**TERMS OF REFERENCE**

**Customary Land Recording Consultants**

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| **Location** | Malaita and Western |
| **Application deadline** | 24 March 2020 |
| **Type of Contract** | Individual Contractor |
| **Contract Title** | National Land Recording Consultant (2 positions) |
| **Languages required:** | Pidgin and English |
| **Duration of Initial Contract:** | 8 Months |

**BACKGROUND**

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| The Ministry of Lands, Housing and Survey under its Land Reform Program in partnership with the UNDP through the Inclusive Governance for Natural Resources project are undertaking a Customary Land Recording Exercise in Western and Malaita Provinces in accordance with the Customary Lands Records Act. The Ministry and UNDP now therefore invites Expression of interest from registered entities or individuals to part of this customary land recording exercise in parts of Western and Malaita provinces.  The Customary Land Recording Process is another process apart from the acquisition process under the Land and Titles Act (LTA) which seeks to record the rights of relevant customary landholding groups and their customary land. This process thus requires the service of a consultant to assist the National Recorder fulfil the provision of the Act. The consultant/firm is one of the key facilitators in this recording process by way of Recording, Gathering and Compiling of information from the customary landholding group. Recording shall be done in the area where the land is situated and all records will be kept by the Central Land Records Office.  The main objectives of the consultants are to carry out Recording of customary landholding group/groups who have primary and or seconday rights in or over Parara Customary land in Western Province and Huniharu, Rarirahuta, Paehusi and Houwalana in Malaita Province.  *The consultant must be able to liaise with customary landholding group and able to facilitate the process sucessfully without hesitation.The consultant* is to perform its duty without any conflict of interest |

**DUTIES AND RESPONSIBILITIES**

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| **Scope of Work** The consultant will oversee the recording of the customary tribal land holding process from the begin to the end by:   * Put up public notices in appropriate places as may be required from time to time in compliance with the Act. * Record all relevant customary land data for the purposes of compiling the customary land records in accordance with the Act. * Compile customary land records for relevant customary land being recorded. * Promote mediation and Reconciliation: * Witness customary ceremonies performed under the Customary Land Records Act for the purposes of settling boundary disputes. * Referral of customary land boundary disputes to the relevant traditional chiefs for decision making. * Include customary land boundary disputes determination by the High Court or Court of Appeal as part of the customary land records. * Map out all the relevant boundaries of land ownership between tribes and clans and obtain agreement from landowners in relation to these maps. * Carry out any other related duties as may be required by the National Recorder from time to time. * Any other conditions of service as outlined in the Agreement of Service upon appointment.   **Expected Outputs and Deliverables**   |  |  |  | | --- | --- | --- | | **Expected outputs /deliverables** | **Payment milestones** | **Deadline** | | Mission report for the initial land Group for Application/Consent with respective assigned triable land groups is submitted | **10%** | **10 April 2020** | | Report on issuing of Public Notices is developed and submitted | **5%** | **15 May 2020** | | Report on Land recording meetings with respective assigned tribal land holding groups is submitted. | **10%** | **31 July 2020** | | Land boundary Demarcation report is submitted | **15%** | **21 September 2020** | | Land rights Meeting reports and Compilation of records and record map is submitted | **30%** | **4 October 2020** | | Completion report on the Customary land recording is submitted | **30%** | **30 November 2020** |   **Institutional Arrangement**   * The incumbent will be supervised by and reports to the National Land Recorder and IGRN Project Manager * The incumbent will submit Monthly update reports to the National Recorder and IGNR Project Manager * The incumbent is expected to consult and work closely to customary trial holding groups, Ministry of Lands, Housing and Survey, provincial governments, and INGR Project with UNDP. * The incumbent will be managed and supervised by the National Land recorder and PM for the IGNR. * A travel plan will be determined in collaboration between UNDP, MLHS and the consultants. 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.   **Duration of the Work**   * The duration of the task will be approximately 8 months including and the expected due date is 30 November 2020 taking into account local statutory holidays. * The proposed starting date is 1 April 2020 and expected completion date is not later than 30 November 2020. * Anticipated some delays in the work as customary land recording is a complicated process associated with disputes and conflicts.   **Duty Station**   * The consultant is expected to travel to, and around the respective areas where land recording will occur. * Monthly and activity reports are required. |

**COMPETENCIES**

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| * Strong interpersonal and communication skills; * Strong analytical, reporting and writing abilities skills; * Openness to change and ability to receive/integrate feedback; * Ability to plan, organize, implement and report on work; * Ability to work under pressure and tight deadlines; * Comprehensiveness knowledge of the local cultures * Proficiency in the use of office IT applications and internet in conducting research; * Outstanding communication, project management and organizational skills; * Excellent presentation and facilitation skills. * Demonstrates integrity and ethical standards; * Positive, constructive attitude to work; * Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability. * To demonstrate neutrally between parties, involve and able to communicate with customary landholding groups |

**REQUIRED SKILLS AND EXPERIENCE**

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| **Educational Qualifications:**   * Bachelors or advanced degree in land administration, social science, law or similar field   **Experience**   * Have at least a minimum of 5 years providing consultancy services in similar work. * The consultant must have adequate knowledge dealing with different land ownership in Solomon Islands (Matrilineal/Patrilineal). * Knowledge of the Customary Lands Records Act. * Knowledge of customary land administration practice in the Solomon Islands, including all other relevant legislation. * Experience in mediation when there is any disagreement that would arise during the process.   **Language requirements**   * Fluency of English language is required; * Knowledge of pidgin would be an asset.   **Price Proposal and Schedule of Payments**  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 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:   * Deliverable 1 -Mission report for the initial land Group for Application/Consent with respective assigned triable land groups), 10% of total contract amount * Deliverable 2 - Report on issuing of Public Notices: 5% of total contract amount * Deliverable 3 - Report on Land recording meetings with respective assigned tribal land holding groups: 10% of total contract amount * Deliverable 4 -Land boundary Demarcation report: 15% of total contract amount * Deliverable 5 - Land rights Meeting reports and Compilation of records and record map: 30% of total Contract amount. * Deliverable 6 - Completion report on the Customary land recording: 30% of the total contract amount   In general, UNDP shall 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 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.  **Evaluation Method and Criteria**  Individual consultants will be evaluated based on the following methodology:  **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 70 points)**   * Criteria 1: Bachelors or advanced degree in land administration, social science, law or similar field - Max 10 points * Criteria 2: The consultant must have adequate knowledge dealing with different land ownership in Solomon Islands (Matrilineal/Patrilineal - Max 15 Points * Criteria 3: Knowledge of the Customary Lands Records Act. – Max 10 points * Criteria 4: Knowledge of customary land administration practice in the Solomon Islands, including all other relevant legislation – Max 15 points * Criteria 5: Experience in conflict management including ability to mediate when there is any disagreement that would arise during the process - Max 10 Points   Only candidates obtaining a minimum of 49 points (70% of the total technical points) would be considered for the Financial Evaluation.  **Documentation required**  Interested individual consultants or companies must submit the following documents/information to demonstrate their qualifications. Please group them into **one (1) single PDF document** as the application only allows to upload maximum one document:   * **Letter of Confirmation of Interest and Availability** using the template provided in Annex II. * **Personal CV or** [**P11**](https://info.undp.org/global/documents/cap/P11%20modified%20for%20SCs%20and%20ICs.doc), indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references. * **Technical proposal**, including a) a brief description of why the individual considers him/herself as the most suitable for the assignment; and b) a methodology, on how they will approach and complete the assignment. * **Financial proposal**, as per template provided in Annex II. Note: National consultants must quote prices in SBD.   Incomplete proposals may not be considered.  **Annexes**   * Annex I - [Individual IC General Terms and Conditions](http://www.undp.org/content/dam/undp/documents/procurement/documents/IC%20-%20General%20Conditions.pdf) * Annex II – [Offeror’s Letter to UNDP Confirming Interest and Availability for the Individual IC, including Financial Proposal Template](https://info.undp.org/global/documents/cap/Template%20for%20Confirmation%20of%20Interest%20and%20Submission%20of%20Financial%20Proposal.docx)   For any clarification regarding this assignment please write to [gaylyn.puairana@undp.org](mailto:gaylyn.puairana@undp.org) |