

## **TERMS OF REFERENCE**

### **BIODIVERSITY FINANCE INITIATIVE (BIOFIN) – Changing the permit processing fees for Threatened or Protected Species Regulations in South Africa**

<b>LOCATION:</b>	Home-based with travel to Issuing Authority
<b>APPLICATION DEADLINE:</b>	<b>10 June 2022</b>
<b>CATEGORY:</b>	Energy and Environment
<b>TYPE OF CONTRACT:</b>	<b>Individual Contract</b>
<b>LANGUAGE REQUIRED:</b>	English
<b>STARTING DATE</b>	<b>20 June 2022</b>
<b>DURATION OF ASSIGNMENT:</b>	<b>80 working days</b>

### **The Biodiversity Finance Initiative**

The Biodiversity Finance Initiative (BIOFIN) is implemented by the United Nations Development Programme, with financial support from the European Commission and the Governments of Germany, Switzerland, Norway and Flanders. This global initiative is envisioned to transform the way in which biodiversity finance is mobilized allowing for greater resources to be enacted as required within the Aichi Targets defined in the Convention on Biological Diversity Strategic Plan (2011 – 2020). Over the past nine years, the UNDP Global BIOFIN team together with 39 countries have been involved in developing and piloting the BIOFIN methodology which is continuously refined through national, regional and global learning.

In South Africa, the BIOFIN project is implemented at a national level by the UNDP in partnership with the Department of Forestry, Fisheries and the Environment (DFFE). South Africa initiated its BIOFIN programme in 2015 and has met several envisioned goals including the undertaking of a Policy and Institutional Review (PIR), Financial Needs Assessment (FNA), Biodiversity Expenditure Review (BER) and Biodiversity Financial Plan (BFP). Within the Biodiversity Finance Plan, 16 financial solutions were identified as being instruments that could be developed or refined to increase financial flows earmarked for biodiversity protection.

As part of Phase II implementation, eight priority finance solutions have been identified for implementation. One of these is focused on improving the effectiveness of fees for permits and licenses. DFFE and the provincial issuing authorities administer several different permits in line with the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) legislation in relation to Threatened or Protected Species (TOPS), Bioprospecting Access and Benefit Sharing (BABS), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and Alien and Invasive Species (AIS) regulations. However, there are limitations in relation to implementation in respect of lack of United Nations Development Programme standardisation of permit fee applications, the lack of a mechanism to review these fees and limited capacity at various levels in DEFF and provincial issuing authorities. Over the years, attempts have been made to harmonize the permit process and to ensure minimum administration and

ensure minimum capacity in the processing of applications.

Through the BIOFIN programme, a baseline assessment has been conducted across Management Authorities for current fees and permits with a fee setting framework developed. Fees can influence the behaviour of applicants and the relationship that applicants have with regulators. They are also directly linked to the revenue that government receives which can cover part of the costs of implementation biodiversity regulations. The next phase of the work under the finance solution aims to work with an Issuing Authority to revise and amend its permit processing fees for the Threatened or Protected Species Regulations in line with the fee setting framework produced in 2022.

The output will be an amended permit processing fee for the Threatened or Protected Species Regulations for permits issued in terms of NEMBA.

## **1. OUTPUTS OF THE WORK:**

The project is envisioned to have the following outputs for the Issuing Authority:

- A documented and robust process for amending permit processing fees for the Threatened or Protected Species Regulations based on the fee setting framework
- A co-designed pricing for fees for permits issued in terms of NEMBA and provincial ordinances
- Final draft amendments for permit processing fee for Gazetting. Appropriate documentation to enable the appropriate gazetting of such fees

## **2. METHODOLOGY AND SCOPE OF WORK:**

In undertaking the work, it is critical that stakeholders must be engaged including DFFE, Management Authorities, National Treasury, provincial authorities, and others which may be identified at the project inception stage.

The process of amending the permit processing fees for Threatened or Protected Species Regulations requires a multi-stakeholder approach. As such, the consultant will be required to

- Work with Management Authorities, Issuing Authorities, DFFE, National Treasury, Provincial Treasury, and other stakeholders
- Perform detailed technical review of process and make recommendations on steps needed to undertake by stakeholders. The process of changing the charges for fees and permits must be done by consensus and be aligned to the policy direction of DFFE.
- Work iteratively to produce an acceptable set of permit processing fee for the Threatened or Protected Species regulations administered by DEFF and provincial issuing authorities using the fee framework developed in phase 1 of the work
- Conduct stakeholder consultation in the process of amending the permit processing fees through;
  - o Face to Face meetings
  - o Virtual engagements

- Presentations to solicit input from stakeholders including intergovernmental structure meetings and forums such as Working Group 1, Working Group IV, MINTECH at required intervals

### **3. DELIVERABLES:**

The total duration of the review/consultancy will be up to and not exceeding 80 working/business days starting from the date of contracting. The tentative timeframe is as follows:

<b>Deliverable</b>	<b>Description</b>	<b>To be accomplished by</b>	<b>Payment</b>
Deliverable 1: Inception report and Inception workshop  Invoice 1	Presentation and inception report	2 weeks after signing of the contract	10%
Deliverable 2: Stakeholder engagement report  Invoice 2	<ul style="list-style-type: none"> <li>- Robust stakeholder engagement process with relevant and interested and affected parties</li> </ul>	Within a month after signing of the contract	10%
Deliverable 3:  Draft amended permit processing fee for the Threatened or Protected Species  Invoice 3	<ul style="list-style-type: none"> <li>- A co-designed pricing for fees for permits issued in terms of NEMBA and provincial ordinances</li> <li>- Appropriate documentation to enable the appropriate gazetting of such fees</li> </ul>	Within a month after signing of the contract	40%
Deliverable 4: Final amended permit processing fees for gazetting  Invoice 4	<ul style="list-style-type: none"> <li>- Appropriate documentation to enable the appropriate gazetting of such fees</li> <li>- Final report and pricing schedule for permit processing fees</li> <li>- Presentations to WG1</li> </ul>	Within 2 months of signing the contract	40%

The BIOFIN core team will be responsible for the coordination and approval for all the deliverables. The evaluation of the team's performance (e.g. the technical competence shown and the timeliness of the reports) will be determined by the project manager with guidance from the BIOFIN project management

specialist. The contract may be extended to the third quarter of 2023 at no cost to UNDP if needed to accommodate uncertainties of COVID-19.

**4. EVALUATION CRITERIA/EXPERTISE SOUGHT (REQUIRED EDUCATIONAL BACKGROUND, YEARS OF RELEVANT WORK EXPERIENCE REQUIRED):**

The response to the Terms of Reference should indicate the extent to which the individual fulfils the required skills and competencies. The selection of an expert will be aimed at maximizing the overall qualities in the following areas:

**Education:**

An advanced degree (Masters or Doctorate) in environmental legislation, economics, environment/natural resource management, biodiversity studies, economics/finance, communications or a closely related field, or another field combined with relevant work experience.

**Knowledge, experience and skills are required in:**

- Biodiversity sector-related legislation research expertise
- Expertise in determination of regulatory instruments and fees
- Experience in the application of social science or resource economics in the field of biodiversity
- Desktop research, analysis and report writing experience
- Working independently and delivering efficiently on high quality and accurate deliverables within tight agreed timeframes
- Ability and willingness to take initiative and remain flexible
- Experience working with UN and/or Government entities.
- Exceptionally effective communication, report writing and presentation skills.
- Socio-cultural competence
- Good conflict management skills
- Efficient, partner-and client-focused working methods.
- Interdisciplinary thinking is highly encouraged.
- English and French are the working languages of the United Nations Secretariat. For the post advertised, fluency in oral and written English is required. Knowledge of another official United Nations language and local languages is an advantage.

**5. EVALUATION CRITERIA:**

The evaluation of proposals will be conducted according to UNDP's procurement rules. A two-stage procedure is utilized in evaluating the proposals. The first step is the evaluation of the technical proposals, which must be completed prior to moving on to the next step which is the opening and comparing of the costing/budget/financial proposals. Only the costing/budget/financial proposals for submissions that passed the minimum technical score of 70% and above of the obtainable score of 100 points in the evaluation of the technical proposal will be opened.

The technical proposal is evaluated based on its responsiveness to the Terms of Reference (TOR).

In the second stage, the costing/budget/financial proposal of all contractors, who have attained the minimum 70% score in the technical evaluation will be compared. The contract will be awarded to the lowest priced technically qualified proposal.

Foreseeable travel costs should be included in the costing/budget/financial proposal as part of the application submission documents.

Technical Evaluation Criteria	Max score (100)
Proposed Methodology: A clear methodology must be described, and the methodology must outline how the Scope of Work will be carried out according to each deliverable and showcase an understanding of the biodiversity economy in South Africa	40
Proposed Work Plan: A detailed work plan with milestones, timelines, resources and designated responsibilities of the consultants and any support members must be indicated in the proposal for achieving of the deliverables.	20
Documented relevant academic qualifications and experience of the team.	10
Demonstrated technical capability/ expertise, knowledge, and experience in the fields of sustainability, certification scheme development and management, environmental economies, conservation management and related biodiversity planning/management practices and project management. (50% of marks will be awarded for expertise in sustainability, certification scheme development and management)	20
Proven record of accomplishment on report writing for projects of a similar nature and size, including experience in stakeholder engagements, in South Africa.	10

*Technical proposals are encouraged to reflect a 50% gender requirement. UNDP is committed to achieving workforce diversity in terms of gender, nationality and culture. Individuals from minority groups, indigenous groups and persons with disabilities are equally encouraged to apply. Proposals are encouraged demonstrate capacity transfer from international consultant and the use of graduate interns in the project All applications will be treated with the strictest confidence.*

## **6. DUTY STATION:**

The consultancy assignment will be home-based with travel for meetings in the field (where possible, and to be determined by the team and the BIOFIN National Project Manager considering probable future COVID-19 restrictions) and in Pretoria. Foreseeable travel costs should be included in the Financial Proposal as part of the application submission documents.

Unforeseeable travel should be agreed upon, between the BIOFIN team leader and the team, prior to travel and will be covered and paid by UNDP from the BIOFIN Programme as per the UNDP reimbursable fees structure/guidelines.

In a case where there is a need to travel (unforeseeable travel), the costs including transport, lodging and terminal expenses will be covered and paid by UNDP based on UNDP rates. The fare will always be “most direct, most economical” and any difference in price with the preferred route will be paid for by the team. UNDP will not cover any costs associated with moving to the Duty Station (Pretoria). There is no anticipated travel outside the South Africa for this assignment.

## **7. IMPLEMENTATION AND ADMINISTRATION**

The recruitment and appointment of the team will be through UNDP, however, all coordination and implementation modalities will be coordinated through the BIOFIN National Project Manager and the BIOFIN task team leader stationed at the Department of Forestry, Fisheries and Environment (DFFE). The BIOFIN task team leader (or designate) will interact directly with the team and have the overall responsibility for supervising the technical quality of the deliverables, convening all meetings with the team, making logistical arrangements, and seeing to the overall day-to-day management of the consultancy.

UNDP is responsible for processing invoices for payments and the administration associated with the management of this contract. To this end, UNDP will authorise payments upon receipt of written approval and certification of each deliverable by the BIOFIN task team leader. UNDP will also be responsible for technical backstopping as and when required by the BIOFIN task team leader.

It is expected that there will be a minimum of one monthly meeting with the BIOFIN National Project Manager and BIOFIN task team, the frequency may change/fluctuate as needed during implementation. The team is expected to present monthly progress reports detailing:

- Progress against the project plan
- Risks/current challenges identified
- Items needing attention and decision making.
- Any proposed deviations from the original project implementation plan shall be explained to the BIOFIN National Project Manager, BIOFIN task team leader and UNDP in writing.
- The project report (s) must be submitted in electronic format in English



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Resilient nations.*

## **8. RESPONSE FORMAT:**

To facilitate the analysis of responses, all interested parties are required to prepare their response in accordance with the instructions outlined in this section. All proposals should be electronically generated.

Applicants are required to submit the following:

- A technical proposal outlining a methodology on the approach and implementation of the assignment.
- Personal CV highlighting qualifications and experience in similar projects.
- Evidence and examples of similar projects that have been successfully completed.
- Minimum of 3 contactable work references – organization for whom you have conducted/undertaken similar assignments (email addresses).
- All-inclusive financial proposal (fixed cost bid) indicating consultancy fee (South African Rand) and a breakdown of expenses (unit price together with any other expenses) related to the assignment. The proposal must incorporate all the costs including travel etc. for the team to achieve the required deliverables.