

TERMS OF REFERENCE FOR THE RECRUITMENT OF A SENIOR INTERNATIONAL CONSULTANT TO FACILITATE THE HARMONIZATION OF THE NATIONAL POLICY, LEGAL AND FINANCIAL INSTRUMENTS OF LCBC FOR THE IMPLEMENTATION OF THE WATER CHARTER

017/TCD/05/2020/IC

Date: 27 May 2020

Country: Chad

Project: Improving the Management of the Lake Chad Basin

Job Title: Senior International Consultant to facilitate the harmonization of legal and policy instruments in the management of water resources

Duration : 60 effective working days spread over a total of not more than 18 months

Duty Station : N'Djamena (with trips to countries of the Lake Chad Basin)

Contract Type : Individual contract

Target mission start date: July 10th, 2020

The complete Terms of Reference (TOR) can be downloaded from the following website <http://procurement-notices.undp.org/search.cfm>. In the “country office” box, indicate “CHAD”.

Interested consultants are hereby invited to submit their proposals (technical and financial) by e-mail in separate files via the email procurement.td@undp.org no later than Thursday, 11th June 2020 at 12 noon prompt, N'Djamena time, indicating the reference **No. 017/TCD/05/2020/IC** (If this reference is not indicated in the subject of your e-mail, your offer shall not be considered).

Any request for further information shall be sent in writing or by email to the following address: faq.td@undp.org. The competent unit will reply in writing or by e-mail, and will send to all bidders copies of the written replies with all the necessary clarifications without mentioning the author of the question.

I. Background and Justification

Lake Chad is the fourth largest lake in Africa (in terms of surface area), behind Lakes Victoria, Tanganyika and Nyasa. Located in the eastern Sahel region, on the southern edge of the Sahara Desert, the Lake and its basin are a vast freshwater resource shared by Cameroon, Central African Republic, Chad, Niger, Nigeria and Libya. Lake Chad is made up of two basins, north and south, separated by a shallow middle part, known as the “Great Barrier”. The Chari River is the main tributary of the southern basin. The rest of the water in the Lake comes from rainfall and small tributaries, such as the Komadougou Yobe River in the north west and the El Beïd River in the south. Variability is the most distinctive feature

of Lake Chad. Over its long history, it has experienced wet and dry periods of varying duration, ranging from geological to annual and seasonal.

The Lake Chad Basin has a wide range of ecosystems, from the forest in the southernmost tropical region (Sudanian-Guinean climate) of CAR, to the arid desert occupying the northern third of the topographic basin and constituting more or less the northern limit of the conventional basin. The basin also has extensive wetlands in the lake itself and along the riparian areas which are in close hydrological interaction with the aquifer systems. There is a great diversity of biotic resources in the Lake Chad Basin. More than 200 species of mammals and more than 500 species of birds have been counted. In Lake Chad and its tributaries, 140 species of fish have been recorded. Surveys conducted in the early 2000s indicate that about a dozen and a half fish species were sold on the markets in Chad and Nigeria (LCBC 2013, page 53). The macro fauna of the basin includes hippopotamuses, otters and defassa waterbuck, antelopes that live in swampy areas. The Lake area serves as grazing land for elephants but is also home to the region's emblematic endemic species, the Kouri cow.

Lake Chad provides the 47 million¹ people living in its basin with various environmental services, such as supply (food and water), support (land and nutrient cycling), regulation (groundwater replenishment, carbon sequestration, air purification) and culture (recreation, spirituality, education). It provides supply and support services through economic diversification (cultivation of sorghum and hydrophilic millet varieties, seasonal hunting and fishing, intensive livestock farming, etc.). The environmental resources are thus essential for the survival of the population of Lake Chad, for its subsistence as well as for its economic activities. The Lake contributes significantly to the food security of the region, which extends over a radius of approximately 300 km.

However, various assessments conducted in the basin, notably the Joint Environmental Audit on the drying up of Lake Chad, the African Organisation of Supreme Audit Institutions (AFROSAI), studies such as the Five-Year Investment Plan (2013-2017) and the 2005 Transboundary Diagnostic Analysis (and its updates for 2013 and 2018) have globally all led to the observation of a progressive degradation of resources in the LCB. Evidenced by a decline in the viability of biological resources, loss and modification of ecosystems and invasive species, this degradation is mainly related to (i) human impacts through desertification, land erosion, river sedimentation and overgrazing, use of firewood and (ii) the effects of climate change (southward displacement of climatic zones).

In addition to the effects of climate and environmental change, the Transboundary Diagnostic Analyses (TDA) published in 2005 and its updates in 2013 and 2018 have identified a number of root causes for habitat change and biodiversity loss in the LCB:

- Lack of sustainable development approaches and rational use of natural resources on the political agenda of member states with a lack of relevant national legislation required for the effective implementation of regional and international agreements;
 - Population growth and increased exploitation of natural resources;
 - Weak harmonization of policies, legislation, and practices as well as weak application of incentives, etc. among member states and at the regional level;
 - Weak integration of climate change risks and population resilience building into programmes.
- In the long term, it is crucial to secure the environmental conditions for prosperity, stability and equity, through long-term and co-ordinated management responses to the scale of the environmental challenges.

¹ Study report of the African Development Bank (AfDB)

There is a crucial need to *harmonise* policies, legislation, enforcements, incentives etc. between Member States and on a regional basis to address environmental, socio-economic and mitigate disaster risks. A further challenge remains the absence of suitable mechanisms and instruments for mobilising internal and external financial resources, aimed at progressively achieving self-sufficiency for the sustainable management of resources in the Lake Chad Basin.

The signing of the Lake Chad Basin Convention in 1964 and the development of its Water Charter in 2012 marked the willingness of the countries of the region to solve the problems related to the sustainable management of the lake and its watershed. Individually, each member state has also ratified many other international agreements and conventions relating to the need to act together to manage resource exploitation issues.

During the period 1990-2012, LCBC initiated, with the support of its partners, a reform process aimed at realigning the national policies of member states with regional policy. The initial phase of this process involved working with the riparian countries to define a common vision (**Lake Chad Vision 2025**), develop a regional strategy (**Lake Chad Basin Strategic Action Programme**) and adopt common water management principles (**Lake Chad Basin Water Charter**).

In its Vision 2025, LCBC reflects the responsibility of member states for the “*common heritage and other wetlands, which should be maintained at sustainable levels to ensure the economic security of the freshwater ecosystem resources, sustainable biodiversity and aquatic resources of the basin, and used equitably to meet the needs of the basin’s population and thus reduce poverty levels*”.

Today, although the Lake Chad Basin Water Charter has already been ratified by four (4) of the six (6) member states of LCBC (Niger, Chad, Cameroon and Nigeria) and its entry into force process is expected to be launched very shortly, it is noted that its effective implementation is not sufficiently supported by the required relevant national legislation. In addition to insufficient coordination between sectoral ministries, there is a gap between the ministries responsible for implementing the decisions of LCBC and the main actors expected to participate in the mainstreaming process. Regulations are insufficiently enforced, often with a lack of clarity regarding the respective roles of different administrative agencies. At each level of government, a multitude of agencies work on uncoordinated water programmes.

The implementation of the Lake Chad Basin Water Charter and its annexes requires greater commitment from Member States, but also better cross-sectoral coordination at national level to implement the ecosystem approach advocated by the Charter.

LCB member’s states are the centre of the regional integration and their full commitment to implementing Decisions and Agreements is decisive for progress towards achieving Water Charter Dispositions. National implementation of agreements is not a simple task and requires a strong political commitment and coordinated efforts by all stakeholders and relevant tools.

Based on the premise that strengthening institutional and policy capacities at the national level is essential for the effective implementation of the Water Charter at the regional level, the GEF-funded a project: “**Support the improvement of the management of Lake Chad**”, jointly implemented by UNDP and LCBC, envisages assisting member states to harmonize their legal, policy and financial² instruments in order to increase water availability and improve the joint management of surface and ground water resources and related ecosystems. Similarly, the project

² In line with efforts to promote the AfDB-supported Payment for Ecosystem Services plan at the national level

will help identify policy gaps and make recommendations for the adoption of the required policies at the national level with a view to strengthening the institutional, legal and financial capacities of the countries.

This call for applications is linked to Component 2 “**The establishment of effective and sustainable national governance structures to support the SAP and the Water Charter**” of the project “**Support the improvement of the management of Lake Chad**”.

As such, UNDP is seeking one Senior International Consultant to facilitate (i) the harmonization of national legal, policy and financial frameworks for effective joint management of the surface and groundwater of Lake Chad based on the relevant provisions of the Water Charter and (ii) the operationalization of national inter-ministerial committees to improve coordination and support the political integration process at the national level.

II. Objectives

The overall objective of the consultation is to harmonize the policy, legal and financial instruments of the member states and to establish and strengthen the coordination structures between the different ministries involved in water resources management at the national level (Environment, Agriculture, Hydraulics, Irrigation, Energy, Transport, Finance, Decentralization, etc.), whose activities are not yet coordinated.

More specifically, the consultation shall:

- Strengthen the political, institutional and legal frameworks of countries for water resources management with a view to the effective implementation of the provisions of the Lake Chad Basin Water Charter;
- Assist LCBC member states to harmonize their policies, legislation and resource exploitation practices in accordance with the Water Charter of the Lake Chad Basin;
- Produce an “explanatory note” for the effective implementation at the national level of regional agreements (water charter) of the required relevant national legislation;
- Strengthen the technical capacities of LCBC member states on integrated water resources management;
- Support member states to operationalise national inter-ministerial committees to improve coordination;

III. Expected Outputs

1. National policies, strategies and legislation are harmonized for the use of surface and groundwater in the LCB;
2. An guidance note for the implementation of the LCB Water Charter is produced and disseminated to member states;
3. There is sufficient capacity in LCBC member states to implement the Water Charter;
4. Coordination of national interventions is ensured through the revitalization of national inter-ministerial committees;
5. At least one country is supported and monitored in the implementation of the important provisions of the Charter on a pilot basis.

IV. Mission Scope and Objectives

Strengthened and harmonized approaches to the sustainable implementation of legal and policy instruments in the Lake Chad Basin countries that promote increased water availability through effective management of joint exploitation of surface and groundwater. The Consultant shall develop an explanatory note for the implementation of the LCB Water Charter and build the capacity of national structures for its implementation. The mission will enable the operationalization of the national inter-ministerial committees for the coordination of interventions. The implementation of the water charter by the States will make it possible to create in the Lake Chad basin, the environmental conditions for the preservation of biodiversity, development and equity through a coordinated and sustainable management of natural resources, in line with the challenges identified in the various studies conducted at the regional and national levels. The mission will have to capitalize on what has been achieved in the field and share good practices and lessons learned from previous interventions. The mission should cover all LCB countries, including the communities bordering the Lake. It aims at helping LCBC and member states to respect their responsibilities for the “common heritage and other wetlands, which should be maintained at sustainable levels to ensure the economic security of the freshwater ecosystem resources, sustainable biodiversity and aquatic resources of the basin, and used equitably to meet the needs of the basin’s population and thus reduce poverty levels”.

V. Duties and Responsibilities of the Consultant

The consultant will use the recommendations from the studies and the lessons learned from the implementation of previous projects to define the strategic, organizational and operational outline of the mechanism to be set up, for a better performance in the actions carried out for the conservation of biological diversity in the Lake Chad Basin, by strengthening the existing synergies between the interventions.

Under the joint supervision of the Director Technical of LCBC and the PMU Regional Coordinator, the consultant shall be responsible for facilitating the implementation of outputs 1 and 2 of Component 2 of the project:

The following activities are planned to strengthen the joint management of surface and groundwater:

1. Review national policy, legal and financial frameworks to develop an explanatory note to identify gaps and recommendations for harmonizing surface and groundwater management approaches and aligning them with the Water Charter;
2. Accompany national experts in the organization of national consultation meetings for the harmonization and reform of regulations and policies to strengthen joint management approaches;
3. Develop a road map for the harmonization of approaches by implementing, in the whole Lake Chad Basin, the provisions of the Water Charter on surface and groundwater management. It will define a political process for the institutional and operational framework for implementation at the national level and a monitoring and evaluation mechanism. This stage will also see the organization of a meeting of potential public and private partners, supported by competent technical and financial experts, to jointly analyse and develop the road map.
4. Strengthen and harmonize, at the basin level, the monitoring of national groundwater policies in order to institutionalize the monitoring capacity, which is being strengthened with the support of donors (e.g.: BGR, AfDB-GEF);

5. Initiate a pilot project in one country to show how to effectively integrate groundwater monitoring efforts with hydrological monitoring and planning; draw and share lessons with other basin countries.
6. Support at least 2 countries in advocacy and implementation of the process roadmap and timetable for harmonization and national policy reforms;
7. Support the operationalization of national inter-ministerial committees to improve coordination and support the process of policy integration at the national level

VI. Profile and qualifications of the Consultant

A. Competencies required of the consultant

1. Excellent interpersonal and communication skills;
2. Excellent analytical, transboundary problem solving and writing/writing skills;
3. Strong client and service orientation and proven flexibility;
4. Strong sensitivity to cross-cutting issues (gender, vulnerable populations etc.).
5. Ability to work independently in an environment;
6. Ability to accept input and receive guidance from multiple sources and create the synthesis necessary to achieve concrete results;
7. Attention to detail and ability to work under pressure and meet deadlines; and
8. Have the capacity to ensure ownership of several issues and produce measurable and consistent results.

B. Education and experience

Education:

The candidate must hold at least a Master's degree in a field of Administration, Political, agronomy, environmental and social sciences and/or in a field related to integrated natural resource management.

Experiences

The successful candidate should have a relevant reference of the following experiences:

1. Minimum of 10 years experience in the formulation of policies and strategic frameworks specifically related to management of transboundary water resources;
2. Relevant experience in institutional, policy and legal analysis in the field of natural resources management (at least 5 experiences) and three (3) successful assignments of similar size and complexity in the field of consultancy,
3. Demonstrated experience in facilitating the integration of cross-cutting aspects in policies and strategies related to water management, biodiversity conservation and quality reporting (at least 5 experiences);
4. Experience working with the LCBC, GEF or the UN systems would be an asset.
5. Good knowledge of the context of the Lake Chad Basin;

IT Skills and Languages

1. IT Skills Mastery of the Microsoft Office pack (Word, Excel, Power Point, ...)
2. Languages: A perfect command of French and English, both written and spoken, is essential.

VII.DELIVERABLES

The consultant shall ensure that the following deliverables are produced and delivered on time and in accordance with the review and validation procedures specified below:

- Deliverable 1: Inception report of the mission integrating the comments and guidelines brought by the Project Coordination on the work plan proposed by the consultant.

This report is due at the latest 2 (two) effective working days after the scoping meeting of the mission by the Project Coordination with the consultant.

It shall be reviewed and validated by the Project Coordinator who shall, if necessary, submit his comments to the Consultant.

- Deliverable 2: Interim report of the mission which is the first version of the explanatory note for the implementation at the national level of the water charter including the various annexes.

This report is due no later than 30 effective working days from the start date of the mission.

The Project Coordination in collaboration with the LCBC shall have 5 days from the date of receipt to review and validate the report.

In case of comments, the Project Co-ordination in collaboration with the LCBC shall return its observations to the Consultant who has 5 working days to integrate the comments including the shortcomings.

- Deliverable 3: The final explanatory note, which is the final version of the product for the national implementation of the Water Charter, integrates the comments and suggestions of the internal meetings.

This report is due no later than 35 effective working days from the start date of the mission.

- Deliverable 4: Final mission report including the reports of the workshops and the level of inequality of the countries' political, legal and financial instruments.
- This report is due 50 effective working days from the start date of the mission.
- The Project Coordination has 5 days from the date of receipt to review and validate the report.
- In case of comments, the Project Coordination shall return its observations to the Consultant who has 5 working days to integrate the comments including the shortcomings.

All deliverables are to be provided in electronic form (Microsoft Word document with PowerPoint summaries), the validated Framework Document is provided in PDF format and 2 hard copies.

VIII. DOCUMENTS TO BE INCLUDED IN THE PRESENTATION OF PROPOSALS

Interested candidates should send a submission package including the following documents:

1. A technical proposal justifying their qualification to deliver, in a satisfactory and timely manner, high quality services at the end of the requested consultancy, a proposal for a succinct

methodology explaining the approach and the manner in which the consultancy will be carried out, and a work plan including the various deliverables to be carried out under the various instalments of the payments;

2. Curriculum Vitae establishing the required level of education and experience in the fields of study or similar and a minimum of three (3) references (email address, telephone, position, city/country and organization).
3. A financial proposal.

In order to facilitate the comparison of financial offers, the offer should give details of the overall lump sum (travel expenses, daily allowances, working days, etc.).

IX. EVALUATION

The evaluation of bids shall take place in two stages. The evaluation of the technical proposals and the evaluation of the financial proposals.

In the first part the technical proposals are opened and evaluated. In the second part, the financial offers of those applicant whose technical proposals are deemed technically qualified are opened and evaluated.

The evaluation of the financial proposals shall be carried out in accordance with the following formula:

$$\text{Financial Score A} = [(\text{Lowest Financial Proposal}) / \text{Financial Proposals of A}] \times 30$$

The contract will be awarded to the candidates using the combined method, i.e. to the bid with the highest combined score (Weighted Technical + Financial) and which accepts the UNDP General Conditions.

9.1 Technical proposals

Technical proposals are evaluated on the basis of the competence and qualification criteria defined in the terms of reference.

Technical proposals will be considered technically qualified if they obtain 70% of the maximum score of 100 points; this technical score will be weighted at 70%.

9.2 Financial proposals

The candidate shall make his (her financial proposal in accordance with the model set out below in the same format for the purpose of comparing tenders.

Only the financial offers of technically qualified candidates will be evaluated.

Sample financial offer presentation:

Description	Unit	Rate	Number/quantity	Amounts
Fees	Person/day			
Round trip air ticket area of residence-N'Djamena				
Return airfare to place of residence and back to LCBC member states				
Other incidental travel expenses: visa and taxi fares to and from city of residence and N'Djamena				
Car rental in the city	Day			
Car rental for field mission	Day			

Communication costs (telephone and internet)	Monthly package			
Other fees if any, to be specified	Define			

In carrying out the missions expected under the terms of these ToRs, the only facilities that UNDP will be able to grant to the consultants is the use of its premises. All other costs, including those of transport in town and, if necessary, in the field, shall be borne by the consultant and shall form part of its costs.

Payments will be made as follows:

Tranche	Terms of payment	Amount
Tranche 1:	7 calendar days from the signature of the contract	Total cost of the airfare and travel expenses, 30 days of living expenses and 1/3 of other professional expenses up to a limit of 20% of the total amount of the contract.
Tranche 2	Validation of deliverables 1, 2 and 3 by Project Coordination	40% of the total contract amount
Tranche 3	Validation of the Final Report (Deliverable 4) and all related workshops by the Project Coordination.	Contract balance

Incomplete bids will be rejected

A. Evaluation criteria of candidates:

The selection will be made on the basis of the evaluation criteria of a technical offer (70%) and a financial offer (30%).

The technical offer will be evaluated on the basis of the following criteria out of 100 as follows:

Criteria	Score/100
Diploma: at least a Master's degree in Administration, Political, Agronomic, Environmental and Social Sciences and or in any other related field related to the integrated management of natural resources.	10
Working methodology, including a table of contents, consistent in its parts, relevant to the achievement of the overall objective and specific objectives and the context of the project and work plan adapted to the mission's time frame	25
Minimum of 10 years experience in the formulation of policies and/or strategic frameworks specifically related to the management of transboundary water resources;	25
Relevant experience in institutional, policy and legal analysis in the field of natural resource management in a transboundary context (at least 5 experiences and three (3) successful assignments of similar volume and complexity in the field of consultancy)	20
Proven experience in facilitating the integration of cross-cutting aspects in policies and strategies related to water management and quality reporting (at least 5 experiences);	10
Experiences with LCBC and/or the United Nations	10

Female candidates are strongly encouraged to apply