

Terms of Reference



GENERAL INFORMATION

Title: Consultant for Developing the Good Mining Practices Guidelines for Primary Ore Small-Scale Mining Sector

Project Name: Global Opportunities for Long-term Development - Integrated Sound Management of Mercury in Indonesia's Artisanal (GOLD – ISMIA)

Reports to: National Project Manager for GOLD-ISMIA

Duty Station: Home Based

Expected Places of Travel (if applicable): Unforeseen travel may be required and will be subject to confirmation from the project

Duration of Assignment: 100 working days within 6 months (April - September 2021)

REQUIRED DOCUMENT FROM HIRING UNIT

<input checked="" type="checkbox"/>	TERMS OF REFERENCE
<input type="checkbox"/>	CONFIRMATION OF CATEGORY OF LOCAL CONSULTANT, please select:
<input type="checkbox"/>	(1) Junior Consultant
<input type="checkbox"/>	(2) Support Consultant
<input type="checkbox"/>	(3) Support Specialist
<input type="checkbox"/>	(4) Senior Specialist
<input checked="" type="checkbox"/>	(5) Expert/ Advisor
<input type="checkbox"/>	CATEGORY OF INTERNATIONAL CONSULTANT, please select:
<input type="checkbox"/>	(6) Junior Specialist
<input type="checkbox"/>	(7) Specialist
<input type="checkbox"/>	(8) Senior Specialist
<input checked="" type="checkbox"/>	APPROVED e-requisition

REQUIRED DOCUMENTATION FROM CONSULTANT

<input checked="" type="checkbox"/>	P11 or CV with three referees
<input checked="" type="checkbox"/>	Copy of education certificate
<input checked="" type="checkbox"/>	Completed financial proposal
<input checked="" type="checkbox"/>	Completed technical proposal

Need for presence of IC consultant in office:

☒ partial (the presence of the consultant will be upon request e.g. reporting/presentation of deliverable)

☐ intermittent (explain)

☐ full time/office based

Provision of Support Services:

Office space: ☐ Yes ☒ No

Equipment (laptop etc): ☐ Yes ☒ No

Secretarial Services ☐ Yes ☒ No

If yes has been checked, indicate here who will be responsible for providing the support services:

Name: Baiq Dewi Krisnayanti

Title: National Project Manager GOLD – ISMIA

Signature:

I. BACKGROUND

UNDP and the GOI are in a five-year partnership to address the issues of mercury in Artisanal and Small-scale Gold Mining (ASGM) through the implementation of Global Opportunities for Long-term Development - Integrated Sound Management of Mercury in Indonesia's ASGM (GOLD-ISMIA) project. Both parties signed the project document on 5 September 2018 and received its 1st Authorized Spending Limit on Monday, 29 October 2018.

The ASGM sector is the largest global source of anthropogenic mercury releases into the environment (35%).¹ Mercury can travel long distances, contributing to global mercury pollution and contaminating the world's ecosystems and fisheries. Exposure to mercury may cause serious health problems, and it is a particular threat to the development of the child in utero and early in life². Phasing out mercury use from the ASGM sector is therefore of the utmost importance. Nevertheless, ASGM is a very important source of jobs and livelihoods, accounting for about 17-20% of the world's annual gold production³. A total of 15 million people directly participates in the ASGM activities⁴ and another 100 million depend their livelihoods on the sector.

The objective of the GOLD-ISMIA Project is to reduce/eliminate mercury releases from the Indonesian ASGM sector by:

- i. strengthening institutions and the policy/regulatory framework for mercury-free ASGM;
- ii. increasing the access of mining communities to finance to enable the procurement of mercury-free processing technologies;
- iii. increasing the capacity of mining communities for mercury-free ASGM through the provision of technical assistance, technology transfer and support for formalization; and,
- iv. raising awareness and disseminating best practices and lessons-learned on mercury phase-out in the ASGM sector.

In particular, the project will support six ASGM communities in Indonesia to reduce mercury use by at least five metric tonnes/year starting in year three of the project, which over the lifespan of the project will result in a mercury release reduction of at least 15 tonnes.

GOLD-ISMIA's supports for Implementation of Good Mining Practices in ASGM

Due to the rudimentary mining and processing methods used, ASGM has caused environmental risks and concern, including sedimentations, poor waste management, contaminated water resources and land alteration and habitat degradation⁵.

In order to minimize these negative impacts of ASGM practices on habitats, ecosystems, and/or livelihoods, under Component 3, the Project has committed to enhance the knowledge and capacity of miners on good mining practices (hereinafter referred to as "GMP"). Per the project document, the GMP principles to be introduced to the ASGM miners include ecosystem management and protection, improved management of solid and liquid waste and air emissions generated by gold/ore processing plants (e.g. mine tailings management) and mine closure, rehabilitation, and the management of contaminated sites

The Project's commitment mentioned above is coincide with the initiative of Ministry of Energy and Mineral Resources (MEMR) in development of a guidelines for GMP in small-scale mining sector (*pertambangan rakyat*). The guidelines is expected to promote the implementation of Article 70 of Law No. 3 Year 2020 regarding Amandement to Law No. 4 Year 2009 concerning Mineral and Coal Mining, in which the holder of *Izin Pertambangan Rakyat* (IPR) is obliged to, among others:

- Article 70(b): comply with existing regulations on mining safety, environmental management and meet the relevant standards, and,

¹ UNEP Global Mercury Assessment (2013)

² WHO Fact Sheet No. 361 (2013)

³ Estelle Levin Limited (2014)

⁴ UNEP (2013) The Negotiating Process: <http://www.unep.org/hazardoussubstances/Mercury/Negotiations/tabid/3320/Default.aspx>

⁵ UNEP (2017) Estimating Mercury Use and Documenting Practices in ASGM

- Article 70(c): manage the environment together with the Minister.

Recognizing the possibility to streamline the efforts, both the Ministry of Environment and Forestry and the Agency for the Assessment and Application of Technology, as the GOLD-ISMIA Implementing Partners, have agreed to support the MEMR in development of the GMP guidelines which will then be used by the Project as a reference document in training the ASGM miners.

The development process of the GMP guidelines analysis will involve multiple engagements and discussions with national and local stakeholders, for which the Project will hire an Individual Consultant for developing the Good Mining Practices Guidelines for Small-Scale Mining Sector to accommodate the development process.

II. SCOPE OF WORK, ACTIVITIES, AND DELIVERABLES

Scope of Work

Under the supervision of the GOLD-ISMIA Project Management Unit, the Consultant shall carry out the following scope of works:

1. To conduct a preliminary study on the GMP principles relevant to small-scale mining sector as per the existing regulations and standards. Consideration may be taken to include application of the GMP principles in ASGM in one of GOLD-ISMIA project locations, as part of case study;
2. To develop the GMP guidelines for small-scale mining sector in coordination with the MEMR and in consultation with other relevant stakeholders; and,
3. To present the draft guidelines to the Project Management Unit/PMU (i.e., UNDP, KLHK and BPPT) and the MEMR.

The expected **output** is the final document of GMP guidelines for small-scale mining sector which has been approved by the MEMR as the main user. The consultant is expected to present of each deliverable to the Project Management Unit (UNDP, KLHK, and BPPT), MEMR and the presentation will be supervised and facilitated by UNDP GOLD-ISMIA project.

The **detailed deliverables** are as follows:

1. **A preliminary study report on the GMP principles relevant to small-scale mining sector** (in Bahasa Indonesia)

The report shall cover, but not limited to:

- a) identification of relevant regulations and standards;
- b) draft outlines of the guidelines and brief description for each section and sub-section;
- c) consideration to portray one of the GOLD-ISMIA project locations, as part of the case study presented in the guidelines;
- d) detailed work plan and timelines; and,
- e) identification of potential risks during the contract durations, and proposed strategies to mitigate the risks.

2. **First draft of the GMP guidelines for the small-scale mining sector** (in Bahasa Indonesia)

The draft guidelines shall be presented to UNDP, KLHK, BPPT and MEMR for inputs and comments, during which relevant resource persons may be invited.

3. **Final document of the GMP guidelines for the small-scale mining sector approved by the MEMR** (both in English and Bahasa Indonesia)

The final document shall accommodate all the inputs and comments received by the Consultant from UNDP, KLHK, BPPT, MEMR and other relevant resource persons.

4. (a) **A summary report** highlighting the drafting and approval processes of the GMP Guidelines, including the Consultant's important findings and proposed recommendations (both in English and Bahasa Indonesia), and, (b) **A File storage** containing an editable version of all the reports and relevant documentations (i.e., presentation files, photos, stakeholder contacts and data collection)

	Expected Deliverables	Estimated number of working days	Completion due date	Review and approvals required
1	A preliminary study report on the GMP principles relevant to small-scale mining sector (in Bahasa Indonesia)	20 days	By 30 April 2021	GOLD-ISMIA National Project Manager
2	First draft of the GMP guidelines for the small-scale mining sector (in Bahasa Indonesia)	30 days	by 15 June 2021	GOLD-ISMIA National Project Manager
3	Final document of the GMP guidelines for the small-scale mining sector approved by the MEMR (both in English and Bahasa Indonesia)	45 days	by 15 August 2020	GOLD-ISMIA National Project Manager
4	(a) A summary report highlighting the drafting and approval processes of the GMP Guidelines, including the Consultant's important findings and proposed recommendations (both in English and Bahasa Indonesia) (b) A File storage containing an editable version of all the reports and relevant documentations (i.e., presentation files, photos, stakeholder contacts and data collection)	5 days	by 31 August 2021	GOLD-ISMIA National Project Manager
Total Days			100 days	

III. WORKING ARRANGEMENTS

Institutional Arrangement

The Consultant shall report to the GOLD-ISMIA National Project Manager in seeking approval and acceptance of the above-mentioned outputs. During the contract, the Consultant will be in close coordination with the MEMR as the main user of the final output, while at the same time she/he shall take into considerations all inputs and comments received from PMU (UNDP, KLHK, and BPPT) and other relevant resource persons.

The consultant is expected to be in regular contact with the Working Group Coordinator 3 for any queries and assistance and update and report on his/her progress on monthly basis.

Duration of the Assignment

The duration of the assignment is 100 working days in 6 months period (April - September 2021).

Payment

The Consultant will be paid on lumpsum basis upon submission and acceptance of each deliverable with the agreed due dates.

Duty Station

This is home-based working arrangement.

Travel

Unforeseen travel may be required and will be subject to confirmation from the project.

IV. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

Academic Qualifications:

- Master degree in Environment, Development, Chemical Engineering, Engineering Geology or other related Social and Science Studies.

Minimum experience requirement:

- Minimum 15 (fifteen) years working on the development and implementation of Environmental Impact Assessment under the purview of Environmental sector.
- Has experience in developing policies, guidelines and/or tools on gold mining practices.
- Has experience in management of environmental project and community development projects.
- Has working experience with national and local governments or development agencies on environmental sector.

Competencies and special skills requirement:

- Good knowledge in making policy interventions within the environmental issues.
- Understanding of the political issue of ASGM regulations in Indonesia.
- High confidence in communicating with government officials, particularly those from the Ministry of Environment and Forestry, and/or Ministry of Energy and Mineral Resources, and sub-national levels.
- Being equipped with negotiation and troubleshooting skills required in engaging the national and sub-national stakeholders.
- Good knowledge in facilitating group discussions and consultations with various stakeholders such as associations, industries, government institutions.
- Professionalism, integrity and commitment to project demands.
- Excellent time management skills, with an ability to deliver high-quality output on time.
- Fluency in written and spoken English and Bahasa Indonesia are an absolute necessity.

V. EVALUATION METHOD AND CRITERIA

Cumulative analysis

When using this weighted scoring method, the award of the contract should 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 a pre-determined set of weighted technical and financial criteria specific to the solicitation.

* Technical Criteria weight; 70%

* Financial Criteria weight; 30%

Only candidates obtaining a minimum of 70 point would be considered for the Financial Evaluation

<i>Criteria</i>	<i>Weight</i>	<i>Maximum Point</i>
<u>Technical</u>	<i>70%</i>	<i>100</i>
Criteria A: Qualification Requirements as per TOR:		70
1. Master degree in Environment, Development, Chemical Engineering, Engineering Geology or other related Social and Science Studies.		15
2. Minimum 15 (fifteen) years working on the development and implementation of Environmental Impact Assessment under the purview of Environmental sector.		20
3. Has experience in developing policies, guidelines and/or tools on gold mining practices.		15
4. Has experience in management of environmental project and community development projects.		10
5. Has working experience with national and local governments or development agencies on environmental sector.		10
Criteria B: Brief Description of Approach to Assignment:		30
1. Understand the task and applies a methodology appropriate for the task as well as strategy in a coherent manner.		10
2. Important aspects of the task addressed clearly and in sufficient detail.		10
3. Logical, realistic planning for efficient project implementation.		10
<u>Financial</u>	<i>30%</i>	