

TERMS OF REFERENCE

for the provision of services to prepare a legal framework to improve the capacity and financing of protected areas (PAs)

Position:	National expert on PA management and financing
Project title:	Biodiversity Finance Initiative (BIOFIN), 00113227
Type of contract:	Individual contract
Contract duration:	140 working days over 7 months from the date of signing the contract, approximately June – December 2021
Duty station:	Home-based

A. PROJECT DESCRIPTION:

a) Brief description of the project rationale / background and the objectives of the project

Biodiversity Finance Initiative – BIOFIN Phase II is being implemented by the UNDP with financial support from the Government of Germany and the Government of Switzerland. BIOFIN provides countries with a methodology that shows innovative steps to measure recurrent biodiversity expenditures, assess financial needs, identify the most appropriate financing mechanisms, and provide guidance on how to implement these mechanisms to achieve national biodiversity targets.

Phase II of the BIOFIN project in Kazakhstan will be built on the lessons learned from Phase I and focus on testing six finance solutions - (1) enhanced public finance for the Protected Area System; (2) introduction of biodiversity offsets as a formal instrument in Kazakhstan; (3) subsidizing game breeding; (4) tax incentives for ecotourism development; (5) creating an enabling environment for attracting carbon offsets from the international market, multinational enterprises operating in the country and (6) establishing an internal Emission Trading System to integrate the mechanisms into the national legal framework.

Introduction of new finance solutions will be based on amending the existing, and preparing new, legal norms; studying the experience of other countries in the practice of applying new finance solutions and approaches; increasing the capacity of industry experts; and providing extensive information about biodiversity issues and financing opportunities.

The project also aims to promote gender equality and the empowerment of women through the introduction of new finance solutions, as relevant and possible within the project.

b) Brief description of the context of the required services

According to the legislation of Kazakhstan, some PAs are created in the form of a legal entity and are called nature protection institutions. These are national nature parks, nature reserves. There are currently 28 such PAs in Kazakhstan. They cover 7 million hectares of territory (2.6% of the total area of the country). These territories are key habitats for wild animals and for rare, endangered plant species.

Environmental institutions are financed from the republican budget. In addition to budget financing, the legislation gives environmental institutions the right to form non-budgetary revenues through the provision of paid services in the field of tourism and recreation, sponsorship, payments of forest ecosystem services, etc. (Hereinafter – PA's own funds).

Expanding the range of funding sources for PA, the interpretation of new approaches in the management of PA creates opportunities to strengthen the effectiveness of PA, but also involves a comprehensive work on the transfer of knowledge and qualifications of specialists, on the legal and methodological framework, on the PA management.

c) Relevance and purpose of the required work

Since 2019, BIOFIN has been working on the implementation of the finance solution “Strengthening PA management planning to improve financing”. It covers improvement of the finance planning process and formation of PA’s own funds, creation of an online and offline training program for PA specialists and updating the methodological guide for developing of PA management plan. By 2021 the BIOFIN team has done a lot of work to create a legal, methodological, and training framework to strengthen the financing of PA, but nevertheless, work on the creation of sustainability of project activities remains relevant.

In this regard, the goal of the required services is to fix the finance solution (project activities) in the regulatory and other documents of the Forestry and Wildlife Committee of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan and thereby ensure the sustainability of the project results.

d) Stakeholders

The Forestry and Wildlife Committee of the Ministry of Agriculture of the Republic of Kazakhstan (hereinafter – FWC), which carries out strategic, regulatory, implementation and control functions in the field of forestry, protection, reproduction and use of wildlife and PAs. Organization website: <https://www.gov.kz/memleket/entities/forest/about?lang=ru>

e) Peculiarity of the required work (e.g., security risks involved in conducting the work in certain communities, certain cultures, and practices unique to the stakeholders, etc.)

The planned work is analytical, provides for interaction with FWC, and does not pose any security risks to a potential contractor.

B. SCOPE OF WORK

a) Tasks of the national expert on PA management and financing:

Task 1. Assessment of the amount of resource mobilization and the results achieved by the pilot PAs in 2015–2020.

- Studying the BIOFIN methodology in terms of analyzing the financing of PAs.
- Preparation of a list of respondents, preparation of letters of inquiry to respondents to analyze the financing of PAs.
- Collection and processing of information, preparation of an analytical report on financing of PAs (all categories) from the national and local budgets, from other non-budgetary sources, including international grants and local environmental projects on PAs implemented by the industrial sector, etc. for the period from 2015 to 2020.

For reference: the analysis should be prepared in accordance with the BIOFIN methodology. The previous analysis was carried out for 2008-2014 and is contained in the publication “Public and Private Expenditures review of Biodiversity Financing in Kazakhstan, 2016, BIOFIN”

Task 2. Updating of the Rules for the Development of PA Management Plan:

- Collection and systematization of comments from environmental institutions and FWC on the updated Methodology for the development of PA management plan;
- Working out with FWC the date, format, program and list of participants and draft minutes of the Scientific and Technical Council (STC) meeting to review the draft Methodology for the development of PA management plan and updated management plans for pilot PAs.

For reference: currently, the updated draft Methodology for the development of PA management plan has been prepared and is being tested on the example of pilot projects.

- After approval by the STC members of the draft Methodology for the development of PA management plan, preparation of amendments in the form of a comparative table to the Rules for the development of PA management plan, approved by the order of FWC No. 233 dated July 13, 2007.
- Elaboration of amendments with all responsible departments of FWC and bringing the document to approval.

Task 3. Inclusion of the training program on budget planning in the model training program for PA employees.

- Transformation of the training program on PA budget planning in the format of a model training program of the FWC for PA employees, coordination with all responsible officials of the government agency.

For reference: training materials on PA budget planning have been prepared in the format of training modules and in 2021 they are undergoing the process of transformation into an online interactive training program.

- Preparation of proposals (explanatory note, cost calculations) for the inclusion of a training program in the FWC budget program for PAs till 2023. Elaboration of comments with the responsible FWC departments.

Task 4. Assistance in improving the legal framework for the effective management of nature protection institutions' own funds, formed through the provision of paid services:

- Review of the legal possibilities and efficiency of the practice of formation and expenditure of nature protection institutions' own funds through the provision of paid services. Preparation of a technical report, including analysis and recommendations for improving (1) pricing of paid services of SPNRs, (2) the list of paid services of PAs, (3) regulations governing the formation of own funds of PAs through the provision of paid services, (4) the mechanism and purpose of the use of own funds from the provision of paid services, (5) and other components.
- Discussion of recommendations with the FWC and preparation of materials, documents, and amendments to regulations arising from the recommendations, including preparation of amendments in the form of a comparative table to the Rules on the provision of paid activities for the sale of goods (works, services) by state institutions in the field of forestry's, PAs and spending of money from the sale of goods (works, services), to the Classifier of the list of goods (works, services) of state institutions maintained at the expense of the republican or local budget, the money from the sale of which remain at their disposal.
- Development of amendments to these rules with all responsible government agencies.

b) Required activities.

In the course of work, the National expert on PA management and financing:

- collects information from official sources, prepares analytical reports, including recommendations for PAs and FWC.
 - interacts with the responsible departments of FWC, MEGNR, MF, etc.
 - initiates, organizes working meetings, online and/or offline meetings, prepares agendas and minutes of meetings.
 - participates in workshops, meetings, educational trainings on the TOR's subject, organized by UNDP biodiversity projects.
 - while collecting information and preparing analyzes, as required, prepares draft letters, requests to government agencies and other organizations.
 - independently provides translation of the provided materials into English.
 - studies and uses the reports of UNDP biodiversity projects.
- c) Literature/data/information/policy framework already on hand that and may be made available by UNDP to the national expert on PA management and financing from the UNDP BIOFIN project
- BIOFIN methodology in Russian and English.
 - BIOFIN workbooks 1, 2, 3.
 - modules of the training program on budget planning in PAs.
 - reports prepared by other national experts in the framework of the finance solution "Strengthening PA management planning for improved financing".
 - and other materials prepared in the framework of BIOFIN.
- d) Copyright:

At the end of the contract with the national expert on PA management and financing, UNDP receives all direct and appropriate copyrights to the materials prepared under these TOR. Use of materials prepared under these TOR by the national expert on PA management and financing in other works/contracts should be agreed with UNDP.

C. EXPECTED RESULTS

Expected results	Duration and estimated completion date	Required agreement and approval	Payment
<p>Result 1: The analysis of PAs financing (all categories) for 2015–2020 was carried out in accordance with the BIOFIN methodology.</p> <p>Result submission form:</p> <p>1) An analytical report on the PAs financing (all categories) for 2015-2020, including a list of respondents to the analysis, copies of letters of inquiry, copies of response letters from respondents and other materials confirming the reliability of the analysis data.</p>	20 working days, no later than June 30, 2021	UNDP Biodiversity Projects Manager	15%

<p>Result 2: Methodology for the development of PA management plan and updated management plans for pilot PAs were agreed with the FWC.</p> <p>Result submission form:</p> <ol style="list-style-type: none"> 1) Interim progress report. 2) Minutes of the meeting of the FWC's STC, confirming the approval of documents. 	<p>10 working days, no later than July 16, 2021</p>	<p>UNDP Biodiversity Projects Manager</p>	<p>25%</p>
<p>Result 3: Changes were made to the Rules for the development of a management plan for nature protection institutions.</p> <p>Result submission form:</p> <ol style="list-style-type: none"> 1) Interim progress report. 2) Rules for the development of a management plan for nature protection institutions were updated and agreed with the FWC. 	<p>30 working days, no later than August 27, 2021</p>		
<p>Result 4: The training program on budget planning for PAs was included in the model FWC training program for PA employees and proposals were prepared to include the training program in the FWC budget program for PAs till 2023.</p> <p>Result submission form:</p> <ol style="list-style-type: none"> 1) Interim progress report. 2) Typical training program containing modules on budget planning in PAs. 3) Explanatory note, cost calculations for the inclusion of a training program in the FWC budget program till 2023. 	<p>40 working days, no later than October 26, 2021</p>	<p>UNDP Biodiversity Projects Manager</p>	<p>30%</p>
<p>Result 5: A review of legal opportunities and effectiveness of the practice of formation/spending of own funds of nature protection institutions through the provision of paid services was carried out, amendments to the legal acts in the field of paid services of PAs were prepared and worked out with the authorized government agencies.</p> <p>Result submission form:</p> <ol style="list-style-type: none"> 1) Technical report including analysis and recommendations. 	<p>40 working days, no later than December 24, 2021</p>	<p>UNDP Biodiversity Projects Manager</p>	<p>30%</p>

<p>2) Minutes of discussion of the review and recommendations with the FWC.</p> <p>3) Comparative table of amendments (1) to the Rules for the provision of paid activities for the sale of goods (works, services) by state institutions in the field of forestry's, PAs and spending of money from the sale of goods (works, services), (2) to the Classifier of the list of goods (works, services) of state institutions maintained at the expense of the republican or local budget, the money from the sale of which remain at their disposal.</p> <p>4) Documents confirming the approval of the amendments by the authorized government agencies.</p>			
TOTAL	140 working days		100%

D. INSTITUTIONAL ARRANGEMENT

a) Responsibility and accountability

The national expert on PA management and financing is responsible for:

- timely and rational planning, execution of activities and achievement of expected results in accordance with these TOR.
- the reliability and legality of the information provided.

The national expert on PA management and financing may not distribute, transfer data, materials, reports collected/prepared under these TOR without the permission of UNDP.

The national expert on PA management and financing is accountable to the UNDP biodiversity projects manager, BIOFIN expert on financial tools. All actions related to the implementation of this work must be agreed with these persons.

The national expert on PA management and financing conducts consultations for the project team during the entire period of the contract through working meetings, online meetings, conferences.

b) Reporting requirements

Reports must be submitted in accordance with the deadlines specified in the "Expected results" section of these TOR.

Reports and materials should be submitted to UNDP for approval in electronic version in Russian. After agreeing on the Russian version of the report, a short version of the report in English must be provided.

Requirements for the format of reports and materials: file extension – doc or docx, font – Times New Roman, size – 14, margins – right (1.5 cm), top, bottom (2 cm), left (3 cm), single spacing, first line indent – 1 cm.

c) Interaction and cooperation

The national expert on PA management and financing works closely with the responsible experts of the FWC, MF and other state bodies, interaction with which is required during the collection of materials and approval of documents to be developed;

The national expert on PA management and financing needs to interact with all government agencies and other organizations, on which the results of the work depend, through official requests.

d) Logistics support

The national expert on PA management and financing performs work at the place of his/her residence and/or location, using his/her personal computer equipment, supplies and communication devices. UNDP does not provide office space, office supplies and equipment.

The work of the national expert on PA management and financing is individual, and the hiring of auxiliary personnel is not provided for within the framework of these technical assignment.

E. DURATION OF THE WORK:

- a) Total duration of work: 140 working days over a period not exceeding 7 months from the date of signing the contract.
- b) The expected start and full completion date: June 1 – December 31, 2021.
- c) Terms of consideration of expert reports by UNDP

Submitted results are reviewed by the BIOFIN project team and agreed upon in accordance with the expected results specified in these TOR within 5 working days by e-mail.

F. DUTY STATION

Distance (remote) part-time work is assumed. Travel and business trips are not expected.

G. QUALIFICATIONS OF THE SUCCESSFUL INDIVIDUAL CONTRACTOR

- Higher education in natural and social sciences.
- At least 5 years of professional work experience in protected areas management and/or wildlife management and/or vegetation management
- At least 5 years in government agencies or nature protection organizations.
- At least 3 years of experience in the development or participation in the development of regulatory legal acts in the field of PAs, wildlife, and vegetation.
- Knowledge of national legislation in the field of PAs.
- Knowledge of the procedures for the development and approval of regulatory legal acts according to the regulations of the Government of Kazakhstan.
- Knowledge of the specifics of the formation of PA own funds, financial planning in PAs.
- Experience in preparing analytical reports.
- Excellent knowledge of the Russian language.

H. PROVISION OF PRICE OFFER AND PAYMENT

The type of contract provided for this type of work/services is a lump sum contract in KZT, which includes all costs of performing the work/services (in this case, the daily fee for professional services).

Payment will be made in installments upon satisfactory completion of the expected results specified in the "Scope of work" of this ToR and upon approval of the results by the UNDP Biodiversity Project Manager.

I. RECOMMENDED PRESENTATION OFFER:


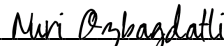
The following documents are to be provided:

- Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP.
- **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate, copies of Diploma(s).
- **Brief description** in Russian why the potential candidate considers his/her candidacy suitable for the implementation of these TOR.
- **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided. If an Offeror is employed by an organization/company/institution, and he/she expects his/her employer to charge a management fee in the process of releasing him/her to UNDP under Reimbursable Loan Agreement (RLA), the Offeror must indicate at this point, and ensure that all such costs are duly incorporated in the financial proposal submitted to UNDP.

Criteria for Selection of the Best Offer

Combined Scoring method – where the qualifications and methodology will be weighted a max. of 70%, and combined with the price offer which will be weighted a max of 30%.

Approved by:

 Talgat Kerteshev Project manager Date: 25-Apr-2021	 Nuri Ozbagdali Portfolio Manager Date: 30-Apr-2021
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