
EUROPEAN FOREST INSTITUTE

TENDER SPECIFICATIONS

PROCUREMENT REFERENCE NUMBER 3-15.2-2019-R

**Forest Governance Facilitator in Democratic Republic of Congo and Republic
of Congo**

1. TERMS OF REFERENCE

1.1. Background

The EU FLEGT and REDD facilities¹ aim at consolidating FLEGT and REDD+ activities around the same goal of supporting forest governance, improving legality and reducing deforestation.

Addressing land-use governance challenges is key to successful implementation of both REDD+ and FLEGT processes, and, ultimately, to supply chain initiatives (e.g. Tropical Forest Alliance). Clarification of legal frameworks, increased transparency and accountability, responsible commodity sourcing, and cross-sectoral coordination are required to address the root causes of deforestation and forest degradation. However, addressing land-use governance challenges requires consensus building and strong stakeholder participation and capacity. Both FLEGT and REDD+ processes should share valuable lessons on this specific issue and would benefit from common approaches and actions.

Thus, this assignment supports not only the continuity of the FLEGT work launched in the Democratic Republic of the Congo (DRC) and the Republic of the Congo since the start of the VPA negotiations, but also the REDD+ implementation that is currently, and for the next years, mainly driven by the Central African Forest Initiative (CAFI) and related national and regional programs. It also supports connection between FLEGT and REDD processes (and supply chain initiatives), by fostering participation of all stakeholders in transversal forest and land-use governance reforms and programs, and thus facilitate achievement of national sustainability objective.

FLEGT and REDD+ background in DRC

REDD+ process in DRC

The National REDD+ Framework Strategy of the DRC was adopted in 2012, and the related REDD+ Investment Plan in 2013 (and subsequently revised in 2016), bringing a programming framework for all sectors related to forests, with a total budget of 1.300 M USD. The same year, and in order to implement the REDD+ Investment Plan, the National REDD+ Fund (FONAREDD) was created, co-managed by the Ministry of Finance and the Ministry of Environment (MEDD). The FONAREDD was capitalized in 2017 through the CAFI, after the letter of intent was signed in 2016 between the Government of the DRC and the CAFI. The LoI features result-based milestones set to be achieved by 2020 and focusing on land-use governance improvement, through 8 pillars including a specific pillar dedicated to the forestry sector.

The Agence française de Développement has been designated as the executive agency in charge of CAFI's "Sustainable Forest Management" (SFM) program that aims to reach forest sectors milestones. With an overall budget of 18M USD, the program still hasn't started due to a freeze of CAFI funding, after governance issues in 2018 in DRC (i.e. attribution of forest concessions by the MEDD, non-transparent and participative revision of the forest code).

FLEGT Process in DRC

The negotiation process between the DRC and the EU on a VPA was launched in 2010 but has been stalled since 2013 due to political reasons, putting forest governance dialogue in the background. However, since the end of 2016, the FLEGT VPA process gained a bit of energy in the DRC with the help of a FLEGT facilitator who

¹ The EU FLEGT Facility supports the implementation of the FLEGT Action Plan in EU partner countries, and the EU REDD Facility provides direct support to the implementation of the REDD+ and sustainable supply chain policies or initiatives at national and/or jurisdictional level.

supported improved coordination and communication between stakeholders, and stronger engagement of civil society. The Commission Technique (CT) FLEGT progressed on some elements of the legality definition, the legality assurance system, the product scope and the transparency annex. These draft documents were officially submitted to the European Commission (EC) in March 2018 but there was no further technical exchange on these documents.

In addition, the CT FLEGT's official mandate was broadened in February 2018 by ministerial order to work on FLEGT, REDD+ and the Extractive Industries Transparency Initiative. The EC welcomed such an updated mandate and is encouraging the CT FLEGT and the DRC to find ways to bring closer FLEGT and REDD+ initiatives (including in the framework of CAFI). It also suggested the preparation of a new Roadmap for FLEGT Action Plan implementation in the DRC². For this purpose and with the support of external partners, the DRC will organize early 2019 workshops on the preparation of the Roadmap. In order for this Roadmap to be integrated into the ongoing policy reform process and various initiatives, close follow-up by FLEGT stakeholders as well as political ownership will be required.

FLEGT and REDD backgrounds in the Republic of the Congo

REDD+ process in the Republic of the Congo

A National REDD+ Strategy was validated in July 2016. The country's commitment to reducing deforestation was further demonstrated by the development of an Emissions Reduction Program (ER-P) in the Sangha and Likouala Departments. Selected by the Forest Carbon Partnership Facility in July 2014, the ER-P should generate nearly 11.7 million tCO₂ in emission reductions before 2025.

To implement the National REDD+ Strategy, the CAFI Executive Board approved a preparatory grant of 698,000 US\$ to support the Republic of the Congo to develop a comprehensive REDD+ National Investment Framework (REDD+ NIF). The REDD+ NIF aims to centralize, channel and coordinate international, national, public and private funds to support the implementation of the National REDD+ Strategy. It sets a programmatic framework to accommodate both sector-based and enabling REDD+ related investments.

In its REDD+ NIF, the government has identified a set of priority actions for the period 2018-2025 that will contribute directly to mitigating deforestation and forest degradation and increase carbon stocks:

- Forests and peatlands are managed sustainably, biodiversity is conserved, and planted areas increased
- Sustainable farming practices are implemented, productivity is improved, and savannas are valued
- Unsustainable wood energy withdrawals are reduced
- The mining sector develops with reduced impacts on forest ecosystems
- Intersectoral governance and participation of all development stakeholders is improved
- REDD + aligned funding is mobilized, and innovative financing tools developed

The CAFI Executive Board approved the Congolese National REDD+ Investment Plan (NIP) early September 2018 and initiated the negotiations on the Letter of Intent. The EU will co-lead the negotiation of the Letter of Intent (LoI) together with France.

FLEGT process in the Republic of the Congo

EU FLEGT VPA Agreement was signed on May 2011. The implementation started with the creation of the Technical Secretary (ST) and the Forest Legality and Traceability Unit (CLFT) at the Forest economy ministry. Then, activities mainly focused on the legal reform process, the development of the national traceability system, the Independent Auditor and the Independent forest monitoring by civil society. In 2017, RoC and EU

² The current EU-DRC Roadmap focuses strictly on VPA negotiations and is outdated since 2013.

processed a theory of change. They developed a 5-year action plan and a monitoring and evaluation framework. In parallel, the first AFD/DFID VPA FLEGT support project worked with the private sector for them to comply with the legality matrix. Last JIC n°9 happened in November 2018.

The process is now at a crucial step as RoC's government is about to implement their Timber Legality Assurance System on the field, through a step-by-step approach, aiming to start with the legality module first. In 2019, an Interministerial committee will be implemented to monitor the VPA process and to manage the funds. The legal reform process will keep on going with the implementation decrees. DFID will make a new contract for a FLEGT Facilitator. The second phase of the AFD-DFID will start and focus on supporting the different involved administration through their departmental offices. The EDF 11 will support CLFT in the deployment of the TLAS and the Civil society to make Independent forest monitoring (mandated and non-mandated). EU will also make a new contract for the Independent Audit.

All these crucial elements will require strong involvement of stakeholder, and ensuring connection between the REDD+, CAFI and TFA processes.

1.2. Objectives of the assignment

The main objective of the assignment is to strengthen engagement of national forest and land-use sector stakeholders in the Congo Basin (mostly DRC and the Republic of the Congo) in forest and land-use governance reforms and programs (under FLEGT and REDD+ processes). In addition, it will support synergies between REDD+ and FLEGT processes, and sustainable supply chain initiatives.

By doing so, this assignment will indirectly support FLEGT and REDD+ processes into the achievement of their respective forest and land-use governance objectives. It will allow capturing and writing-up related lessons-learned, and sharing experiences between countries in the Congo Basin on a more frequently and in-depth basis than international and regional conferences or workshops.

1.3. Scope and task

The contractor will provide support in the following areas on an on-demand basis:

- Assist the EU FLEGT and EU REDD Facilities in delivering annual work plans for DRC and Republic of Congo regarding:
 - o the implementation of REDD+, FLEGT and sustainable supply chain processes, and
 - o participative and transparent governance reform processes in the forest and land-use sectors
 - o capturing lessons learned and achievements of FLEGT, REDD+ and sustainable supply chain processes and sharing these lessons upon request
 - o drafting and finalising technical papers
- Support engagement of national stakeholders in land-use and forest governance dialogue in DRC and Republic of Congo by:
 - o Creating awareness and understanding on FLEGT, REDD+ and sustainable supply chain processes and the opportunities they provide to strengthen forest and land-use governance in the Congo Basin;

- Providing technical backstopping and facilitation support to FLEGT, REDD+ and sustainable supply chain processes, including for the organization of meetings and workshops in relation to
 - CAFE implementation and its interaction with FLEGT,
 - the implementation of national TFA principles on legal and sustainable palm oil, and
 - innovative approaches for Independent Monitoring of REDD+, drivers of deforestation and land-use governance challenges.
 - the preparation of a FLEGT Action Plan Roadmap (specific to DRC),
- Facilitating the integration of FLEGT technical elements into national policy and legal documents and/or ad-hoc information to be further used under REDD+ programs and for EUTR preparedness in both countries

Projected tasks, outputs, and timetables will depend on the priorities and actions decided by the FLEGT and REDD Facilities Steering Committee and the financial resources adopted in the facilities 2019 and 2020 annual work plans. Related deliverables and tasks will be agreed in writing between EFI and the contractor in a quarterly work planning

EFI governance facilitator should, in case there is an active FLEGT facilitator present in country, 1) work closely with the FLEGT facilitator, whose mandate is well defined, 2) coordinate messaging and 3) avoid overlap with the FLEGT facilitator's and work in complement, where appropriate.

1.4. Methodology

The contractor will work with EU FLEGT and REDD facilities' staff to strengthen forest and land-use governance in the Congo Basin through FLEGT, REDD+ and sustainable supply chain processes; the contractor shall develop a concise work plan for each quarter, in which they define activities, deliverables/outputs and timetables for EFI's prior approval.

The work involves desk work and missions to Congo Basin countries, which are to be agreed in advance with EFI. The contractor will work with EU FLEGT and EU REDD facilities' staff, national stakeholders, EU representatives and other development partners to execute the task specified above.

The contractor, under validation by EFI, will have available a work plan budget for organizing up to 2 (two) workshops or meetings per year, in DRC and RoC.

The contractor and EFI will have bi-weekly calls, or more frequent if needed, in order to ensure effective follow-up of the implementation of the quarterly work plan.

1.5. Timetable and reporting

The contract will be implemented through individual assignments, in total not exceeding 250 days, as requested by EFI. EFI may request the services of the contractor under this contract but is under no obligation to do so. The contracting period is tentatively two years.

The contractor will provide EFI quarterly progress reports indicating the results achieved with a list of produced deliverables and number of days worked.

The contractor will provide:

- a back to office report after each mission, no later than one week after end of mission, followed by a skype/tele call with Facility if requested, and
- document achievements, results and lessons learnt, including through anecdotes, quotes, pictures and videos where possible, at least twice a year

For budgeting proposes the tenderer must include in the financial proposal following items:

- Up to 5 (five) missions per year to the DRC, and 5 (five) per year to the Republic of the Congo. On average, one mission is seven (7) days.
- Up to 2 (two) missions per year to other Congo Basin countries. On average, one mission is seven (7) days.
- Up to two (2) missions per year to Barcelona, Spain. In average one mission is 3 (three) days.

The number of days for each mission will be agreed with EFI prior to the mission.

2. TENDER DOCUMENTATION

2.1. Administrative Documentation

The tender shall include the following documentation, properly filled out and signed:

- Cover letter (Annex 1)
- Identification form (Annex 2) including supporting documentation
- Bank identification form (Annex 2a)
- Declaration on Exclusion Criteria and Absence of Conflict of Interest (Annex 3)
- Nomination of Expert form (Annex 4)
- Minimum criteria declaration (Annex 5)

The consortium agreement (Annex 6) shall be included, properly filled out and signed, if the tender is submitted jointly by a consortium of economic operators. The consortium agreement (Annex 6) shall not be included if the tender is submitted by a single Tenderer proposing subcontracting of tasks.

2.2. Technical Proposal

In order to evaluate the tender against the minimum criteria and the award criteria A.I. – A.II in section 3.1. and 3.2., the Tenderer shall submit a technical proposal consisting only of the following elements:

1) A nomination of one Expert to carry out the tasks in the Terms of Reference:

- The Technical Proposal shall include CV of the nominated Expert.

The Tenderer shall be able to certify the information contained in the CV's for the nominated Expert at EFI's request.

The CV shall have all the information as in the EuroPass CV

<https://europass.cedefop.europa.eu/documents/curriculum-vitae>

2) A description of no more than three pages, **making reference to the Terms of Reference and the previous experience of the Expert** showcasing understanding of:

- The FLEGT process and the relation to governance and respective stakeholders
- The REDD process and the relation to governance and respective stakeholders
- Understanding of legal implications of VPA

3) A presentation of no more than three pages on the Tenderer's methodology for the assignment – building upon the Terms of Reference and the experience of the Expert – addressing the following elements under separate headings:

- Approach to support FLEGT and REDD connections, technically and politically

- Approach to support multi-stakeholders' groups, and engaging with stakeholders to help promote their active involvement in FLEGT and REDD process
- Approach to create awareness and understanding on FLEGT, REDD+ and sustainable supply chain processes and the opportunities they provide to strengthen forest and land-use governance

2.3. Financial Proposal

The Tenderer shall submit a financial proposal, which shall be completed by using the form in annex 7 and by following the instructions therein.

The full general conditions applicable to the payment of fees and per diem as well as the reimbursement of costs can be found in annex 8 (model contract).

3. EVALUATION OF TENDERS AND AWARD OF THE CONTRACT

3.1. Minimum Criteria

The Expert nominated must meet the following criteria:

N°	Criteria description
M.I.	At least ten (10) years work experience in international development cooperation, in the forest sector, and/or in timber trade-related activities
M.II.	Work experience related to FLEGT, VPA negotiations, REDD, forest governance, and forest products trade
M.III.	University degree at masters' level in public administration, environmental law, forestry or natural resources management or business administration
M.IV.	Work experience in DRC and/or RoC (forest sector).
M. V.	Understanding, speaking and writing English and French as demanded with respect to all tasks covered by the Terms of Reference

Tenders not fulfilling the minimum criteria will be rejected.

3.2. Award Criteria

Tenders which fulfil the minimum criteria will be evaluated using the following award criteria:

A. Technical component (maximum 75 points)		
N°	Award criteria	Max points
A.I.	Understanding of:	30
i.	The FLEGT process and the relation to governance and respective stakeholders	10
ii.	The REDD process and the relation to governance and respective stakeholders	10
iii.	Understanding of legal implications of VPA	10
A.II.	Proposed methodology for the implementation of the tasks	45

i.	Approach to support FLEGT and REDD connections, technically and politically	15
ii.	Approach to support multi-stakeholders' groups, and engaging with stakeholders to help promote their active involvement in FLEGT and REDD process	15
iii.	Approach to create awareness and understanding on FLEGT, REDD+ and sustainable supply chain processes and the opportunities they provide to strengthen forest and land-use governance	15

The Technical component (TC) is calculated according to the following formula:

$$TC = A.I. + A.II.$$

Tenders must receive a score of more than half of the maximum Technical component to be considered qualitatively acceptable.

Tenders not considered qualitatively acceptable will not be considered further.

B. Financial component (maximum 25 points)

Tenders presenting a total financial proposal (Fo) superior to the maximum contract value of EUR 282,000 will not be considered further.

For tenders being considered, the Financial component (F) is calculated according to the following formula:

$$F = (Fmin / Fo) \times 25$$

where

Fmin is total sum in the tender in the evaluation with the lowest total financial proposal; and

Fo is the total sum in the financial proposal being considered.

C. Most economically advantageous tender

A combined score (CS) will be calculated according to the following formula:

$$CS = TC + F$$

The Tenderer with the highest combined score (CS) for Technical component (TC) and Financial component (F) will be awarded the Contract.

Where two or more tenders have an equal combined score the contract will be awarded according to the highest score for the financial component (F).

ANNEXES

Annex 1	Cover letter
Annex 2	Identification form
Annex 2a	Bank identification form
Annex 3	Declaration of exclusion criteria and Absence of Conflict of interest
Annex 4	Nomination of Expert form
Annex 5	Minimum criteria declaration
Annex 6	Consortium agreement
Annex 7	Financial Proposal form
Annex 8	Model contract
Annex 9	EC per diem rates