



ANNEX 1- TERMS OF REFERENCES (TOR)

National Expert – Lawyer on forestry and land-use sectors

Project Title: REDD+ Readiness project – Forest carbon Partnership Facility
Type of Contract: Individual Contract
Duration: 30 days over four months from July – September 2016
Location: Port Moresby, PNG
Application Deadline: June 24, 2016

Please note that UNDP is not in the position to accept incomplete applications - please make sure that your application contains all details as specified below in this notice.

1. PROJECT DESCRIPTION

Papua New Guinea (PNG) has one of the largest areas of intact tropical forest with close to 80% forest cover and 28 million hectares of closed canopy rainforest. These forests are globally significant for biodiversity, with the country estimated to contain 7% of global biodiversity in just 1% of its area, and for climate change. with the country's forests acting as both a significant carbon sink and a regulator of regional hydrological and climate systems.

The country's forests are also central to the livelihoods of its rapidly growing population, 80% of which live in rural areas and are dependent on forests either directly through collection of forest products or indirectly through the regulatory services forest provide to local climate, water and soil systems. At the national level forest industries provide significant revenues to government and local landowners (estimated at \$120 million pa in 2014) as well as generating foreign currency through exports. This central role in both subsistence and development economies is, however, putting the country's forests at risk with deforestation and forest degradation occurring at a rapid rate and set to increase with increasing population.

The Government of PNG has taken steps to address this challenge both through the development of ambitious national targets for forest protection and sustainable management, and through inputs at the international level into the development of a mechanism for Reducing Emissions from Deforestation and Forest Degradation including conservation, sustainable forest management and enhancement of forest carbon stocks (REDD+) under the United Nations Framework Convention on Climate Change (UNFCCC).



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To achieve these targets PNG's Climate Change and Development Authority (CCDA), which is mandated to coordinate actions relating to climate change, and the PNG Forest Authority (PNGFA) are working in close collaboration with the Forest Carbon Partnership Facility's (FCPF) REDD+ Readiness project, implemented by UNDP, to strengthen the management of the forest sector and develop a national approach to REDD+.

As part of this work the need to review, assess and strengthen the legal framework for forest management has been identified. The current assignment is intended to address this need and to work closely with the ongoing process of developing PNG's National REDD+ Strategy.

2. SCOPE OF WORK

Under overall guidance of International Consultant on forestry and land-use law and supervision of FCPF REDD+ Readiness Project Chief Technical Advisor, the consultant will:

- Assist in collecting data for review and analysis of PNG's forest and land use laws and policy and (the extent of) its application;
- Participate in identification of limitations in the legal and policy framework and its application;
- Provide recommendations and actions to address these limitations.

This work will be undertaken in close collaboration with other project partners including PNGFA, CCDA, JICA and FAO. During the assessment specific consideration should be given to the importance of PNG's forests to local and global climate change mitigation and adaptation as well as to the structures and regulations needed for the further development of a national approach to REDD+.

In particular, a National Consultant will perform the following tasks:

Legislative Review/Report (10 days)

- Assist International Consultant in data collection and review of current policy and legislation relating to forests and the use of land based resources to assess existing limitations in legal and policy framework and challenges in their application;
- Review all these relevant sectoral legislation to assess compatibility, conflict or otherwise with forestry and land-use law and policy, so as to streamline activities relating to REDD+ implementation in PNG;
- Produce a report that can be used in subsequent stakeholder consultations on the existing strengths and limitations of PNG forestry and land-based resources and overlapping legislation, highlighting any specific REDD+ related considerations;
- Identify gaps in national legislation framework and provide recommendations on strengthening forest and land-based legislation and integration of REDD+ into the domestic legal framework.

Consultations (10 days):

- Consult with national and sub-national level governments, the Technical Working Group (TWG) on REDD+, civil society, and other relevant organizations and individuals on the scope and focus of the review, and the issues to be included;

- Facilitate one day national level consultation workshop with the guidance of International Consultant to disseminate findings of the review and collate inputs for further discussion.
- Produce minutes/report of the consultation workshop with key findings and reflections of stakeholders.

Analytical work (10 days)

- With the support of International Consultant assess the need to strengthen existing policy, law and regulations or to strengthen implementation and awareness of existing legal requirements;
- Determine what measures are available within PNG to address key issues without parliamentary amendments to legislation;
- Determine the extent to which each issue should be addressed in forestry sector policies and legislation directly and where the issue would be better dealt with in other primary or secondary laws or regulations. Where it is determined that regulation is not required, propose non-legal measures that could be adopted to adequately address the issue;
- Determine how identified issues can be addressed within climate change and forest sector law and policy (which articles, what kind of language, etc.), including potential implications of various options;
- Where the issue should be addressed in forest sector law and policy, relevant options will be suggested and their implications considered. This may include suggesting amendment to existing articles or adding new articles or sections. Where relevant, the implications for further regulation will be considered, although actual options for further regulation will not be suggested.

3. EXPECTED OUTPUTS/DELIVERABLES

The National Consultant will deliver the following outputs:

Deliverables/ Outputs	Estimated Duration to Complete	Target Due Dates	Certifying/ Authorizing officer
<ul style="list-style-type: none"> • A draft assessment report containing detailed analysis of forestry and land-use sectors' law and policies, key strengths and challenges. The assessment report should include all existing national laws and policies on forestry and land-use sectors. 	10 days (Home-based)	20 July 2016	FCPF CTA
<ul style="list-style-type: none"> • A Minutes of the one day national level consultation workshop detailing participants, presentations made and comments received. This report shall include an annex documenting all 	10 days (Home-based)	10 August 2016	FCPF CTA

persons consulted and views received throughout the assignment.			
<ul style="list-style-type: none"> Final report outlining the methodology for the assignment and key findings as well as recommendations for ways to better integrate climate, land-use and forest considerations, as well as REDD+, into PNG law and policy. 	10 days (Home-based)	09 September 2016	FCPF CTA

4. INSTITUTIONAL ARRANGEMENTS

The work will be undertaken over period of July - September 2016. The National Consultant will provide assistance in undertaking a small inception workshop to discuss the draft report on stakeholders' participation with key stakeholders at the national level and will follow this with further stakeholder consultations.

Following the development of a draft assessment report the consultant will also take part in validation workshop to present findings and gather feedback on their recommendations.

The National Consultant will provide reports according to Section 3 of the ToR "Expected outputs and deliverables".

The FCPF project management unit (PMU) will provide support to the consultant with regard to logistics when in PNG, including introductions to key stakeholders and organization and financing of workshops. The consultant will be responsible for her/his own transport within Port Moresby.

5. DURATION OF THE ASSIGNMENT

The duration of the assignment is 30 days over three months from July to September 2016. In accordance with expected outputs and deliverables, the National Consultant submits reports to FCPF REDD+ Project Chief Technical Advisor for review outputs, comments, certify approval/acceptance of works afterwards. In case of any delays to achieve the expected outputs, the National Consultant should notify the FCPF REDD+ Chief Technical Advisor in advance to take necessary steps.

6. DUTY STATION

The duty station for this assignment is Port Moresby, Papua New Guinea.

7. DEGREE OF EXPERTISE AND QUALIFICATIONS

Education

- University degree (Bachelor, MSc) in forestry law, climate change, sustainable land-use management, environmental conservation, or a related subject.

Work experience

- A minimum of 5 years progressive experience in natural resource management policy/law, and/or assessment of national and international environmental legislation;
- Proven project work experience at the national level in a developing country context, as well as the international level on the management of natural resources, including some supervisory experience.
- Advanced knowledge of forest management, experience with different stakeholders from the forest sector, including high-level decision makers.
- Strong inter-personal skills, in particular, demonstrated team leadership qualities and excellent oral communication skills.
- Experience of PNG and the Pacific is an advantage.

Language requirements

- Fluency in written and spoken English, knowledge of Tok Pisin is an advantage.

8. SCOPE OF PRICE PROPOSAL AND SCHEDULE OF PAYMENTS

In accordance with UNDP IC guidelines, the proposal must include “Lump Sum Amount” approach which is closely linked to deliverables. It must be **“all-inclusive”** and shall take into account various expenses incurred by the consultant during the contract period (e.g. fee, health insurance, vaccination, office costs and any other relevant expenses related to the performance of services).

All envisaged **travel costs** must be included in the financial proposal. If duty travels are expected, UNDP will provide the Consultant with the UN’s Daily Subsistence Allowance (DSA) 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. This will give the Consultant an indication of the cost of living in a duty station/destination, to aid their determination of the appropriate fees and financial proposal amount, but it does not imply that Offerors are entitled to DSA payment¹.

The **initial payment** shall include the actual cost of the IC’s travel to arrive at the designated Duty Station. Such cases therefore imply that the completion of the journey can be considered as one of the deliverables payable upon arrival.

Payments will be made only upon confirmation of UNDP on delivering on the contract obligations in a satisfactory manner.

National Consultant is responsible for ensuring they have vaccinations/inoculations when travelling to certain countries, as designated by the UN Medical Director. Consultants are also required to comply with the UN security directives set forth under dss.un.org

¹ Individuals on IC are not UN staff are therefore not entitled to DSAs. All living allowances required to perform the demands of the TOR must be incorporated in the financial proposal, whether the fees are expressed as daily fees or lump sum amount.

9. APPLICATION PROCEDURES

Qualified candidates are requested to apply by June 24, 2016 by sending application packages to registry.pg@undp.org with the subject line “FCPF REDD+ National Consultant - Lawyer on forestry and land-use sectors”.

The application should contain:

- **Cover letter** explaining why you are the most suitable candidate for the advertised position and a **brief methodology** on how you will approach and conduct the work (if applicable).
- **Filled P11 form** including past experience in similar projects and contact details of referees, please upload the P11 instead of your CV.
- **Financial Proposal*** - specifying a total lump sum amount for the tasks specified in this announcement. The financial proposal shall include a breakdown of this lump sum amount (number of anticipated working days – Daily Consultancy Fees, Travel inside Port Moresby and any other possible costs). For more details, please see Section 8. “Scope of Price Proposal and Schedule of Payments”.

Note: Incomplete applications will not be considered. Please make sure you have provided all requested materials.

10. EVALUATION OF APPLICANTS

Applicants will be evaluated based upon the offer which gives the best value for money based on the Lump Sum proposal submitted, selected by the UNDP PNG Country Office.

The Technical and the Financial Proposal submitted to by the National Consultant will be evaluated on the basis of the weight of the technical criteria [70] and of the financial proposal [30]. The evaluation will be performed in two stages:

Stage One (Technical Evaluation of Proposals). All Individual Consultants proposals comprising the information/documentation provided will be evaluated to ascertain the suitability of the individual consultants 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.

Stage Two (Financial Evaluation). The financial proposals of all the individual consultants who pass stage one will be evaluated. 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 award of contract shall be based on the individual consultant who receives the highest cumulative score.

Technical criteria

The following criteria will be used to evaluate the individual consultants' technical proposals:

Education – 10 points

- University degree (Bachelor or MSc) in forestry law, climate change, sustainable land-use management, environmental conservation, or a related subject.

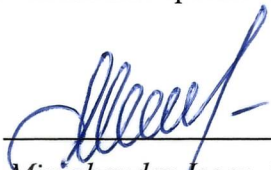
Experience – 50 points

- A minimum of 5 years progressive experience in natural resource management, assessment of national and international environmental legislation;
- Proven project work experience at the national level in a developing country context, as well as international level on forest and nature protection areas issues, including some supervisory experience.
- Advanced knowledge of forest management, experience with different stakeholders from forest sector, including high-level decision makers.
- Strong inter-personal skills, in particular, demonstrated team leadership qualities and excellent oral communication skills.
- Experience of PNG and the Pacific is an advantage.

Language Requirements – 10 points

- Fluency in written and spoken English, knowledge of Tok Pisin is an advantage.

Prepared by:



10.06.2016

Mirzohaydar Isoev, FCPF REDD+ Chief Technical Advisor

Approved by:



Hisashi Kumi, Head of Programme, UNDP PNG Country Office