

INDIVIDUAL CONSULTANT PROCUREMENT NOTICE



Date: 1 March 2019

Country: Bangkok, Thailand

Description of the assignment: Biodiversity Finance Advisor– Legal and organizational framework for BIOFIN Phase II

Duty Station: Home-based in Thailand with expected places of travel in Thailand, including the project site in Surat Thani province and the Regional BIOFIN Workshop for Asia and the Pacific in 2019.

Project name: UNDP/ The Biodiversity Finance Initiative (BIOFIN)

Period of assignment/services (if applicable): 20 March 2019 to 20 October 2019 with maximum 145 man-days.

Proposal should be submitted no later than **15 March 2019**

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1. BACKGROUND

Overview:

The United Nations Development Programme (UNDP), in October 2012, launched the Biodiversity Finance Initiative (BIOFIN) as a new global partnership seeking to address the biodiversity finance challenge in a comprehensive manner – building a sound business case for increased investment in the management of ecosystems and biodiversity, with a particular focus on the needs and transformational opportunities at the national level.

During BIOFIN Phase II (2018 – 2022), BIOFIN is supporting the Royal Thai Government and other key stakeholders from the private sector and civil society in implementing Thailand's **Finance Plan for Biodiversity**.

- **Thailand's Finance Plan for Biodiversity** identifies a mix of suitable biodiversity finance solutions to reduce the biodiversity finance gap in Thailand. The last component of the BIOFIN process is the implementation phase. The BIOFIN national teams make a selection

between the prioritized finance solutions and provide technical support for their implementation.

Biodiversity finance solutions will provide impacts designed to reach national biodiversity targets (i.e., NBSAP, 20-year National Strategy, etc.) through four main results:

1. **Generate revenues**, i.e. any existing or innovative mechanism or instrument that can generate and/or leverage financial resources to allocate to biodiversity. Examples include the attraction of impact investment in conservation projects, etc.;
2. **Realign current expenditures**, i.e. any measure that can reorient existing financial flows towards biodiversity.
3. **Avoid future biodiversity expenditures**, i.e. any measure that can prevent or reduce future investment needs by eliminating or amending existing counter-productive policies and expenditures.
4. **Deliver financial resources more effectively and efficiently**, i.e. any measure or instrument that can enhance cost-effectiveness and efficiency in budget execution, achieve synergies and/or favour a more equitable distribution of resources.

BIOFIN Thailand, together with a diversity of actors and experts, has developed the prioritized set of finance solutions for biodiversity which are now undergoing implementation (2018 – 2022). Finance solutions that are seen as the most promising and realistic were chosen and judged as being significant in terms of ‘impact on biodiversity’ and ‘impact on finance’ as well as ‘likelihood of success’.

Thailand’s prioritized Biodiversity Finance Solutions are the following:

1. User charges
2. Environmental trust fund
3. Conservation license plates
4. Realignment of local government budgets for biodiversity
5. Ecosystem service bond
6. Biodiversity impact investment
7. The Lion’s Share
8. Nutrient trading
9. Biodiversity offsets
10. Earmarking for urban green space

The objective of Phase II is to **support Thailand with the implementation of the Biodiversity Finance Plan and related finance solutions** (see Annex I).

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

Objective:

During Phase II (2018 – 2022), Thailand will implement prioritised Biodiversity Finance Solutions endorsed by the National Steering Committee and BIOFIN Global team. **The objective of this assignment of the Biodiversity Finance Advisor – Legal and organizational framework for BIOFIN Phase II is to support UNDP Thailand in implementation of prioritised finance solutions –user charges and environmental trust fund in the pilot site of Koh Tao Island, Surat Thani province.** S/he will develop sound legal and organizational framework to support the Royal Thai Government in implementing the Plan. In close consultation with (i) BIOFIN Thailand National Steering Committee (NSC), (ii) BIOFIN Project Management Unit (PMU) in Thailand and (iii) BIOFIN Global, the Biodiversity Finance Advisor will report directly to UNDP Thailand

The Consultant is responsible for implementing the following flagship finance solutions of UNDP BIOFIN Thailand:

Finance Solution # 1: Increasing sources of revenue for coral reef & species rehabilitation and management and pollution management in Koh Tao Island

Concise description: Koh Tao is one of the 10 World’s Best learn-to-dive Destinations. While the island is visited by approximately 300,000-500,000 visitors/year, its natural capital within both terrestrial and marine environments requires very well-functioning and effective management to ensure the island’s sustainable future. Through consultation with local stakeholders, the finance solution will implement a new model of earmarking revenue collected from user charges in order to ensure an effective revenue stream for biodiversity conservation. Specifically, the finance solution – termed an ‘environmental management charge’ – is to be imposed on visitors to Koh Tao. Strong interest and political will of the Koh Tao Municipality, local businesses, and civil society groups, together with the strong brand-name of Koh Tao as the world diving destination and its rich biophysical resources all offer great potential for ensuring uptake of the finance solution. The expected financial impact is substantial. For the pilot project in Koh Tao, the rate proposed is THB100/visitor, which would amount to approximately THB50 million (USD 1.5 million) in revenue per year based on the number of tourist visits to Koh Tao. Key lessons learned will be shared from the pilot project with other tourism island destinations that do not have the status of a Protected Area. Furthermore, existing Marine Protected Areas will also benefit from the experience of collecting user charges that are earmarked for specific conservation activities.

Finance Solution # 2: Improving delivery mechanism towards actions addressing coral reef restoration and management in Koh Tao through the establishment of a Conservation Trust Fund

Concise description: Ample evidence suggests that if people are to be persuaded to participate in new charge schemes – such as that being proposed for Koh Tao– they must be assured that the money they give will be directly re-invested in on-the-ground conservation activities. This requires a mechanism for administering funding which allows for increased transparency, accountability and participation. To this end, the finance solution involves the establishment of an independent Conservation Trust Fund—Blue Guardian Fund for Koh Tao as a mechanism for receiving, retaining and allocating financial resources for coral reef restoration and effective pollution and waste management on the island of Koh Tao. It should be noted that the development of the Blue Guardian Fund responds to interests that have already been stated by decision makers at local and provincial levels, with the overall goal of providing a long-term, stable source of funding to strengthen the objectives of the ‘Strategic Plan: Integrated Coastal Management for Koh Tao’.

Scope of work:

The Biodiversity Finance Advisor for BIOFIN Phase II – Legal and organizational framework for implementing Thailand’s Biodiversity Finance Solutions in Koh Tao Island will play a key supporting role in legal aspects and organizational framework development.

The scope of work:

1. To provide technical backstopping in the inception workshop for UNDP Thailand to official kick off the implementation of pilot project in Koh Tao.
2. To support UNDP Thailand in completion of the legal and organization framework regarding the launching of the proposed financing solutions for Koh Tao.
3. To coordinate with other contributing experts of BIOFIN Thailand to implement the flagship finance solution of UNDP BIOFIN Global.

To represent UNDP BIOFIN Thailand and follow the UNDP procedures when engaging with the following key stakeholders: Local partners are: Koh Tao municipality, the local NGO ‘Save Koh Tao’, and representatives of the business sector located in Island of Koh Tao; Regional level are: Office of the Provincial Governor of Surat Thani, District Office of Pha-ngan Island; National level are: Department of Marine and Coastal Resources, Pollution Control Department, Department of Treasury, Royal Thai Navy, and 4th Army Area Commander; and any other related stakeholders.

3. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

The following minimum qualifications are required:

- Master level with degree in law and/or other related fields;
- Work experiences in relevant technical areas for at least 10 years in policy and legal advocacy on environment, politic and economic linkages;
- Specific experience in governmental legal advocacy in Thailand and profound knowledge on Thailand’s environment bill and act is an advantage;
- Familiar and up-to-date with national and local programs, projects and initiatives on biodiversity conservation and related areas;
- Experience in working with local communities and local government unit on environmental aspects is an advantage;
- Working level of English and Thai languages.

4. DURATION OF ASSIGNMENT, DUTY STATION AND EXPECTED PLACES OF TRAVEL

Duration of the Assignment:

20 March 2019 to 20 October 2019 with maximum 145 man-days.

Duty Station:

Home-based in Thailand with expected places of travel in Thailand, including the project site in Surat Thani province and the Regional BIOFIN Workshop for Asia and the Pacific in 2019.

Travel arrangement -- The consultant should propose the cost for following foreseeable trips in the ANNEX III Offeror's letter to UNDP confirming interest and availability for the Individual Contractor (IC) assignment:

- 4 official mission to Koh Tao Island in Surat Thani province. (07 days per mission)
***To be authorized by the National BIOFIN coordinator
- 2 official mission to Surat Thani province. (03 days per mission)
***To be authorized by the National BIOFIN coordinator
- 1 official mission to attend the Regional BIOFIN workshop in Chiang Mai for the period of September 2019 (07 days).
***To be authorized by the Global BIOFIN team.

For any unforeseen official mission apart from this TOR mentioned, the Consultant will be requested to submit the concept note of mission for approval by UNDP's BIOFIN Thailand 07 days prior to undertaking any mission in Thailand or aboard. The concept Note will elaborate the key points as follows:

- (1) mission purposes,
- (2) main activities,
- (3) tentative programme,
- (4) list of mission members, and
- (5) expected outputs.

The complete document (max 2 pages) will be sent to the Project Management Unit of BIOFIN Thailand for approval. Upon receipt of approval from the National BIOFIN Coordinator, the Consultant should arrange his or her own travel as planned. Upon completion of the mission, the Consultant shall submit the following documents:

- (1) Mission report
- (2) List of persons met
- (3) Summary of cost incurred for reimbursement.

For any unforeseen travel cost incurred, the Consultant shall be responsible for an advance payment. The reimbursement shall be proceeded in accordance with the UNDP procedures upon submission of the mission report. The reimbursed cost shall be transferred directly into the registered bank account of Consultant under the UNDP vendor system. After submission of complete document, the reimbursement process shall be done within 10 working days.

5. FINAL PRODUCTS

Expected Outputs and Deliverables:

A Consultant will be responsible for three major tasks as follows:

Task # 1: Participating in UNDP workshops (a) inception workshop on implementing the biodiversity finance solutions in Koh Tao Island, Surat Thani province and (b) regional BIOFIN workshop for Eurasia and the Pacific in Chiangmai province.

UNDP BIOFIN Thailand will design a one-day programme of inception workshop in order to kick off the pilot project implementation in Koh Tao Island. The provisional programme will be approved by the Co-Chairperson of the National Steering Committee of BIOFIN Thailand. Upon approval, a complete list of stakeholders/participants (max 30 persons) from government agencies, private sector and civil society organizations at both the national and local levels will be identified by UNDP BIOFIN Thailand. In this regard, the Consultant will be required to provide the following technical supports:

- **Deliverable 1.1:** The Consultant will receive a tentative programme with list of invitees from UNDP BIOFIN Thailand around 15 days before the workshop so that s/he will be able to develop key points for discussion, materials and presentation. The Consultant, in close consultation with UNDP BIOFIN Thailand, will prepare the workshop materials in Thai and English languages on legal and organization framework. S/he will submit the workshop materials and presentation to UNDP 07 days before the workshop for final approval. This sub-task will be delivered by 29 March 2019.;
- **Deliverable 1.2:** The Consultant will participate in a full day inception workshop as the Biodiversity Finance Advisor – legal and organization framework to provide technical backstopping on any related legal issues. S/he is required to moderate only one specific session on legal and organizational framework for implementing the finance solutions – Environmental management charge and Trust Fund. This sub-task will be delivered by 5 April 2019;
- **Deliverable 1.3:** Upon completion of the inception workshop, the Consultant is required to submit an inception report which emphasizes on legal and organization framework on environmental management charge and trust fund. A complete inception report will be submitted to UNDP Thailand within 10 days after the workshop. This sub-task will be delivered by 19 April 2019 .
- **Deliverable 1.4:** The Consultant will participate in the 2019 Regional BIOFIN workshop for Eurasia and the Pacific from 23 to 27 September 2019 in Chiangmai province, Thailand. S/he will be a resources person of BIOFIN Thailand to present the case of Koh Tao Island and share with other BIOFIN countries the progress, challenges, opportunities, lesson-learnt on legal and organizational framework. This sub-task will be conducted from 23 – 27 September2019 .

Task # 2: Legal and organizational framework for environmental management charge in Koh Tao Island

BIOFIN Thailand will engage with key government agencies and other decision makers at both the national and local levels for validating and clarifying on any legal issues with regards to implementation of the Koh Tao Pilot Project. Given that the public hearing session was conducted on 20 October 2018 in Koh Tao Island by UNDP BIOFIN Thailand, the majority vote from 56 participated stakeholders could be seen as a greenlight for UNDP Thailand to implement a

biodiversity finance solution in Koh Tao Island. In this regard, the Consultant is expected to follow up on pending issues after the public hearing sessions. S/he will provide technical backstopping to Koh Tao Municipality and local stakeholders on completion of legal and organizational framework for environmental management charge in Koh Tao Island under the finance solution termed 'Increasing sources of revenue for coral reef & species rehabilitation and management and pollution management in Koh Tao Island'. This task will be required to conduct with local stakeholders in the pilot site from 1 April to 30 June 2019.

- **Deliverable 2.1:** The Consultant will **undertake at least 4 missions (07 days per mission) to Koh Tao Island** during the period 15 March to 30 June 2019 **with one supporting assistant**. The Consultant is responsible for recruiting his/her own supporting assistant when undertaking any mission to the pilot site. The consultant will submit a back-to-office report upon completion of each mission. The travel costs for the Consultant and one supporting assistant of each mission will be covered by the BIOFIN Thailand. The Project will cover the following cost incurred (i) roundtrip economy class airfares from/to Bangkok- Surat Thani province, (ii) roundtrip ferry tickets from/to Surat Thani – Koh Tao Island, (iii) Terminal expenses, (iv) lodging in Koh Tao, (v) rented vehicle during mission and (vi) meals, (vii) miscellaneous, if any. The mission cost will be reimbursable by the Consultant upon submission of back-to-office report to BIOFIN Thailand. All supporting documents should be attached along with the cost incurred i.e. receipts and boarding passes of air tickets, receipts and ferry tickets, receipts at hotel, receipts of vehicle rented with scanned copied of driver's license, etc. See details for reimbursement of travel cost in Payment Section. This sub-task will be conducted for the period 15 March to 31 May 2019.
- **Deliverable 2.2:** Operational clearance on institutional and legal issues for Koh Tao Municipality to generate revenue without violating any existing rules or regulations and to use the environmental management charge for protection and restoration of coral reefs. The Consultant will support Koh Tao municipality in **issuance of the Municipal Ordinance** for collecting environmental management charge in the Island of Koh Tao; consult and seek advice from the legal office in the Surat Thani Provincial Office regarding the endorsement of the Municipal Ordinance and develop any other regulatory documents as required. This sub-task will be delivered by 31 May 2019.

Task # 3: Legal and organizational framework for establishment of environmental trust fund in Koh Tao

During the UNDP's public hearing session on 20 October 2018 in Koh Tao Island, one of the major issues being discussed among 56 participated stakeholders is the success of nature-based tourism in Koh Tao (mainly scuba diving). There is an urgent requirement from local people that there must be guarantees for continuity of financial mechanism for the scale and level of intensity of conservation efforts required. Thus, UNDP BIOFIN has proposed an establishment of an *environmental trust fund for Koh Tao* as a solution to this challenge by developing the institutional capacity at the local level for systematic and strategic fund generation and allocation. Initially, the Trust Fund will only manage financial resources generated from the introduction of *environmental management charge*. After this initial period, it is expected that the fund will be used as a vehicle to mobilize additional resources, e.g., from the private sector. During stakeholder consultations, the local conservation NGO 'Save Koh Tao' and key representatives from local businesses have agreed to proposals regarding the potential benefits of using a trust fund to allocate financial resources for the specific set of conservation activities designed to generate the maximum

biodiversity impact for Koh Tao. The agreed conservation activities are the following: (i) Implement coral reef protection and restoration; As land-based pollution contributes to the degradation of the coral reefs, conservation activities will also include: (ii) Reduce land-based pollution by improving management of community waste including solid waste; and (iii) Improve the management of wastewater/sewage treatment facilities on the island. This task will be required to conduct with local stakeholders in the pilot site from 1 April to 30 July 2019.

- Deliverable 3.1: The Consultant will develop all legal procedures and regulatory documents in establishing the trust fund. S/he will support UNDP and Koh Tao Municipality in registration of the trust fund and the Foundation. This sub-task will be delivered by 31 May 2019.
- Deliverable 3.2: The Consultant will provide technical backstopping on the legal/governance structure of the fund and board members; S/he will design of all regulatory documents as required: a) Charter/by-laws, b) organizational framework and c) Terms of reference for the Fund's board. This sub-task will be delivered by 30 July 2019.

The four deliverables will be classified as follows:

Output/ Deliverable	Content	Expected days worked	Approximate Date of Output
1	<i>Participating in UNDP's inception workshop on implementing the biodiversity finance solutions in Koh Tao Island, (a) Preparation of meeting materials and participating in UNDP workshop on 1 April 2019 in UNDP Thailand and (b) submission of the inception report on legal and organization framework by 10 April 2019.</i>	30 days	19 April 2019
2	<i>Completion of legal and organization framework for environmental management charge in Koh Tao Island: issuance of municipality ordinance and endorsement by Surat Thani Governor.</i>	45 days	31 May 2019
3	<i>Completion of legal and organization framework for implementing environmental trust fund in Koh Tao with a complete set of a) Charter/by-laws, b) organizational framework and c) Terms of reference for the Fund's board.</i>	50 days	30 July 2019
4	<i>Representing as a resources person of BIOFIN Thailand to attend and present the progress of Koh Tao pilot project implementation and possible learning exchanges with other BIOFIN countries / fund management experts at the 2019 Regional BIOFIN Workshop for Eurasia and the Pacific, 23-27 September 2019 in Chiangmai province, Thailand.</i>	20 days	1 October 2019

6. PROVISION OF MONITORING AND PROGRESS CONTROLS

Institutional Arrangement:

The Consultant will work closely with BIOFIN Thailand and report directly to Inclusive Green Growth and Sustainable Development Unit of UNDP Thailand. For any technical clearance or justification on legal and organization framework, the Consultant is required to bring key issues to the attention of the BIOFIN National Steering Committee members and BIOFIN Global, if needed.

7. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS.

Documents to be included when submitting the proposals:

Interested candidates must submit the following documents/information to demonstrate their qualification. Please group them into **one (1) single PDF document/ or one ZIP File** as follows:

- **Personal CV**, indicating all experience from similar projects, as well as contact details (email and telephone) of the Candidate, and at least three (3) professional references;
- **Letter of Confirmation of Interest and Availability and financial Proposal**, using the template provided that indicates the daily rate/fee of the candidate with expenses in Thai Bath; and

Incomplete proposals may not be considered. Proposals that fail to meet the required information as described above will not be considered. The short-listed candidates may be contacted, and the successful candidate will be notified.

8. FINANCIAL PROPOSAL

Price Proposal and Schedule of Payment :

Consultant must send a financial proposal based on **Lump Sum Amount**. The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, travel costs, living allowance (if any work is to be done outside the IC's duty station) and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs and as per below percentages:

Payment	Output/ Deliverable	Content	Approximate Date of Output
20%	1	Participating in UNDP's inception workshop on implementing the biodiversity finance solutions in Koh Tao Island, (a) Preparation of meeting	19 April 2019

		materials and participating in UNDP workshop on 1 April 2019 in UNDP Thailand and (b) submission of the inception report on legal and organization framework	
30%	2	Completion of legal and organization framework for environmental management charge in Koh Tao Island: issuance of municipality ordinance and endorsement by Surat Thani Governor.	30 May 2019
30%	3	Completion of legal and organization framework for implementing environmental trust fund in Koh Tao with a complete set of a) Charter/by-laws, b) organizational framework and c) Terms of reference for the Fund's board.	30 July 2019
20%	4	Representing as a resources person of BIOFIN Thailand to attend and present the progress of Koh Tao pilot project implementation and possible learning exchanges with other BIOFIN countries / fund management experts at the 2019 Regional BIOFIN Workshop for Eurasia and the Pacific, 23-27 September 2019 in Chiangmai province, Thailand.	1 October 2019

The consultant will responsible for all expenses related to the assignments including, travel costs, meetings, and publications or any equipment/materials required.

In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the consultant wish to travel on a higher class he/she should do so using their own resources.

In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon, between the respective business unit and the Individual Consultant, prior to travel and will be reimbursed.

9. EVALUATION

Criteria for Selection of the Best Offer:

The criteria which shall serve as the basis for evaluating offers are as follows:

Cumulative analysis

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as a) responsive/compliant/acceptable; and b) having received the highest score out of set of weighted technical criteria (70%). and financial criteria (30%). Financial

score shall be computed as a ratio of the proposal being evaluated and the lowest priced proposal received by UNDP for the assignment

Technical criteria for evaluation (Maximum 100 points)

- Criteria 1: Relevance of Education –Max 10 points
- Criteria 2: Skill and knowledge on Thailand's environment bill and act –Max 20 Points
- Criteria 3: Relevance of experience policy and legal advocacy on environment, politic and economic linkages –Max 40 points
- Criteria 4: Relevance of experience in key areas (e.g. leading legal discussions in local, regional and national levels) –Max 30 points

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

ANNEXES

Annex I - TOR_ Biodiversity Finance Advisor– Legal and organizational framework for BIOFIN Phase II

Annex I-I - Executive Summary

Annex II- General Condition of Contract

Annex III - Offerors Letter to UNDP Confirming Interest and Availability and Financial Proposal

All documents can be downloaded at : http://procurement-notices.undp.org/view_notice.cfm?notice_id=53738