



## **Terms of Reference**

### **SECURING A SERVICE PROVIDER TO COMPILE REQUEST FOR PROPOSAL SPECIFICATION SUPPORT THE PROCUREMENT PROCESS FOR APPOINTMENT OF FUND MANAGER**

**Application Deadline:** 14 January 2019

**Category**

**Type of Contract:** Company

**Languages Required:** English

**Starting Date:** Mid January 2019

**Expected Duration of Assignment:** 1 months

#### **I. INTRODUCTION AND BACKGROUND**

Under the remit of the UNDP-GEF 5 Project, *Improving Management Effectiveness of the Protected Area Network* that is currently being implemented by the South African National Parks (SANParks), we seek to identify and pursue forms of technical assistance to address the financial sustainability of protected areas. Of concern in South Africa's protected areas is the need for capacity building of land claimants and post-settlement beneficiation support. A case in point is the Kruger National Park (KNP) where almost quarter of the total park, through restitution of land rights programme has been claimed successfully.

In December 2008, Cabinet approved equitable redress as the means of settling land claims within the Kruger National Park. This decision was based on the following principles;

- That a beneficiation scheme must form part of the equitable redress model in order to ensure fair and equitable compensation for the claimant communities,
- Beneficiation should be tangible, realistic and optimal,
- Settlement should uphold the principles of economic viability, financial sustainability and holistic management of protected areas (conservation),

- Post settlement phase should be compatible with conservation and protected areas legislation; and
- Broad Based Black Economic Empowerment is essential

In 2016, the Kruger National Park settlement agreements signed with the land claimants comprised of 1) financial compensation and 2) beneficiation scheme aimed at creating economic development opportunities for the claimants and stimulating much needed economic activities in the affected municipal areas where they reside. **The development fund which is part of the financial compensation and the main targeted amount for the services of Asset/Fund Manager has already been paid to the beneficiaries.**

Following the signing of settlement agreement, Minister of Environmental Affairs tasked SANParks to develop the Beneficiation Scheme to be informed by potential opportunities available within and outside the Kruger National Park as part of the Restitution Award, in consultation with the Minister of Rural Development and Land Reform and the land claim beneficiaries. A Beneficiation scheme has now been developed. It is envisaged that the beneficiation scheme will address the following objectives:

- Synthesis and planning to develop an integrated land claim beneficiaries' programmes as part of the Greater Kruger IDP, and in support of the implementation programmes.
- Establish Beneficiation Scheme Agreements to facilitate the acquisition of direct and indirect benefits to be derived by the (land reform and restitution) beneficiaries from the potential opportunities inside and adjacent to KNP to improve their livelihoods and facilitate contractual agreements.
- Governance and capacity building for community leadership and building appropriate institutional arrangements for proper governance and for commercial business engagement
- Inform, develop and implement biodiversity economy and socio-economic programmes in land claimant areas outside KNP
- Communication and awareness Campaigns using appropriate tools, such as exchange visits, theatre, toolkit, newsletter etc.

- Enterprise and Supplier Development to facilitate SMME training & development, market accesses, contractual arrangements and resource mobilisation.

SANParks through the Project Management Unit (PMU) has been assisting the Kruger National Parks land claim beneficiaries to form the respective legal entities (Trusts) in order to actively participate and implement the elements of the settlement agreements and the beneficiation scheme. Through this process it has become clear that the assistance required for them goes beyond social facilitation, and include a need for capacity building, skills development, legal, deal structuring and fund management.

## **2. OBJECTIVE OF ASSIGNMENT**

The UNDP is requiring the assistance of a suitably qualified and experienced service provider to support the UNDP South Africa on behalf of the Kruger National Park land claims beneficiaries in developing, issuing, recommending and awarding the contract for Asset/Fund Management. The Procurement Consulting firm is expected to develop a tender document including governance, process and technical specification for the Fund Management tender. It is expected that the firm will work closely with the identified team and ensure that the governance process is in line with the institution's procurement policy. This process will be implemented through the Kruger Project Management Unit (PMU) which is responsible for the day to day running of the program.

## **3. SCOPE AND EXTENT OF WORK**

Consultant shall perform activities under the following areas of focus:

- a) Review the current Procurement Policy and South Africa's relevant procurement regulation including on socio-economic development and transformation laws and regulation;
  - b) Develop tender governance document;
  - c) Develop technical specification;
  - d) Develop pre-qualification, evaluation and award criteria;
  - e) Recommend and advice on the constitution of different committees required;
- and

- f) Advice UNDP and PMU as and when required.

### Key deliverables

Upon appointment the successful service provider shall produce the following:

- i. Tender process for the appointment of the Fund Manager;
- ii. Technical specifications of a Fund Manager;
- iii. Tender pack which will be approved for publication;
- iv. Develop tender compliance and scoring template.
- v. Provide advice during the procurement process of appointment of the Fund Manager.

### 4. Outputs and payment schedules

The Service provider is expected to deliver the following outputs:

Outputs	Payment	Timeframe
Project Implementation Plan	25%	Within 3 days of contract signing
Develop a procurement process including key activity dates		Within 10 days
Develop tender governance process including pre-qualification, evaluation and award process		
Develop committee structure including required resources per committee		
Develop and submit technical specification for approval		
Submit completed and approved tender pack		
Develop a procurement process including key activity dates	70%	
Advisory Services on appointment of Fund Manager	5%	Within 2 months after contract signing.

The Service provider will agree on the format and content of each output with the UNDP Team Leader or their delegate in advance, on implementation. Amendments to these outputs and deliverables may be agreed and any agreement thereto must be in writing.

## **5. CONTRACT PERIOD**

The service provider is expected to complete deliverable (i)-(iv) as stated above within 10 days in a period of 1 month of signing of the contract. Deliverable (v) may be completed within two months after the completion of deliverable (i)-(iv). Therefore, the service provider must be available as and when required (within the agreed costs), to support the procurement process until award of the Fund Manager.

## **6. QUALIFICATIONS AND EXPERIENCE REQUIREMENTS**

The suitable candidates shall possess:

- I. A relevant university qualification in Procurement Management, B. Com (Law), LLB, MBA, Economics or any other related or similar qualification.
- II. Be a member of Procurement Professional Body (Procurement and Legal) will be an advantage;
- III. Minimum of 5 years of progressively relevant experience in related fields of public sector procurement;
- IV. A candidate with legal background must be an admitted Attorney with minimum experience of 5 years in drafting specifications and commercial terms and conditions;
- V. One candidate must have fund management experience of at least 5 years;
- VI. Good knowledge of latest development in international best practices related to the assignment.

### **6.1 Documents to be submitted**

- a) Reference projects in the last 3 years in the sector and/or in the region in this format:

<b>Client</b>	<b>Project scope and deliverable</b>	<b>Duration, Month and year completed</b>	<b>Contact Person and telephone numbers</b>

#### **b) Overview of Experts**

<b>Function (as mentioned above)</b>	<b>Name of the Expert</b>	<b>Qualification and Professional Body Designation</b>
Procurement		
Admitted Attorney		
Fund Management Experience		

### **7. PROJECT IMPLEMENTATION REPORTING**

- The Service Provider will be required to provide brief progress reports to the UNDP on weekly basis for the duration of the assignment as agreed or when it is required based on the agreement with Project Manager.
- The Service Provider shall submit project progress reports which clearly present work undertaken outlining activities and outputs thereof. Any proposed deviations from the original project implementation plan shall be explained to the UNDP in writing and be approved by the UNDP Senior Management and partners.
- The project report (s) must be submitted in electronic formats. All such materials shall become the property of the UNDP and its partners, and no document may be reproduced, copied or distributed without prior written consent of UNDP.
- Prepare and deliver presentations for reporting to the PMU as and when required.

### **8. CONFIDENTIALITY**

All information, discussions, documents, learning material and reports that arise from this project must be regarded as confidential by the appointed expert. Only UNDP, or its partners, shall have the right to make public the findings of this project.

## 9. CRITERIA FOR Selection

Selection will be based on a combined scoring method, where the approach to the work, qualifications and experience (Technical proposal) will be weighted a maximum of 70%, and combined with the price offer (Financial proposal) which will be weighted a maximum of 30%. Using UNDP's procurement rules, the selection of the successful service provider will be aimed at maximising the overall qualities in the following areas:

Number	Criterion	Points
1	<p>The bidder/suitable candidate should provide in their response:</p> <ul style="list-style-type: none"> <li>List of at least 4 clients they completed the procurement work for;</li> <li>Full contact details of the key contact person/Account Manager.</li> </ul>	40
2	<p>2.1 The suitable candidate must provide CV and the following: For</p> <ul style="list-style-type: none"> <li>Procurement professional (must submit proof of acceptance or recognition by professional body);</li> <li>Admitted Attorney (must submit letter of good standing);</li> <li>Fund Management Experience (must submit list of clients and including fund portfolio managed);</li> </ul> <p>2.2 Procurement and Legal, candidate must submit list of at least two (2) public sector institution/s they supported continually for over a year.</p>	<p>40</p> <p>20</p>

## 10. RESPONSE FORMAT

To facilitate the analysis of responses, all interested parties are required to prepare their response in accordance with the instructions outlined in this section. All proposals should be electronically generated.

Applicants are required to submit the following:

- 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);
- Personal CV of suitable candidate. CV must highlight required experience as indicated above;
- 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 anticipated to achieve the required deliverables.

Applicants are required to submit the above documents to **procurement.za@undp.org** on or before the **14 January 2019** with the subject line: **Job Title and Reference Number**.



