**TERMS OF REFERENCE (TORs)**

**TO UNDERTAKE FOUR SOCIO ECONOMIC IMPACT ASSESSMENT STUDIES AND A STRATEGIC RESEARCH ASSIGNMENT**

**Application Deadline:** 10th September 2019

**Type of Contract:** Professional/ Institutional Contract

**Languages Required:** English

**Starting Date:** Upon signing of the contract by both parties

**Expected Duration of Assignment:** Maximum of4 months

1. **BACKGROUND AND PROBLEM STATEMENT**

* 1. The Land Reform Policy environment in South Africa has been under the most intense and structured scrutiny since the National Assembly adoption of the Motion on Land Expropriation without Compensation (EWC) in February 2018.
  2. In the same month, subsequent to the adoption of the Motion, the National Assembly established a Joint Parliamentary Constitutional Review Committee (CRC) to preside over public consultations on the necessity for an amendment to the constitution to allow for Expropriation of Land without Compensation. The CRC traveled to all provinces in soliciting public views on this matter. In these consultations the public and various interest groups had an opportunity to express their views, not only on the necessity to amend the Constitution, but also their lived experiences due to inequality of land access and ownership. In addition, others’ concern was related to the proposed direction of EWC.
  3. In addition to the above-mentioned processes, the State President established an Inter-Ministerial Committee (IMC) on Land Reform chaired by the Deputy President. The IMC oversees the implementation of Cabinet decisions on Land Reform and champions’ leadership on land reform at national government level. It further coordinates, integrates and ensure accelerated implementation of the recommendations of the Joint Committee on Constitutional Review. It served as a catalyst to unleash government’s potential in fast tracking economic development, as well as to mobilize state resources to increase the efficiency and sustainability of land redistribution and land restitution. It also aimed to coordinate, integrate and ensure accelerated implementation of the recommendations of the Joint Committee on Constitutional Review and to establish an Inter-Departmental Forum that will support the IMC.
  4. Subsequently, in September of 2018, the State President appointed a multi-stakeholder and expert Presidential Advisory Panel on Land Reform and Agriculture to provide a unified policy perspective on land reform under the Constitution and applicable legislation informing the three pillars of South Africa’s land reform policy (Restitution, Redistribution and Land Tenure Reform). To also undertake an assessment of progress and limitations in the associated laws, policies and their implementation and make recommendations towards the unified policy perspective that informs a coherent policy on land redistribution as well as on compensation for land acquired by the state for public purpose and public interest and recommend on necessary institutional reforms to enable improvements in the land reform programmes and their effective implementation. In the case of Land Expropriation without Compensation, to consider and advise on the circumstances wherein the policy will apply, the procedure to be followed, the institutions to give effect to the policy and the rights of affected persons including the right to judicial review.
  5. The work of the Advisory Panel was to be completed by March 2019, however, it was eventually completed, and the final report was formally submitted to Parliament on the 11th of July 2019. The newly formed Department of Agriculture Land Reform and Rural Development (DALRRD) as well as other departments has since been tasked with the responsibility to take cognisance the Advisory Panels Report Recommendations and advise the Executive on these towards formalizing them into government policies.
  6. The Advisory Panel’s Report is instructive in a number of issues but, for purposes of the identified priority policies the following five aspects are key to this assignment:

1. The persistent racial dualism and gendered bias in agriculture – primary agriculture and in value chains as well as sustained global competitiveness through collateralization of land to finance and established farmer support systems (a trend towards Financialisation of farmland in South Africa commencing in the 70s with land concentrations, boosted by deregulation and fostered by the global crises and search for new havens for safe investments);
2. A sector performance that indicates a fall in its contribution to GDP from 4.2% in 1996 to 2.4% in 2018, nonetheless, the value of the sector has grown by almost 50%, from R50.5billion to R74.2 billion over the same period;
3. Transformation imperatives that should ensure equitable distribution for social, economic and most importantly a transformed and thriving sector;
4. That Land ownership must ideally representative of the demographics of South Africa;
5. That compensation policy should broadly be based on a spectrum of varying circumstances and landholding typologies. Property owners who bought land post 1994 should not be treated the same as those who inherited property. Big institutions who own large property portfolios should not be treated the same as families whose land is their primary source of revenue.
   1. Therefore, there is urgency to develop and commence with consultations towards delivery of certain priority policies that are key to responding to land hunger expressed to the CRC in 2018. The United Nations Development Programme (UNDP) in support of the DALRRD would like to solicit expertise from suitably qualified research institutions or companies to undertake policy research work as per the details in subsequent paragraphs.
6. **THE PRIORITY POLICY FOCUS**
   1. The below mentioned policies are prioritized for immediate development and due processes such as preparatory research, stakeholder representatives focused consultations and the Socio-Economic Impact Studies required by Cabinet procedures must be followed:
      1. **The Land Donations Policy**
      2. **The Land Compensation** **Policy**
      3. **A new White Paper on Land Tenure Reform;**
      4. **A Land Redistribution Policy and Legislation, and**
      5. **A Deeds Transformation Policy and Legislation**
7. **PROJECT PURPOSE**

To appoint a capable research institution/company to undertake the following activities:

3.1 To provide technical capacity, coordination and consultations support to the DALRRD when undertaking four **socio-economic impact assessments** on

1. The Land Donations Policy;
2. The Draft Green Paper on Land Tenure Reform;
3. The Land Redistribution Policy, and
4. The Deeds Transformation Policy

3.2 To undertake **strategic research** in aide to:

1. The appreciation of the changing structure of landholding, ownership, tenure and implications for equitable access as provided for in section 25(5) of the constitution as well as for compensation implications as further proposed by the Advisory Panel`s Report as outlined above, and.
2. Recommending on the implications for framing of the *Compensation Policy;*
3. The incumbent’s specific area of responsibility, task duration, task objectives and specific objectives, as well as the minimum scope of work, and deliverables are outlined below.
4. **PROJECT SCOPE** 
   1. To undertake Socio-Economic Impact Assessments (SEIAs) on four policies by December2019/January 2020. These are mentioned below in order of priority:
5. Land Donations Policy - Full SEIAS by October 2019.
6. Draft Green Paper on Land Tenure Reform - Phase 1 SEIAS by November 2019;
7. The Deeds Transformation Policy - Full SEIAS – by November 2019;
8. Land Redistribution Policy SEIAS - Phase 1 by December 2019 /January 2020
   1. The Strategic Research over 4 months with preliminary report by November 2019.
9. **REQUIREMENTS** 
   1. A team of experts with not more than 10 people with relevant skills and appropriate experience in undertaking Socio Economic Impact Assessments , particularly transaction costs and impact modelling (e.g Social Accounting Matrix) as well as in disciplines related to land investment portfolios.
   2. Strong data mining and analytics techniques

5.2 In addition, they must have skills, practical knowledge of and experience in:

1. Coordinating and conducting Socio-Economic Impact Assessment Studies as regulated in South Africa;
2. Working on Land Reforms and associated programmes;
3. Components to the history and practice of collateralization or Financialisation of Land in South Africa and the Changing Structure of Property and Agricultural Land Holding in South Africa, in areas such as:
4. Land as an Asset Class and its incorporation into Various Investment Portfolios;
5. Forms of Holding and Institutions;
6. Associated Macro Economic and Finance Policies;
7. Recommendation for further Research and Planning.
   1. Expertise in Social Accounting Matrix methods for modelling social and economic impact of policies

5.4 Associated Legal Research and Constitutional Law Practice (not more than two experts);

5.5 Stakeholder Management and Negotiations Support Skills

1. **PROJECT DURATION**

The assignment will be over 4 (four) months from September to December 2019/January 2020. The briefing and Project Inception Report will detail the component skills and delivery schedule.

1. **EXPECTED OUTPUTS AND PAYMENT SCHEDULES**

The expected outputs from the Team will be the following:

1. An agreed Project Delivery Proposal;
2. X4 Socio-Economic Impacts Studies approved (via DALRRD / DPME);
3. Research Report on the history, form and institutionalization of the Financialisation of land in South Africa;
4. The types of land holders/ encumbrances under Financialisation;
5. Estimate (Projections) of land held / encumbered by different types of such systems and institutions of landholding;
6. The key role players and business cases for these respective players.
7. A proposed plan and terms of reference for primary research; and
8. Any other relevant information and recommendations.

**Payment Schedule:**

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| **Deliverable** | **Payment** | **Timeframe** |
| Project Implementation Plan (PIP) and Inception Report | 15% | Within three (2) weeks of contract signing. |
| 1st Draft Reports | 35% | Approximately 2 months after submitting the (PIP) and Inception Report. |
| 2nd Draft Reports | 30% | Within 15 days after submitting first reports |
| Final Reports | 20% | Within 4 months and upon approval of the final report. |

1. **SUPPORT CAPACITY AND INFORMATION**

The DALRRD will provide for:

* 1. Dedicated officials and draft policies to the SEIAS;

8.2 Guidance on the strategic research;

8.3 Venues and transportation;

8.4 Official support with the consultations and processing of the various SEIAS.

8.5 Information and Data Quality Assurance

1. **EXPERTISE AND COMPETENCIES REQUIRED**

The team must fulfil the following selection criteria:

* 1. **Education**: Team Leader (s) must have Post Graduate Degree in Development Economics, Economics, Agricultural Economics, Legal and Policy Studies, Planning or any other equivalent and relevant post graduate qualification. **Team members** must have a minimum of 3- or 4-year university qualification on the above-mentioned academic disciplines.
  2. **Knowledge and Skills**: Development and Agricultural Economics, Development Finance, Legislation Development, Report Writing, Policy Analysis, Constitutional Law and Socio-economic impact assessment. Strong research background on issues of land policy.
  3. **Experience**: Team leader(s) must have more than 7 years of consulting experience on the topic of land reform and rural development and economic transformation. Other team members may have a minimum of 3 years of experience in the same field.
  4. **Working knowledge** of South African government, especially on the issue of rural development and land reform programmes.

1. **PROJECT IMPLEMENTATION REPORTING**
   1. The Team Leader(s) shall submit draft and final 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.
   2. The project report (s) must be submitted in electronic formats. All such materials shall become the property of the UNDP and its development partner and no document may be reproduced, copied or distributed without prior written consent from UNDP and DRDLR.
2. **INSTITUTIONAL ARRANGEMENTS**

11.1 The Team will be:

1. Working with other experts who are also providing other technical support to DALRRD.
2. Briefed by Chief Director Policy Research & Legislation Development-DALRRD and UNDP Project Manager at the start of the assignment and will henceforth report regularly to CD PR&LD-DALRRD and UNDP Project Manager throughout the assignment.
3. Supervised by the Chief Director PR&D- DALRRD.
   1. Will report progress to the Chief Director PR&LD (DRDLR) and the UNDP.

11.3 The Team will be expected to observe the highest professional and ethical standards throughout project implementation.

11.4 Project monitoring, control and evaluation will be jointly done by UNDP and the DALRRD.

UNDP Project Manager will administer the progress, contractual obligations of the project and do quality assurance.

1. **RELEVANT INFORMATION/DOCUMENTATION**
   1. Information and related documents will be available on request from Chief Directorate: PR&LD in the DALRRD and all relevant role players.
   2. The UNDP Senior Management will be available for consultation regarding related issues, progress briefings and any other matters related to smooth execution of the project and success thereof.
2. **CONFIDENTIALITY**

All information, discussions, documents and reports that arise from this assignment must be regarded as confidential. Only UNDP, or its development partner, shall have the right to make public the findings of this project.

1. **APPLICATION REQUIREMENTS**

The qualifying research institution or company is invited to submit a proposal to provide the above-mentioned services. The proposal should focus on addressing the team’s ability to provide the services outlined in the Scope of Work and Expected Outputs. Please include the following:

* Cover letter stating the ability of the team to undertake this assignment
* Detailed CV(s) indicating qualifications and relevant experience of all team members
* A proposal (technical & financial) indicating a description of the proposed approach to the scope of work, preliminary work plan with timelines, deliverables and detailed budget.
* Company documents, including profile and track record.

1. **CRITERIA FOR Selection**

Selection criteria will be based on a functionality, knowledge and experience. Proposal will be weighted at a maximum of 100 points with 70% pass rate. The selection of the successful institution with required team of experts will be aimed at maximising the overall qualities in required areas of competence. This will be broken down in the following manner:

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| --- | --- | --- | --- |
| **Criteria for Selection** | | | **Points Allocated** |
| (As per RFQ or RFP) | | | **Per Criteria** |
| 1 |  | **Technical Proposal** | **50** |
|  | a | Expertise and reputation of institution/Company submitting Proposal demonstrating relevance of:   * Specialized Knowledge (Economics, Planning, Law & Research) * Experience on Similar Programme / Projects * Experience on related Projects in the Country/Region | 20 |
|  | b | Proposed Work Plan and Approach:   * Is the scope of task well defined and does it respond to the TORs? * Is the presentation clear and is the sequence of activities and the planning logical, realistic and promise efficient implementation to the project? | 30 |
| 2 |  | **Knowledge and Experience** | **50** |
|  | a. | **Team Leader Education**: Post Graduate Degree in Development or Agricultural Economics, Economics, Planning, Policy and Legal studies or any other equivalent and relevant post graduate degree. | 10 |
|  | b. | **Team Members Education:** minimum of 3- or 4-year university qualification on Development or Agricultural Economics, Economics, Planning, Policy and Legal Studies or any other equivalent and relevant degree. | 10 |
|  | c. | **Required:** One team member must be a Legal or Constitutional law specialist. | 10 |
|  | d. | **Knowledge and Skills balance:** Development or Agricultural Economics, Development Finance, Legislation Development, Research and Report Writing, Policy Analysis, Constitutional Law and Socio-economic impact assessment. Strong research background on issues of land policy. *Working knowledge* of South African government, especially on the issue of rural development and land reform programmes. | 5 |
|  | e. | **Experience**: Team leader(s) must have more than 7 years of consulting experience on the topic of land reform and rural development planning and transformation. | 10 |
|  | f. | **Experience:** Other team members must have a minimum of 3 years of experience in the same fields. | 5 |
| **TOTAL TECHNICAL SCORE (Passing Rate = 70%)** | | | **100 pts** |

1. **TERMS AND CONDITIONS**

16.1 Awarding of the contract will be subject to the institution/company’s acceptance of UNDP Terms and Conditions.

16.2 UNDP reserves the right to terminate the contract in the event that there is clear evidence of non-performance, by the service provider.

16.3 The information contained in these TORs has been prepared to guide interested parties in making their own evaluation and does not purport to contain all the information that a consultant may require. A consultant must make every effort to adequately responds to the terms.

1. **CONTACT PERSON AND DETAILS**

For any queries regarding the contents of these TORs and all other inquiries, please send them to procurement e-mail provided.