

Terms of reference (ToR) for the procurement of services below the EU threshold



Fostering Policy Harmonisation for ICM: Support revision of Land Survey Act 1980 and related legislation	Project number/ cost centre: 18.2194.1-004.00
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0.	List of abbreviations	2
1.	Context.....	3
2.	Tasks to be performed by the contractor	5
3.	Concept.....	6
	Technical-methodological concept	6
	Further requirements (1.7).....	7
4.	Personnel concept.....	7
	Legal Expert.....	7
5.	Costing requirements	7
	Sustainability aspects for travel	8
6.	Inputs of GIZ or other actors.....	10
7.	Requirements on the format of the tender	10
8.	Option	10

0. List of abbreviations

AG	Commissioning party
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
BMZ	German Federal Ministry for Economic Cooperation and Development
EU	European Union
FK	Expert
FKT	Expert days
KZFK	Short-term expert
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
ICM	Integrated Catchment Management
ICU	Integrated Catchment Management Coordination Unit
MoLGCHAP	Ministry of Local Government, Chieftainship, Home Affairs and Police
SADC	Southern African Development Community
TWM	Transboundary Water Management
ToRs	Terms of reference

1. Context

Background on the Support to Integrated Catchment Management in Lesotho

The Government of Lesotho, with support from the European Union and the German Federal Ministry for Economic Cooperation and Development, has embarked on a national programme for Integrated Catchment Management (ICM). Known as ReNOKA, the programme's aim is to support the rehabilitation of degraded watersheds across the country and prevention measures that will halt the further degradation of Lesotho's catchment areas. The sustainable management of Lesotho's catchments are of critical importance for water, land, energy and food security not only in Lesotho itself but in the entire Orange-Senqu Basin and Gauteng Province, Southern Africa's economic centre.

The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH has been commissioned by the European Union and the German Federal Ministry for Economic Cooperation and Development to implement a technical cooperation project to support Integrated Catchment Management in Lesotho. The overall objective of the project is that "Integrated Catchment Management facilitates socio-economic development and adaptation to climate change in Lesotho", while the specific objective is "ICM is institutionalised and under full implementation in Lesotho, based on gender equality and climate change adaptation principles.

To achieve its objectives the programme works across six different and interrelated change areas:

1. Catchment Management: coordinating physical measures and planning approaches for catchment rehabilitation.
2. Policy and governance: establishing a solid legal basis for the ICM approach and its coordinating/ planning institutions.
3. Finance & investment: establishing financing mechanisms & exploring revenue generation and financing sources for the long-term sustainability of ICM institutions and catchment rehabilitation measures.
4. Skills & knowledge: providing capacity building to key stakeholders.
5. Awareness & behavior change: promoting change through targeted communication approaches.
6. Data & monitoring: providing scientific evidence to inform evidence-based decision making.

These Terms of Reference are meant to procure support to the sixth change area by initiating the governance of geospatial data management and harmonisation of geospatial data by introducing data management policies, standards and guidelines.

The programme works at a national as well as regional/catchment level. At the national level, fostering the development of ICM institutions that support the coordination and the development of integrated catchment planning. Whereas at the regional/catchment level the

programme is implemented across six Catchment Management Areas (CMAs) guided by the coordinating and planning institutions that are established to support integrated and inclusive integrated catchment planning efforts.

The national ICM programme is coordinated by the Integrated Catchment Management Coordination Unit (ICU). The programme receives financial support and is co-financed by the by the European Union (EU) in Lesotho and the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the German Development Cooperation (GIZ). The support to ICM in Lesotho is implemented as a component of the “Transboundary Water Management in the SADC region” (TWM) within the long-standing support that GIZ provides to the SADC water sector.

Background on the assignment

These terms of reference (ToR) are for the appointment of a service provider by the GIZ Project “Support to Integrated Catchment Management (ICM) in Lesotho” to support the Ministry of Local Government, Chieftainship, Home Affairs and Police in reviewing the Land Survey Act 1980, particularly with the objective of establishing geospatial data-sharing policies, standards, and harmonising geospatial data compatibility and sharing. This is relevant and useful to the implementation of an integrated catchment management approach in Lesotho because of the multidimensional nature of land degradation and ecosystem degeneration, and the interlinkage of human/environmental/climate drivers call for a holistic data management or governance across catchment areas on a national scale. Previous data management approaches have focused on vertical applications, such as land cover mapping, soil mapping and scattered studies across parts of the Lesotho territory, measuring specific variables at a single point in time. Such efforts being carried out by different actors in the ICM implementation with no coordination have left knowledge gaps regarding important baseline information that would facilitate the measurement of progress against selected indicators and have missed opportunities for synergies.

Some key data for decision-making related to integrated catchment management is either not available or its access has proven to be impossible from different ministries across the country. The information gaps range from:

- Limited datasets to monitor national-level land degradation and ecosystem degeneration: most of the available data is localised and focuses on a small particular geographical area and ecosystem and is not spatially extensive and explicit. The available data on land cover needs to be updated to include important changes that have occurred in the last five years.
- Limited analysis between the human/environmental/climate drivers: the main drivers of land degradation (climate, environment, agricultural management, and socioeconomic) vary depending on the scale of the analysis, spanning from the national, catchment sub-catchment and council scale.
- Limited spatial and temporal scales of data management. The frequency and scale of data collection still has proven to be a challenge.

This review will enable the programme to establish a national data and monitoring system for ICM, hosted by the Government of Lesotho, to provide relevant information for ICM stakeholders and support evidence-based policymaking. It will also support improvements in the collection, analysis, storage and use of data for national monitoring of ICM-related

parameters and learning across the ICM sector and beyond in the basin and the region. The support is provided in alignment with the objectives of ICM, in close cooperation with the Ministry of Local Government, Chieftainship, Home Affairs and Police (MoLGCHAP), the National ICM Coordination Unit and in consultation with all relevant Ministries, private sector and civil society stakeholders.

GIZ shall hire the contractor for the anticipated contract term, from November 2024 to March 2025

2. Tasks to be performed by the contractor

The contractor shall provide the following services:

The Support the Ministry of Local Government, Chieftainship, Home Affairs and Police in the process of reviewing and revising of the Land Survey Act 1980 and related legislation and in drafting clear instructions for the revised Act, in Bill format, ready for submission to Parliament. He/she will also develop a proposal for the implementation plan of the Bill. In carrying out this work, the contractor will also draw from a corresponding study undertaken by a Land Survey Expert and a Geospatial Information Management Expert.

i. Support the Ministry in the process of revision of the Land Survey Act 1980 and related legislation

- Review the Land Survey Act 1980 and related legislation
- Review international best practice in geospatial data policies / legislation
- Produce a review report

ii. Support the Ministry in drafting clear instructions for the revised Act, in Bill format, and ready for submission to Parliament

- Draft technical issues paper on the review of the Land Survey Act 1980 and related legislation
- Draft clear instructions in Bill format, ready for submission to Parliament
- Organise stakeholder consultation workshops and meetings
- Organise final stakeholder validation workshop

iii. Propose an Implementation plan for the Bill

- Draft an implementation plan of the Bill clearly outlining the goals, mapping out risks, scheduling milestones, identifying responsibilities to specified tasks, and indicating required resources

In addition to the reports required by GIZ in accordance with the AVB, the contractor submits the following reports:

- Inception report
- Review report
- Final Technical issues paper
- Final Drafting instructions (Draft Bill)
- Implementation plan

Certain milestones, as laid out in the table below, are to be achieved during the contract term:

Milestones/process steps/partial services	Deadline/place/person responsible
Kick-off and Inception meetings	In 1 week from of contract award, in Maseru, by GIZ
A detailed workplan presentation with clearly articulated methodology, list of stakeholders, and timeline.	2 weeks after start of contract in contractor's location and any other place where interviews need to be held, by contractor and Ministry
Review of Land Survey Act and international best practice Report submitted	1 month after start of contract in contractor's location and any other place where interviews need to be held, by contractor
Draft technical Issues Paper circulated for review, revised and agreed.	3 months after start of the assignment, Maseru, Contractor's location, by ICU, the Ministry, contractor and GIZ.
Draft clear instructions in Bill format	4 months after start of the assignment, contractor's location, by contractor
Organise stakeholder consultation workshops and meetings to present issues paper and drafting instructions	4.5 months after start of the assignment, in Maseru and three regions of the Country (North, Central, South), by the Ministry, GIZ, ICU, Consultant
A clear implementable plan for the Bill	5 months after start of the assignment at consultant's location, Maseru, by consultant

Period of assignment: from **November 2024 until March 2025**.

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 2 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Technical-methodological concept

Strategy (1.1): The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 2 Tasks to be performed) (1.1.2).

The tenderer is required to present the actors relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The tenderer is required to present and explain its approach to **steering** the measures with the project partners (1.3.1) and its contribution to the **results-based monitoring system** (1.3.2).

The tenderer is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 2 (Tasks to be performed by the contractor) are to be provided. In particular, the tenderer is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

The tenderer is required to describe its contribution to knowledge management for the partner (1.5.1) and GIZ and to promote scaling-up effects (1.5.2) under **learning and innovation**.

Project management of the contractor (1.6)

N/A

Further requirements (1.7)

As far as possible, all newly drafted legislations must have consideration of cross-cutting themes such as climate change, gender equality, gender ratio.

4. Personnel concept

This assignment requires one expert who will be drawing from the work of experts in a corresponding study on land survey and geospatial data. The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Legal Expert

Tasks of the expert

- Overall responsibility for the advisory packages of the contractor (quality and deadlines)
- Coordinating and ensuring communication with GIZ, partners and others involved in the project.
- Regular reporting in accordance with deadlines

Qualifications of the Legal Expert

- **Education/training (2.1.1):** university degree (German 'Diplom'/Master) in Law
- **Language (2.1.2):** C2-level language proficiency in English language
- **General professional experience (2.1.3):** 12 years of professional experience in legal advisory services, research, reviews, revision, amendments, and drafting of laws and other legal instruments.
- **Specific professional experience (2.1.4):** 10 years in drafting national laws and other legal instruments, with a profound understanding of the national legislative procedures and processes.
- **Leadership/management experience (2.1.5):** 5 years of management/leadership experience as project team leader or manager in a company
- **Regional experience (2.1.6):** 5 years of experience in projects in the SADC (region), of which 2 years in projects in Lesotho (country)
- **Development cooperation (DC) experience (2.1.7):** 5 years of experience in conducting assignments for DC projects
- **Other (2.1.8):** evidence of prior work with the ICM programme, and prior assignments supporting the Ministry responsible for Local Government.

5. Costing requirements

Per-diem and overnight accommodation allowances are reimbursed as a lump sum up to the maximum amounts permissible under tax law for each country as set out in the country table in the circular from the German Federal Ministry of Finance on travel expense remuneration (downloadable at <https://www.bundesfinanzministerium.de>).

Accommodation costs which exceed this up to a reasonable amount and the cost of flights and other main forms of transport can be reimbursed against evidence.

All business travel must be agreed in advance by the officer responsible for the project.

Sustainability aspects for travel

GIZ would like to reduce greenhouse gas emissions (CO₂ emissions) caused by travel. When preparing your tender, please incorporate options for reducing emissions, such as selecting the lowest-emission booking class (economy) and using means of transport, airlines and flight routes with a higher CO₂ efficiency. For short distances, travel by train (second class) or e-mobility should be the preferred option.

If they cannot be avoided, CO₂ emissions caused by air travel should be offset. GIZ specifies a budget for this, through which the carbon offsets can be settled against evidence.

There are many different providers in the market for emissions certificates, and they have different climate impact ambitions. The [Development and Climate Alliance \(German only\)](#) has published a [list of standards \(German only\)](#). GIZ recommends using the standards specified there.

Specification of inputs

Fee days	Number of experts	Number of days per expert	Total	Comments
Designation of Legal expert	1	62	62	<ul style="list-style-type: none"> – Inception meeting (0,5 day) – Interviews with key people as required (2 days) – Preparation of detailed roadmap for the assignment (2 days) – Presentation of Inception Report (0.5) – Review of the Land Survey Act 1980 and related legislation (5 days) – Review of international best practice in geospatial data policies / legislation (5 days) – Preparation of a review report (3 days) – Drafting of Issues paper (15) – Drafting of draft instructions (5 days) – Organising stakeholder consultation workshops and meetings (9 days) – Finalisation of drafting instructions (5 days) – Organising final stakeholder validation workshop(s) for drafting instructions and draft implementation plan (5 days)

				– Finalising the implementation plan for the Bill (5 days)
Travel expenses	Quantity	Number per expert	Total	Comments
Per-diem allowance in country of assignment		6		Foreseen during regional stakeholder consultation workshops
Overnight allowance in country of assignment		6		Foreseen during regional stakeholder consultation workshops
Transport	Quantity	Number per expert	Total	Comments
International flights	N/A	N/A	N/A	Travel to the place of service delivery N/A
Domestic flights	N/A	N/A	N/A	Flights within the country of assignment during service delivery
CO ₂ compensation for air travel	N/A	N/A	N/A	.
Travel expenses (train, car) • Car		1500km		Travel within the country of assignment, attending progress reporting meetings, stakeholder consultations, validation meetings, etc.
Other travel expenses	N/A	N/A	N/A	e.g. visa costs
Fixed travel budget	N/A	N/A	N/A	
Other costs	Number	Price	Total	Comments
Flexible remuneration	N/A	N/A	N/A	
Workshops	N/A	N/A	N/A	
Subcontracts	N/A	N/A	N/A	
Procurement of materials and equipment	N/A	N/A	N/A	
Local contributions	N/A	N/A	N/A	

Other costs	N/A	N/A	N/A	
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6. Inputs of GIZ or other actors

GIZ and/or other actors are expected to make the following available:

- During progress meetings, workstations on GIZ premises (YES)
- Logistics for stakeholder and validation workshops: YES

7. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToR. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English (language).

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English (language).

Please calculate your financial tender based exactly on the parameters specified in Chapter 5 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule.

8. Option

- files/folder to ZA_Quotation@giz.de no later than **13th November 2024** all documents must be in PDF.
- **Submission to any other email address may invalidate your bid.**
- Please do not mention any price for this measure on your cover letter/Technical proposal.
- Please submit your tax clearance certificate with the bidding documents.
- Please submit your price proposal in **LSL**.
- Our General Terms of Conditions (attached) shall not be changed/amended should you be the winner of this tender. These General Terms and Conditions will form part of the contract should you be awarded this contract. By submitting your proposal, we will conclude that you have read and accepted these terms and conditions.
- Participating more than once in same tender is not allowed and it will lead to your proposal as well as that of the company where you appear more than once being disqualified. The responsibility rests with the companies to ensure that their partners/experts are not bidding/participating more than once in same tender.

- Bidders are not allowed to communicate directly with any other person regarding this bid other than the procurement official/s. Failure to comply with this requirement may lead to your bid being disqualified.
- Bidders must strictly avoid conflicts with other assignments or their own interests. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this EOI and tender process, if they:
 - a) are or have been associated in the past, with a firm or any of its affiliates which have been engaged by GIZ or the Interim Supply Chain Management Council to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the services in this selection process;
 - b) were involved in the preparation and/or design of the programme/project related to the services requested under this EOI and tender;
 - c) are serving or have been serving in the past three months in the structures of the Interim Supply Chain Management; or
 - d) are found to be in conflict for any other reason, as may be established by, or at the discretion of GIZ.

Scientific data

In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to GIZ, and seek GIZ's confirmation on whether or not such a conflict exists.

- Similarly, the Bidders must disclose in their proposal their knowledge of the following:
 - a) if the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of GIZ staff involved in the procurement functions and/or the Interim SCM Council or any Implementing partner receiving services under this EOI or tender; and
 - b) all other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.
- **Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.**

Bids sent via Dropbox and WeTransfer will not be accepted.