

Selection of Consultants

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Request for Expression of Interest

Consulting Services: Strengthening and piloting of Access and Benefit Sharing (ABS) guidelines and Capacity Building of BMCs



October 2021

CONSULTING SERVICES
EXPRESSION OF INTEREST (EOI)

A. Background

1. Assam's population is expected to increase to 34 million by 2021¹ and continue to grow. A vast majority (86%) still resides in rural areas². Catering to the demands of a rising population as well as meeting its developmental goals is going to be a major challenge for the state, especially in terms of managing the pressure on its forests and natural resources to meet those needs. It is also important to note that Assam is a primarily rural state, with 53% of its population engaged in agriculture³. Production of all crop types has been increasing⁴, and the majority of the rising population is bound to stay within the sector. This means that the pressure on forest areas to make way for more agricultural land is set to continuously increase. This also sets the stage for increasing instances of man-animal conflicts as people breach natural habitats to meet their needs. Further, the global issue of climate change is a major threat to Assam's rich and complex ecosystems. Forest communities that depend directly on forests will be especially vulnerable. This interrelated web of challenges being faced by the state needs urgent solutions. The Forest Department, being the custodian of the forests, operates at the juncture where people and natural resources interact. The department needs to address these challenges, while also increasing its capacity to do so.

To support the Forest Department of Assam in its endeavor to effectively manage its forest and biodiversity, the French Development Agency – Agence Française de Développement (AFD) and the State Government of Assam co-funded "Assam Project on Forest and Biodiversity Conservation (APFBC)". Phase – I of the project was implemented between February 2012 and May 2019.

After successful implementation of Phase I, APFBC Phase II began in August 2019, with a budget of € 62.5 million (INR 500 crore). AFD will contribute 80% of the budget at € 50 million (INR 400 crore) and Government of Assam will contribute 20% of the budget at € 12.5 million (INR 100 crore).

2. Project Description

Forest Department in Assam is composed of three primary wings that manage the forest divisions – Territorial (33), Social Forestry (14), and Wildlife (8). The Forest department also has a Research, Education, and Working Plan (REWP) wing who are responsible for working plan preparation & forest resources inventory and assessment.

The Assam Project on Forest and Biodiversity Conservation Society, a Special Purpose Vehicle created by the Government of Assam and registered under the Societies Registration Act is mandated with overall execution, management, and coordination of the project activities through a Project Management Unit (PMU) established to implement the project. Project implementation sites - Forest Divisions and other entities – would be considered Field Implementation Units (FIUs). The PMU is supported by technical assistance from a Project Management and Monitoring Consultant.

The overall vision of the project is that it contributes through the Forest Department to the Conservation of nature for a healthier ecosystem and happier communities. This overarching vision/goal shall be reached through the following three main specific objectives:

- Developing participatory Sustainable Forest and Biodiversity management under changing climatic conditions.

1 http://censusindia.gov.in/Census_Data_2001/Projected_Population/Projected_Population.pdf

2 http://censusindia.gov.in/2011census/censusinfodashboard/stock/profiles/en/IND018_Assam.pdf

3 <https://hfw.assam.gov.in/documents-detail/population-and-women-empowerment-policy-of-assam>

4 <http://planningcommission.gov.in/plans/stateplan/present/assam.pdf>

- Improving the livelihoods for Forest neighboring communities through inclusive (collective and individual) supports.
- Strengthening the Forest department to better fulfill its missions.

3. The APFBC Phase II project is divided into four major components. Brief description of each component is presented below:

i. *Component 1: Conservation of Ecosystems:* the key focus of Phase II is conservation of forests and wildlife. The component is divided into two sub-components to ensure each receives due attention:

a. *Sustainable Forest Management:* activities will include

- State-wide forest resource mapping will be conducted to form a database of the state's natural resources and conservation needs.
- 12,500 ha of plantations,
- Setting up Climate Change and REDD+ processes and
- Improvement of infrastructure needed by frontline staff

b. *Biodiversity Conservation:* addresses the critical conservation needs of the rich biodiversity of the state through activities as

- Improvement of Protected Area management,
- Conservation efforts for a few key species (especially those that have not received enough attention so far),
- Outreach efforts to spread public awareness and
- Supporting the Assam State Biodiversity Board in making its Biodiversity Management Committees stronger.

This component will also contain a number of technological interventions aimed at enhancing the department's conservation efforts and effectiveness.

ii. *Component 2: Community Engagement* aims to

- Further strengthen the 136 existing communities from Phase I as well as support 125 new communities through training and supporting JFMC/EDCs for joint forest management and linking them with alternate livelihood options.
- Build market linkages to ensure that the livelihood interventions are successful and sustainable.
- Converge with existing government schemes to ensure forest fringe communities reduce their dependence on forest resources
- Form Self Help Groups and Joint Liability Groups to allow beneficiaries to function independently and reap benefits from the activities initiated under the project even after the project is over.

iii. *Component 3: Institutional Strengthening* addresses: Forest Department's most urgent institutional gaps, ensuring that it is equipped to deal with the complex challenges it faces.

Activities are as under:

- Conduct of a comprehensive HR study including strengthening of the legal cell, procurement cell and research and education cell
- Digitizing the department's work by strengthening the Forest Management Information System (FMIS),

- c. Improving the human resource module of the FMIS,
 - d. Supporting the Forest Schools by addressing their infrastructural requirements.
 - e. Project management of Phase II.
- iv. *Component 4: Climate, Gender and Social Inclusion:*

Throughout the project activities, Climate, Gender and Social Inclusion will be recurring and cross-cutting themes for all activities. This is reflected in the Project's Environmental and Social Commitment, which will be fulfilled through the Environmental and Social Management System and the Gender Action Plan. The project is committed to ensuring fair gender representation as well as inclusion of vulnerable sections of all stakeholders, especially in case of its beneficiary communities. This translates to a participative approach wherever applicable, such as for microplanning with the community; and an inclusive approach inviting a broad representation of community members, such as in case of livelihood trainings. Considering the wide ambit of project activities which would interact with forests, biodiversity and other large infrastructural undertakings (equipment, vehicles, buildings, etc.), the Project shall closely monitor its activities to ensure alignment with its climate, gender and social inclusion commitments.

4. Expected Outcomes of the Project: The expected outcomes of APFBC Phase-II are as under:

- Enhanced sustainable and participatory forest management under changing climatic conditions.
 - Sustainable and participatory management of biodiversity/ecosystems.
 - The improved livelihood of forest-dependent communities.
 - Strengthened institutional capacities for inclusive management of natural resources.
5. India became a party to the Convention on Biological Diversity (CBD) and further adopted the Nagoya Protocol (2014) on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their utilization. Many states, including Assam, have adopted the Access and Benefit Sharing (ABS) guidelines of the National Biodiversity Authority (2014) to develop state-specific guidelines.

The Government of Assam had introduced the Assam Biodiversity Rules, 2010 following which the Assam State Biodiversity Board (ASBB) had developed the "Standard Operating Procedure (SoP) for commercial users of 'Biological Resources' for Access & Benefit Sharing (ABS) in Assam". The underlying principle of ABS is to ensure that access to biological resources and/or associated traditional knowledge is based on a set of principles, terms, and conditions. Some of the methodologies for implementation include securing Prior Informed Consent (PIC), finalizing mutually agreed terms (MATs) and ensuring fair and equitable benefit sharing. Despite the presence of the Biological Diversity Act and Rules at both the National and State level, the implementation of ABS is far from its potential in compensating local communities for the commercial utilization of bioresources. There is a dearth of awareness and know-how on sustainable use of biodiversity and the fair and equitable sharing of the benefits arising out of the utilization of bioresources.

ASBB had undertaken a project on documentation of tradable bio-resources and associated traditional knowledge from the local communities of Assam to address the knowledge gap on tradable bioresources. The documentation exercise has resulted in the preparation of a multicoloured book with pictures on tradable rare, endemic and high-value bio-resources for awareness generation and their prospects for ABS mechanism. Some of the industries associated with the trade and commercial utilization of bioresources have also been identified.

6. At present, a total of 2549 BMCs are constituted in the State at all local and urban bodies including 40 BMCs at the 3 Autonomous Councils of the State. Members of these BMCs have had very limited exposure and training on matters related to their roles and responsibilities, accounting, administrative and technical issues related to the implementation of ABS and the Biological Diversity Act (BDA). To strengthen the BMCs in the implementation of the BDA, APFBC Phase II aims to establish model BMCs that could act as lighthouse or beacon BMCs on various aspects of the BDA, including implementation

of the ABS mechanism. This will create models for effective conservation of biodiversity and implementation of the BDA by the local community.

7. The [Assam Project on Forest and Biodiversity Conservation (APFBC)] [has received-] financing from Agence Française de Développement ("AFD"), and intends to use part of the funds thereof for payments under the following contract "**Strengthening and piloting of Access and Benefit Sharing (ABS) guidelines and Capacity Building of BMCs**".

8. **The objective of this assignment is to build on the existing efforts of the ASBB through:**

- a. Strengthening existing ABS guidelines & SoP
- b. Assessment and mapping of tradable bioresources
- c. Pilot implementation of ABS
- d. Capacity building of BMC members

B. Scope of the assignment

To achieve the above objective, the project aims to assess the availability and trade volume in different bio-resources in Assam, support in the pilot implementation of ABS, development of detailed guidelines in English and Assamese and capacity building of BMC members for implementation of ABS mechanism in the state.

The broad activities under this assignment are described below.

C. Tasks to be achieved

1. Collect information and data related to ABS through a mix of secondary and primary research. The consultant(s) would need to plan stakeholder consultations with ASBB, traders and industry bodies, experts and Biodiversity Management Committees (BMCs), to get an understanding of existing guidelines/SoPs related to ABS and identify current issues and challenges in implementation
2. Assess and map the commercial utilization of bioresources falling under the ambit of ABS, including information on the region —and BMC — wise availability of bioresources, the volume of trade, the flow of bioresources from extraction to end-industry usage and traders/manufacturers accessing bioresources
3. An assessment of potential funds that can be generated through ABS
4. Update modalities (procedure for resource access, collection of fees by BMC/ASBB, mode of benefit sharing for access and commercial utilization, the procedure for obtaining IPR and any other relevant aspects) for implementation of ABS in close consultation with ASBB and relevant stakeholders
5. Support ASBB in the implementation of 10 pilots on ABS in the state covering bio-resources with high economic/commercial value
6. Prepare guidelines and training material in English and Assamese based on the experience of the pilot implementation of ABS
7. Capacity building of 50 BMCs on various administrative and technical aspects of the implementation of BDA

D. The APFBC Society hereby invites Applicants to show their interest in delivering the Services described above.

E. This Request for Expressions of Interest is open to:

- Consulting firms ;
- Joint Venture/consortiums between consulting firm(s)/ NGO(s) and Academia, with consulting firm as a lead partner

F. Eligibility criteria to AFD financing are specified in sub-clause 1.3 of the "Procurement Guidelines for AFD-Financed Contracts in Foreign Countries", available online on AFD's website: <http://www.afd.fr>.

- G.** The Applicant shall submit only one application, in its own name. If an Applicant (including JV/consortium partner) submits or participates in more than one application, those applications shall be all rejected. However, the same Sub-consultant may participate in several applications.
- H.** Experiences and qualifications of Subconsultants are not taken into account in the evaluation of the applications. Consultants engaged in the upstream activities of this project would not be allowed to participate unless explicitly approved by the client, and AFD NOC needs to be undertaken for the same.
- I.** All experts are expected to be deployed full-time or part-time based on the requirement on the project and would have to be based out of Assam during the course of the project. Key members should be able to speak English, Hindi, and Assamese. Field staff if any must be able to speak Assamese. Familiarity with any other local language would be an advantage. Interested applicants must provide information evidencing that they are qualified and experienced to perform those services. For that purpose, documented evidence of recent and similar services shall be submitted.
- J.** Determination of the similarity of the experiences will be based on:
- The nature of the Services
 - The contracts size;
 - The technical area and expertise
 - The location
- K.** The Client will also take into account for the evaluation of the applications the following items:
- Skills and availability of in-house technical backup experts.
 - Local representatives/ partners and their experience in similar projects in Assam
- L.** For a JV/ consortium, its leader and any member that has its registered office outside the Client's country shall fulfil each of these criteria. An application that does not meet any of these requirements will be rejected.
- M.** Among the submitted applications, APFBC Society will shortlist a maximum of six (6) Applicants, to whom the Request for Proposals to carry out the Services shall be sent.
- N.** Interested Applicants must provide information evidencing that they are qualified and experienced to perform those Services. For that purpose, documented evidence of recent and similar services shall be submitted.
- O.** **Clarifications/ queries regarding EOI, if any, will be entertained till 17:00 hrs. of 24th October, 2021.**
- P.** The Expressions of Interest must be submitted in English language not later than **2nd November, 2021 till 16:00 Hrs** by email or hard-copy (soft copy in pendrive) to the address below:

**Office of the Project Director, Project Management Unit, APFBC Society, 3rd Floor, Aranya Bhavan,
Panjabari, Guwahati- 781037; Email: pd@apfbc.in**

Annexure 1: Format for Expression of Interest

The expression of interest must be submitted along with the following documents:

- a) FORM 1: Organization Details
- b) FORM 2: Compliance to Eligibility Criteria
- c) FORM 3: Credentials / Past Experiences for all the projects cited under eligibility criterion

{Note: In case, documents submitted are in any language other than English, the consultant shall submit a self-certified copy of the translated document in English (along with originals).}

Form1: Organization Details

Section1: About the EoI Respondent			
I.	Name of the Organization		
II.	Details of the Organization	<ul style="list-style-type: none"> • Address of the Registered Office : • Telephone : • Website : 	
III.	Information about Organization	<ul style="list-style-type: none"> • Year of Establishment : • Status of the Organization : 	
IV.	Name and designation of the person authorized to make commitments	<ul style="list-style-type: none"> • Name • Designation • E-mail • Contact Number 	
V.	Average Annual Turnover for the last three Financial Years (The consultant should have a minimum average annual turnover from consultancy/ advisory of INR 2.5 Crore or foreign currency equivalent over the last three financial years)	Financial Year	Annual Turnover (INR)
		2017-18	
		2018-19	
		2019-20	
Please attach audited annual accounts statements for last 3 years			
VI.	Number of professionals in the organizations		

Form2: Compliance to Eligibility Criterion

Sn	Eligibility Criterion	Compliance (Yes/ No)	Documentary Evidence Provided
1	The consultants (including the JV partner) must be a registered legal entity and should have been in existence for at least 5 years. In case of a Consortium/Joint Venture this would be applicable to the lead firm.		Certificate of Incorporation/ Registration
2	The consultant (lead firm) should have a minimum average annual turnover from consultancy/ advisory of INR 2.5 Crore or foreign currency equivalent over the last three financial years (FY 2017-18, FY 2018-19 and FY 2019-20).		Self-certification. Copies of the audited balance sheet, P/L Statement and tax return copies duly sealed and certified by the authorized representative of the bidder.
3	Experience in working with the Government at a national/state level in India on implementing similar natural resource management and biodiversity conservation activities.		Copies of Work Order/ Contract Document/Completion Certificate from the previous clients
4	Experience in capacity building of local communities and development of knowledge and awareness material in the areas of natural resource management and biodiversity conservation.		Copies of Work Order/ Contract Document/ Completion Certificate from the previous clients

Form 3 : Format for Credentials / Past Experiences for projects cited under eligibility criterion (Maximum 2 pages per credential)

Assignment name :	Country : Location within the country
Name of Client :	Address :
Name of the Legal Entity in whose name the contract is :	Duration of assignment (months) :
Number of man-months to fulfill the assignment:	Start date (Month/year) : Completion date (Month/year) :
Approx. Value of the overall contract (in INR):	
Name of associated organizations, if any:	Role of Consortium member :
Narrative description of the Project :	
Detailed Scope of services, coverage and relevance to this project :	
Copy of Purchase Order /Contract attached ?	YES /NO

Form 4: Matrix template for evaluating Expressions of Interest

The table below will be used to establish the shortlist of Applicants. One table must be completed for each Applicant. For each experience submitted by the Applicant, check the boxes of the criteria which are met by the experience.

Name of the Applicant: _____

	<i>Reference in Form 3</i>	<i>Experience in working with the Government at a national/state level in India on implementing similar natural resource management and biodiversity conservation activities.</i>	<i>Experience in capacity building of local communities and development of knowledge and awareness material in the areas of natural resource management and biodiversity conservation.</i>
<i>[Experience A]</i>			
<i>[Experience B]</i>			
<i>[Experience C]</i>			
<i>[Etc.]</i>			
Total¹			

The selection of Applicants to be shortlisted shall follow the rules as defined here below:

- The Applicant must meet the “at least” criterion provided in each column above; otherwise, the application will be disqualified.
- The ranking of Applicants is based on the greatest number of criteria fulfilled (boxes checked).
- For a Joint Venture/Consortium, the experiences of all members will be added together for a combined total.

¹ The “total” for each column indicates the number of experiences which meet the criterion.

Form 5: Statement of Integrity, Eligibility and Environmental and Social Responsibility

(To be submitted with the application, signed and unaltered)

Reference of the bid or proposal _____ (the "Contract")

To: _____ (the "Contracting Authority")

1. We recognise and accept that *Agence Française de Développement* ("AFD") only finances projects of the Contracting Authority subject to its own conditions which are set out in the Financing Agreement which benefits directly or indirectly to the Contracting Authority. As a matter of consequence, no legal relationship exists between AFD and our company, our joint venture or our suppliers, contractors, subcontractors, consultants or subconsultants. The Contracting Authority retains exclusive responsibility for the preparation and implementation of the procurement process and performance of the contract. The Contracting Authority means the Purchaser, the Employer, the Client, as the case may be, for the procurement of goods, works, plants, consulting services or non-consulting services.
2. We hereby certify that neither we nor any other member of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations:
 - 2.1 Being bankrupt, wound up or ceasing our activities, having our activities administered by the courts, having entered into receivership, reorganisation or being in any analogous situation arising from any similar procedure;
 - 2.2 Having been:
 - a) convicted, within the past five years by a court decision, which has the force of *res judicata* in the country where the Contract is implemented, of fraud, corruption or of any other offense committed during a procurement process or performance of a contract (in the event of such conviction, you may attach to this Statement of Integrity supporting information showing that this conviction is not relevant in the context of this Contract);
 - b) subject to an administrative sanction within the past five years by the European Union or by the competent authorities of the country where we are constituted, for fraud, corruption or for any other offense committed during a procurement process or performance of a contract (in the event of such sanction, you may attach to this Statement of Integrity supporting information showing that this sanction is not relevant in the context of this Contract);
 - c) convicted, within the past five years by a court decision, which has the force of *res judicata*, of fraud, corruption or of any other offense committed during the procurement process or performance of an AFD-financed contract;
 - 2.3 Being listed for financial sanctions by the United Nations, the European Union and/or France for the purposes of fight-against-terrorist financing or threat to international peace and security;
 - 2.4 Having been subject within the past five years to a contract termination fully settled against us for significant or persistent failure to comply with our contractual obligations during contract performance, unless this termination was challenged and dispute resolution is still pending or has not confirmed a full settlement against us;
 - 2.5 Not having fulfilled our fiscal obligations regarding payments of taxes in accordance with the legal provisions of either the country where we are constituted or the Contracting Authority's country;
 - 2.6 Being subject to an exclusion decision of the World Bank and being listed on the website <http://www.worldbank.org/debarr> (in the event of such exclusion, you may attach to this Statement of Integrity supporting information showing that this exclusion is not relevant in the context of this Contract);

- 2.7 Having created false documents or committed misrepresentation in documentation requested by the Contracting Authority as part of the procurement process of this Contract.
3. We hereby certify that neither we, nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants are in any of the following situations of conflict of interest:
 - 3.1 Being an affiliate controlled by the Contracting Authority or a shareholder controlling the Contracting Authority, unless the stemming conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
 - 3.2 Having a business or family relationship with a Contracting Authority's staff involved in the procurement process or the supervision of the resulting Contract, unless the stemming conflict of interest has been brought to the attention of AFD and resolved to its satisfaction;
 - 3.3 Being controlled by or controlling another bidder or consultant, or being under common control with another bidder or consultant, or receiving from or granting subsidies directly or indirectly to another bidder or consultant, having the same legal representative as another bidder or consultant, maintaining direct or indirect contacts with another bidder or consultant which allows us to have or give access to information contained in the respective applications, bids or proposals, influencing them or influencing decisions of the Contracting Authority;
 - 3.4 Being engaged in a consulting services activity, which, by its nature, may be in conflict with the assignments that we would carry out for the Contracting Authority;
 - 3.5 In the case of procurement of goods, works or plants:
 - a) Having prepared or having been associated with a consultant who prepared specifications, drawings, calculations and other documentation to be used in the procurement process of this Contract;
 - b) Having been recruited (or being proposed to be recruited) ourselves or any of our affiliates, to carry out works supervision or inspection for this Contract.
4. If we are a state-owned entity, and to compete in a procurement process, we certify that we have legal and financial autonomy and that we operate under commercial laws and regulations.
5. We undertake to bring to the attention of the Contracting Authority, which will inform AFD, any change in situation with regard to points 2 to 4 here above.
6. In the context of the procurement process and performance of the corresponding contract:
 - 6.1 We have not and we will not engage in any dishonest conduct (act or omission) deliberately intended to deceive others, to intentionally conceal items, to violate or vitiate someone's consent, to make them circumvent legal or regulatory requirements and/or to violate their internal rules in order to obtain illegitimate profit;
 - 6.2 We have not and we will not engage in any dishonest conduct (act or omission) contrary to our legal or regulatory obligations or our internal rules in order to obtain illegitimate profit;
 - 6.3 We have not promised, offered or given and we will not promise, offer or give, directly or indirectly to (i) any Person who holds a legislative, executive, administrative or judicial mandate within the State of the Contracting Authority regardless of whether that Person was nominated or elected, regardless of the permanent or temporary, paid or unpaid nature of the position and regardless of the hierarchical level the Person occupies, (ii) any other Person who performs a public function, including for a State institution or a State-owned company, or who provides a public service, or (iii) any other person defined as a Public Officer by the national laws of the Contracting Authority's country, an undue advantage of any kind, for himself or for another Person or entity, for such Public Officer to act or refrain from acting in his official capacity;

- 6.4 We have not promised, offered or given and we will not promise, offer or give, directly or indirectly to any Person who occupies an executive position in a private sector entity or works for such an entity, regardless of the nature of his/her capacity, any undue advantage of any kind, for himself or another Person or entity for such Person to perform or refrain from performing any act in breach of its legal, contractual or professional obligations;
- 6.5 We have not and we will not engage in any practice likely to influence the contract award process to the detriment of the Contracting Authority and, in particular, in any anti-competitive practice having for object or for effect to prevent, restrict or distort competition, namely by limiting access to the market or the free exercise of competition by other undertakings;
- 6.6 Neither we nor any of the members of our joint venture or any of our suppliers, contractors, subcontractors, consultants or subconsultants shall acquire or supply any equipment nor operate in any sectors under an embargo of the United Nations, the European Union or France;
- 6.7 We commit ourselves to comply with and ensure that all of our suppliers, contractors, subcontractors, consultants or subconsultants comply with international environmental and labour standards, consistent with laws and regulations applicable in the country of implementation of the Contract, including the fundamental conventions of the International Labour Organisation (ILO) and international environmental treaties. Moreover, we shall implement environmental and social risks mitigation measures when specified in the environmental and social commitment plan (ESCP) provided by the Contracting Authority.
7. We, as well as members of our joint venture and our suppliers, contractors, subcontractors, consultants or subconsultants authorise AFD to inspect accounts, records and other documents relating to the procurement process and performance of the contract and to have them audited by auditors appointed by AFD.

Name: _____ In the capacity of: _____

Duly empowered to sign in the name and on behalf of¹: _____

Signature: _____

Dated:

¹ In case of joint venture, insert the name of the joint venture. The person who will sign the application, bid or proposal on behalf of the applicant, bidder or consultant shall attach a power of attorney from the applicant, bidder or consultant.