
EUROPEAN FOREST INSTITUTE

TENDER SPECIFICATIONS

PROCUREMENT REFERENCE NUMBER 4-15.2-2019-F

National FLEGT Expert to Thailand

1. TERMS OF REFERENCE

1.1. Introduction

Since 2010, EFI / EU FLEGT Facility has engaged with stakeholders in Thailand on Forest Law Enforcement, Governance and Trade (FLEGT). Until 2014, several studies were undertaken on stakeholder mapping and timber controls and flows. Lessons were drawn from Asian and African Voluntary Partnership Agreement (VPA) countries such as Vietnam, Indonesia, Ghana and Liberia.

Thailand officially requested to start VPA negotiations on February 18th, 2013 based on a parliamentary mandate. Entry into the negotiation phase was declared on September 11th, 2013 by both parties. Based on significant technical progress achieved, with EU FLEGT Facility involvement, the first negotiation session took place in June 2017. It resulted in an ambitious roadmap that was implemented until mid-2018. Second negotiations took place in July 2018, and a third is under discussion for October 2019.

Thailand has set-up a well functioning multi-stakeholder structure to develop technical elements of the VPA. Six Sub-WGs, under the oversight of an Ad-Hoc Working Group, draft TLAS Annexes and concept notes and prepare the Thai side for Joint Expert Meetings and VPA negotiations. Since May 2014, the Thai-EU FLEGT Secretariat Office (TEFSO) is operational. With support from the EU FLEGT Facility and the FAO-EU FLEGT Programme, TEFSO's commitment to facilitate the process is strong.

This assignment supports the FLEGT VPA process between the European Union (EU) and the Government of the Kingdom of Thailand. It is reflected in the work plan of the EU FLEGT Facility, which is developed based on annual expectations put forward by the European Commission (EC), EU Delegations and several EU Member States that are donors to the EU FLEGT Facility.

1.2. Objectives of the assignment

The objective of the assignment is to support the Government of the Kingdom of Thailand (GoT) and the EU, represented by the Directorate-General for Environment (DG ENV) of the European Commission and the EU Delegation (EUD) to Thailand, in negotiating a VPA by providing assistance to the GoT, the EU, the EUD and all relevant national stakeholders. The main national counterparts are the Royal Forest Department (RFD), which functions as the technical lead of the process, the Thai-EU FLEGT Secretariat Office (TEFSO), the Negotiation Sub-Committee on the FLEGT VPA and all its technical structures, the Ministry for Natural Resources and Environment (responsible for the VPA negotiations) as well as other ministries and departments such as the Ministry of Commerce, Ministry of Foreign Affairs, Ministry of Finance (customs), civil society organisations and private sector stakeholders.

The assignment is a continuation of on-the-ground support rendered by three previous experts contracted by EFI between August 2011 and March 2019 in support of the preparation for VPA negotiations and subsequent negotiations. During this period, an improved understanding of key VPA components was achieved amongst different government institutions, private sector and civil society. With the support of the earlier experts, technical working structures and stakeholder participation mechanisms have been established, technical work on VPA annexes advanced and governance reforms concluded.

In this context, the contractor's overall role is to further enhance the understanding on the VPA and all its technical elements within the GoT and other relevant stakeholders, and, most importantly, to help advancing the VPA process by supporting the development of specific elements of the VPA, its negotiation process and its broad multi-stakeholder arrangement.

All interventions by the contractor will be coordinated with the EFI's country team for Thailand in collaboration with the EU Delegation and under the supervision of EC Headquarters (see below). They will be documented in a final report.

1.3. Scope and Tasks

The contractor will respond to the needs of the negotiating parties (the GoT and the EU) and will guarantee a neutral and enabling role.

Activities will focus on:

1. Support the Ad-Hoc Working Group and its technical Sub-WGs and their respective consultants in the development of VPA Annexes by providing process support, identifying areas for clarification through FLEGT Facility experts, and monitoring and promoting advancement on work schedules;
2. Help the Thai FLEGT VPA negotiation sub-committee, TEFSO, the ad-hoc working group and its technical Sub-WGs to reach understanding about the different elements of the VPA and related EU positions, in particular on institutional aspects and mechanisms of information management;
3. Help government agencies, civil society and private sector stakeholders to organize their engagement in the VPA process, and facilitate contacts to relevant networks within and outside of Thailand;
4. Support the field-testing of specific TLAS elements, facilitate the integration of stakeholder inputs into these processes and support reporting back of field test results into the process;
5. Assist the Government of Thailand and the EU in FLEGT negotiations and related preparatory work, Joint Expert Meetings and Video conferences, and help the TH-EU dialogue to establish realistic roadmaps for the VPA process and joint reporting against it;
6. Support technical missions by EUFLEGT Facility country and SME experts;
7. Regular liaison with TEFSO, EU Delegation and FAO-EU FLEGT on all aspects of the VPA process;
8. Provide ad-hoc analysis of socio-economic, political and legislative developments, in particular related to governance reforms with relevance to the forest sector, and document national communication through the media with relevance to the VPA;
9. If and when required, provide background information on FLEGT related funding proposals by Thai stakeholders to the EU Delegation;
10. Support the Government of Thailand, the EU and the FLEGT Facility with minor translation of documents and proof readings of translated documents;
11. Support the preparation of documents and publications, incl. the subcontracting of professional translations;
12. Support the systematic documentation of VPA-related activities (including FLEGT related projects funded by FAO and other institutions), progress and achievements to ensure the institutional memory of the VPA process and lessons learnt are available to both parties and other VPA countries; and provide regular updates as requested by EFI.
13. Support dissemination of information about the FLEGT process in Thailand with national, donor-supported, private sector and civil society initiatives aimed at addressing forest governance at country level and, wherever relevant, in the Mekong sub-region.

1.4. Resources, Duration and Timetable

The tasks are to be performed by one expert for a total of up to **200 working days**, out of which up to 15 days may be spent outside of Bangkok but in Thailand (e.g. in Chiang Mai), up to 15 days in the ASEAN region (e.g. Malaysia) and up to 5 days in Europe (Brussels or Barcelona). All travel shall to be coordinated with EFI prior to departure. The final amount of total working days will be decided by EFI on a needs basis.

Average time inputs should initially aim for **about 8 days per month**, but depending on actual needs the expert can flexibly adjust these inputs (a brief justification shall be provided in the monthly update report). The time input for each 6-month period shall not exceed 70 days without prior approval by EFI.

The contracting period is 24 months from the date of contract entering into force.

Implementation of the contract beyond 2019 is contingent on annual approval of the EU FLEGT Facility Work Plan and Budget and conditional on external funding to be granted.

1.5. Reporting and Deliverables

The work is coordinated by the EU FLEGT Facility, its country team for Thailand, with whom the contractor is expected to maintain frequent communication. Overall steering of the FLEGT VPA process is provided by the EC Headquarters represented by DG Environment.

The contractor will **regularly report** on progress related to above listed tasks by email/skype/personal meetings/video-conferencing to the Facility's country team, the EU Delegation to Thailand and EC Headquarters.

The contractor prepares **quarterly update reports** on the VPA process in Thailand which will be quality checked by the Facility's country team and distributed to the negotiating parties (GoT and the EU). The structure and required content of the reports will be agreed with the Facility's country team beforehand the release of the first quarterly update report and may evolve along the implementation of the contract.

A final report covering all interventions during the period of assignment shall be prepared in the end of the contract period. The report will be approved by the EU FLEGT Facility.

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 Experts 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 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 two pages – using separate headings and making reference to the Terms of Reference and the previous experience of the Expert – showcasing the Tenderer's understanding of:

- the VPA process in Thailand
- the aims and context of the Expert's tasks/activities
- the challenges of the VPA negotiation process in Thailand

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

- measures to ensure a participatory and consultative multi-stakeholder process
- facilitation and management of the process/activities
- liaising with key stakeholders in Thailand and liaising with the EU and EFI's FLEGT Facility

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 financial proposal shall include (see chapter 1.4):

- fees for the Expert
- costs for 1 mission to Europe (Brussels or Barcelona)
- costs for 5 missions in Thailand
- costs for 4 missions in ASEAN region

To support the implementation of this contract EFI will make available a work plan budget totaling 12,000 EUR in the form of reimbursable costs. The work plan budget will be used for costs related to interpretation, translation, domestic travel of stakeholders, meetings and alike. Use of the work plan budget needs a prior approval from EFI on each spending

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 (draft 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 8 years relevant working experience with international organisations supporting policy-making processes in the natural resources and environment sector, including experience in multi-stakeholder processes.
M.II.	At least one-year direct involvement with FLEGT VPA processes in the Mekong region.
M.III.	Masters' level or higher, including public administration, social sciences, environmental law, forestry or natural resources management, business administration and/or other areas relevant to FLEGT.
M.IV.	Demonstrated understanding of the forestry sector in Thailand.
M.V.	Professional understanding, speaking and writing in Thai and English as demanded with respect to all tasks covered by the Terms of Reference in this tender.

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 80 points)

N°	Award criteria	Max points
A.I.	Understanding of:	30
i.	the VPA process in Thailand	10
ii.	the aims and context of the contractor's tasks/activities	10
iii.	the challenges of the VPA process in Thailand	10
A.II.	Proposed methodology for the implementation of the tasks	50

i.	Measures to ensure a participatory and consultative multi-stakeholder process	10
ii.	Facilitation and management of the process/activities	20
iii.	Liaising with key stakeholders in Thailand and liaising with the EU and EFI's FLEGT Facility	20

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 20 points)

Tenders presenting a total financial proposal (Fo) superior to the maximum contract value of EUR 135,000 will not be considered further.

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

$$F = (Fmin / Fo) \times 20$$

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