Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP
- 3) **P11 Form** indicating all relevant experience as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references. Please use the P11 form provided by UNDP
- 4) **Financial Proposal** that indicates the daily fees as per the template provided by UNDP

## I. CRITERIA FOR SELECTION OF THE BEST OFFER

---

The following criteria shall serve as basis for evaluating offers:

### **Combined Scoring Method:**

- Where the qualifications and methodology will be weighted a maximum of 70% and combined with the price offer which will be weighted a maximum of 30%

### **Technical Evaluation of Proposals:**

- All applications comprising the information/documentation provided will be evaluated to ascertain the suitability of the applicants to carry out the assignment. Candidates who obtain the minimum of 49 points of the full mark (70 points) will be considered technically compliant and their financial evaluations will be evaluated thereafter. Applications will be scored as per the following breakdown (Total 70 points):

- Educational background: 10 points
  - A Masters degree in environmental related field, including natural resources management, environmental assessment, environmental policy or law
- Relevant Experience: 55 points
  - At least 5 years of experience in senior management in the public sector, preferably with an environmental agency (20 points)
  - At least 10 years of experience with EIA process and EIA systems (20 points)
  - Experience working and knowledge of EIA processes in Myanmar (10 points)
  - Demonstrated capacity to work in a consultative manner, good networking and capacity to deal well with people (5 points)
- English language skills: 5 points
  - Excellent command of written and spoken English

**Financial Evaluation of Proposals:**

- The financial proposals of all the applicants who pass the technical evaluation will be scored. The maximum 30 points will be allotted to the lowest financial bid, and all other bids shall receive points in inverse proportion to the lowest fee e.g.  $[30 \text{ Points}] \times [\text{USD lowest}] / [\text{USD other}] = \text{points for other proposer's fees}$

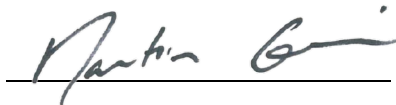
The contract shall be awarded to the applicant who receives the highest cumulative score.

**J. APPROVAL**

---

**This TOR is approved by:** Martin Cosier, Project Manager & CTA, GRSP

Signature:



Date:

23 Sep 2018