



## INDIVIDUAL CONSULTANT PROCUREMENT NOTICE

Date: 16<sup>th</sup> October 2018

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Interested, qualified and experienced individual consultant(s) are hereby invited to forward their applications for the assignment as detailed below.

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| <b>Number of positions</b>                     | <b>: 1</b>  |
| <b>Contract Type</b>                           | <b>: Individual Contract (National Consultant)</b>  |
| <b>Country</b>                                 | <b>: South Africa</b>   |
| <b>Description of the assignment</b>           | <b>: To conduct a gap analysis on existing national and provincial legislation relevant to Access and Benefit Sharing (ABS), including recommendations on the harmonisation of the ABS regulatory environment in South Africa</b> |
| <b>Estimated Period of assignment/services</b> | <b>: 60 days</b>  |
| <b>Estimated Contract Commencement Date</b>    | <b>: 01 November 2019</b>   |

Proposal should be submitted by email to [procurement.za@undp.org](mailto:procurement.za@undp.org) no later than 28<sup>th</sup> October 2018 11:59 Midnight, South Africa time zone (GMT +02:00).

Any request for clarification must be sent in writing, or by standard electronic communication to [procurement.enquiries@undp.org](mailto:procurement.enquiries@undp.org). UNDP will respond in writing or by standard electronic mail and will send responses, including an explanation of the query without identifying the source of inquiry, to all consultants.

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## 1. BACKGROUND

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS), a supplementary agreement to the Convention on Biological Diversity, was adopted on 29 October 2010 in Nagoya (Japan) and entered into force on 12 October 2014, it provides a transparent legal framework for the effective implementation of the 3rd objective of the Convention on Biological Diversity (CBD). The Nagoya Protocol applies to genetic resources that are covered by the CBD and to the benefits arising from their utilization, it also covers traditional knowledge (TK) associated with genetic resources held by indigenous and local communities. Contracting parties to the Nagoya Protocol need to fulfil core obligations to take measures in relation to access to genetic resources, benefit-sharing and compliance.

The UNDP-GEF Global ABS Project “*Strengthening human resources, legal frameworks, and institutional capacities to implement the Nagoya Protocol*” is a 3-year project that specifically aims at assisting 24 countries in the development and strengthening of their national ABS legal frameworks, human resources, and administrative capabilities to implement the Nagoya Protocol.

The implementation of the basic measures of the Nagoya Protocol in South Africa similarly to the other participating countries will unleash a wide range of monetary and non-monetary benefits for providers of genetic resources.

## 2. SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED ANALYTICAL WORK

The scope of work of the Consultant is to conduct a gap analysis on existing national and provincial legislations relevant to ABS, and make recommendations on the harmonization of the ABS regulatory environment in South Africa, which is administered by the DEA, with the Nagoya Protocol, relevant national and provincial legislation, and the AU Guidelines. The Consultant shall undertake a detailed benchmark of existing national and provincial instruments, the Nagoya Protocol on ABS, AU Guidelines to inform the gap analysis process. The final report should be based on the findings and recommendations from the national assessments, gap analyses and consultations with key national and provincial stakeholders.

### Description of Responsibilities

The consultant shall be responsible for attending to the following considerations:

- The Consultant shall undertake an assessment of the existing national legal frameworks focusing on the DEA, Department of Science Technology, Department of Health, Department of Trade and Industry, Department of Traditional Affairs, Department of Rural Development and Land Reform, Department of Agriculture, Fisheries and Forestry, Department of Water and Sanitation, Nagoya Protocol on ABS, AU guidelines, and identify and deliver national gaps’ analysis on the practical implementation of the ABS regulatory environment in South Africa.
- The Consultant shall undertake an assessment of the existing provincial legal frameworks focusing on the collection permit, license to sell and export flora and fauna issued by relevant provincial issuing authorities in support of the implementation of the Nagoya Protocol. The Consultant shall conduct an analysis of the different permitting processes and also identify practical implementation issues relevant to the ABS regulatory environment in South Africa.
- The consultant shall undertake and present to the country teams, in complementarity with the conclusions of the gaps’ analysis and the recommendations of the national consultations, a detailed benchmark report on the harmonisation of ABS regulatory environment in South Africa, taking into consideration the different mandates of relevant national and provincial departments.
- The consultant shall provide technical inputs to address any comments throughout the process of developing the gap analysis report and recommendations for harmonisation.

### **3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS**

#### **Competencies:**

- Ability to provide guidance on the implementation of the Nagoya Protocol on ABS;
- Knowledge of the Constitution, Multilateral agreements on ABS issues, environmental law and policy concept and principles and the ability to apply to strategic and/or practical situations;
- Knowledge of cooperative governance principles and policies and ability to apply strategic and/or practical approaches;
- Ability to work with multiple stakeholders across a wide range of disciplines.
- Ability to apply development theory to the specific country context to identify creative, practical approaches to overcome challenging situations.
- Maintains relationships with clients, focuses on impact and result for the client and responds positively to feedback.

#### **Qualifications**

##### **3.1 Academic Qualifications/Education:**

- Minimum Master's degree in environmental law or policy (environmental, commercial and intellectual property) or related field.

##### **3.2 Experience:**

- 10 years of experience in legislative drafting, policy development, domestication of international obligations or drafting legal documents in similar environmental areas;
- Integrated experience in environmental, commercial and intellectual property law;
- Experience in designing institutional arrangements and establishing effective intergovernmental coordination for the implementation of complementary legislative frameworks;
- A good understanding of the main challenges facing the implementation of the Nagoya Protocol and ABS regimes in Africa region;
- Experience in gender mainstreaming;
- Experience in facilitation to lead national discussions involving key experts and stakeholders from relevant national institutions;
- Excellent reporting skills;
- Experience in planning, management, and coordination of multi-national, bi-national or regional projects is an asset;
- Previous work experience in South Africa or in the Africa region related to Access to Genetic Resources and Benefit-Sharing;
- Working experience in an international organization or knowledge of UN policies, procedures and practices is an asset.

##### **3.3 Language skills:**

Excellent writing, editing, and oral communication skills in English;

#### 4. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Applicants are required to submit the following:

- i. A Technical Proposal: (i) Letter of Interest, stating why you consider your service suitable for the assignment; and (ii) a brief methodology on the approach and implementation of the assignment, including broad time-frame (phases), and well-defined deliverables in relation to the scope of work, the costs per deliverable(s);
- ii. Evidence and examples of similar work done;
- iii. Personal CVs highlighting qualifications and experience in similar projects;
- iv. Work references - contact details (e-mail addresses) of referees (organization for whom you've produced similar assignments);
- v. All-inclusive financial proposal indicating consultancy fee (South African Rand) and a breakdown of expenses (unit price together with any other expenses) related to the assignment. The proposal must incorporate all travel costs for the service provider to achieve the required deliverables.

#### 5. FINANCIAL PROPOSAL

- **Lump sum contracts**

The financial proposal shall specify a total lump sum amount, and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in installments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems, and number of anticipated working days).

**Travel:**

All envisaged travel costs must be included in the financial proposal. This includes all travel to join duty station/repatriation travel. In general, UNDP should not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.

In the case of unforeseeable travel, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and Individual Consultant, prior to travel and will be reimbursed

## 6. EVALUATION

### i. Lowest price and technically compliant offer

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

- a) responsive/compliant/acceptable with a minimum qualifying score of 70% and
- b) offering the lowest price/cost

“responsive/compliant/acceptable” can be defined as fully meeting the TOR provided.

| CRITERIA  | WEIGHTED SCORE |
|---|----------------|
| • relevant education background   | 10             |
| • 10 years of relevant experience in legislative drafting, policy development, gender mainstreaming, domestication of international obligations or drafting legal documents in similar environmental areas, biodiversity or natural resources management, including experience in Access to Genetic Resources and Benefit-Sharing at national or international levels | 20             |
| • Experience in planning, management, and coordination of multi-disciplinary projects   | 5              |
| • Working experience in an international organization or knowledge of UN policies, procedures and practices   | 5              |
| • Previous work experience in the region on issues related to Access to Genetic Resources and Benefit-Sharing   | 15             |
| • Excellent writing, editing, and oral communication skills in English  | 5              |
| • Good understanding of the main challenges to implement the Nagoya Protocol in the South Africa  | 10             |

### ATTACHEMENTS TO THIS NOTICE:

- **TERMS OF REFERENCES (TOR)**
- **INDIVIDUAL CONSULTANT GENERAL TERMS AND CONDITIONS**
- **CONFIRMATION OF INTEREST AND SUBMISSION OF FINANCIAL PROPOSAL**