



## **Terms of Reference - Liberia Landscape Program**

*Facilitating Communities in Garwula District, Grand Cape Mount County*

*To complete the Customary Land formalization process*

September 25, 2020

### **1. Introduction**

IDH Sustainable Trade Initiative (“IDH”) accelerates and up-scales sustainable trade by building impact-oriented coalitions of front running companies, civil society, governments, knowledge institutions and other stakeholders in several commodity sectors. We convene the interests, strengths and knowledge of public and private partners in sustainability commodity programs that aim to mainstream international and domestic commodity markets. We jointly formulate strategic intervention plans with public and private partners and we co-invest with partners in activities that generate public goods.

On basis of this Terms of Reference IDH aims to select a party to facilitate communities in Garwula District in Grand Cape Mount County to formalize their Customary Land rights. This Terms of Reference is for a consultancy firm or non-governmental organization (NGO) to support communities in the district to complete the Customary Land formalization process.

In 2019, IDH supported 6 communities in Foya Statutory District to formalize their Customary Land rights. Currently, additional communities in 11 Administrative Districts in Sinoe and 3 Administrative Districts in Lofa are being supported to also formalize their Customary Land rights. The successful applicant is expected to draw on the lessons from these earlier efforts, by reaching out to and actively engaging with the Service Providers involved in these activities to build on their experiences.

### **2. Objectives**

The Overall Objective of this assignment is that the land and natural resource tenure rights of communities in Garwula are secured and strengthened. The Specific Objective is that the target communities in Garwula have formalized their land claims according to the requirements of the Land Rights Law of 2018.

Garwula District covers an estimated **81,291** hectares of land and a population of **26,936** distributed across 8 Clans. Most of the district is forested and the main livelihood activity is subsistence farming. Some of the Clans in the district have established their land and forest management committees and seeking support to formalize these entities. The successful applicant will be deployed to support them complete the Customary Land formalization process.

The assignment will:

(1) Deliver **an inception report that includes a social and political (administrative) profile of the Garwula, i.e. the 8 Clans that make up the District**. The profile should include as much specifics as possible and specifically include information about: (a) communities that decide to complete the Customary Land formalization process – separating those that are receiving support or have received some support in the past from those that have not started the process; (b) communities that formalized their land rights in the past and have deeds; (c) the location of each community relative to MANO oil palm concession; and (d) communities with a CFMA. The profiles should also include an overview of the relationship each community has with private sector actors (especially MANO) within their area



and how those relationships could impact the Customary Land formalization process. Finally, the inception report should include an updated work plan that takes into account the information generated during the profiling.

(2) **Support all the communities that decide to complete the Customary Land formalization process to do so.** This support will include facilitating each community to (a) complete the Community Self Identification process including validation by the Liberia Land Authority (LLA); (b) develop their community by-laws, establish their land governance bodies and register them each as a legal entity; (c) submit documentation of the governance formation process to the LLA and secure their feedback prior to finalization; (d) identify and map their land claims, taking into account existing land rights such as Government Land, Concession and Private Land, and harmonize their boundaries with neighboring communities; and (e) submit documentation of mapping and boundary harmonization process to the LLA and facilitate the LLA to conduct the Confirmatory Survey (if the LLA has the required regulation in place by then).

(3) **Collaborate with IDH to prepare and implement a learning and exchange events** at the completion of the project to share updates from the field, lessons learnt from facilitating the Customary Land formalization activities, tools and guides being used in the field, etc. with stakeholders at the county levels.

### 3. Deliverables

The specific deliverables of this assignment will be:

Deliverables of project
<b>An inception report</b> as per the description above. The report should include an updated work plan based on its findings and conclusions.
<b>Community Self Identification and governance formation portfolio for each community.</b> The portfolio should include documentation of the CSI process as submitted to the LLA for validation and LLA’s validation report and certificate.
<b>Governance formation portfolio for each community.</b> This should include the community by-laws and directory of CLDMCs, quarterly updates summarizing progress and documentation of key events including reports of training events for the community bodies established to support the Customary Land formalization process and Community Assemblies. The portfolio should also include feedback from the LLA on the Community by-laws.
<b>Maps depicting each community’s Customary Land.</b> This should include one participatory sketch map of each community developed and validated with the community and one digital map of each community. Both maps should illustrate where boundary/ boundaries remain in disputes.
<b>Memorandums of Understanding setting out boundary agreement</b> with each neighboring.
<b>Documented lessons learnt and, tools, guides, and presentations</b> used for community education and sensitization.

### 4. Proposal and budget guidelines

Through their proposals, applicants are expected to demonstrate a good understanding of the Customary Land formalization process and a willingness to embed its team in Grand Cape Mount County during this assignment.

The cost of experience sharing and lesson learnt events co-organized with IDH, except those that are included in the proposal and targeted for communities involved in the assignment, will be funded by IDH. These costs should NOT be



included in the budget. These costs are excluded to ensure that the resources or the budget is primarily applied to work in the field.

In the proposal, please provide the following:

- a. A succinct, well-documented approach.
- b. Inclusion of a budget NOT exceeding USD 89,250.
- c. Clear description of the applicant including relevant experiences.
- d. Statement of experience (experience of key team members is relevant)
- e. Description of any partners or sub-contractors where relevant
- f. A timetable for the key activities/ milestones using the format below:

Main activities and deliverables	Due date

**5. Selection criteria & procedure**

**Grounds for exclusion**

Tenderers shall be excluded from participation in a procurement procedure if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- b) they or persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;
- c) they have been guilty of grave professional misconduct proven by any means which the IDH can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established, or with those of the Netherlands or those of the country where the contract is to be performed;
- e) they or persons having powers of representation, decision making of control over them have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organization, money laundering or any other illegal activity, where such illegal activity is detrimental to the MFA’s financial interests.

Tenderers shall not make use of child labor or forced labor and/or practice discrimination and they shall respect the right to freedom of association and the right to organize and engage in collective bargaining, in accordance with the core conventions of the International Labor Organization (ILO).

Tenderers must confirm in writing that they are not in one of the situations as listed above.

**Organization/Consultancy profile**

The proposed team should have the technical capacity to perform the tasks outlined in this ToR, including a demonstrated experience in conducting similar activities. IDH has a strong preference for local service providers and will value this point in the scoring. The team must include Facilitators with a proven track record in community organizing and facilitation. Co-Facilitators should either be from the County or is able to speak the local dialect or have previous work experience in the County.



**Procedure**

The procedure will be as follows:

- Inviting NGOs or consultancy companies for presenting a full proposal based on the TOR
- Evaluation of the proposals by an evaluation committee consisting of Nienke Stam, Melissa van de Bank and Silas Siakor. The evaluation committee will evaluate the proposals on the basis of the exclusion, selection and award criteria as published in this Terms of Reference.
- Final decision on selection of successful of the Consultant.
- Contracting and Inception meeting.

Tender process	Timeline
Terms of Reference published	25 <sup>th</sup> September 2020
Deadline for submission of proposals*	13 <sup>th</sup> October 2020
Selection of consultancy	19 <sup>th</sup> October 2020
Awarding of contract to successful consultant	1 <sup>st</sup> November 2020

\* Proposals submitted after the deadline will be returned and will not be considered in the tender procedure.

IDH will reject offers if any illegal or corrupt practices have taken place in connection with the award or the tender procedure.

**Template Agreements**

IDH uses standard contract templates for every agreement entered into with a partner. Reason for these standard templates is that IDH is bound to comply with conditions set by IDH’s institutional (back) donors, which conditions IDH must also apply to agreements with third parties contracted by IDH. These conditions set by IDHs donors are therefore integrated in IDH’s contracts.

By submitting a proposal, the Tenderer accepts the template agreement and IDH General Terms and Conditions for Services, which are attached to the ToR as Annex 1 and Annex 2.

IDH reserves the right to update, change, extend, postpone, withdraw or suspend the Terms of Reference, this tender, or any decision with regard to the selection or contract award. IDH is not obliged in this tender procedure to make a contract award decision or to conclude a contract with a participant. IDH reserves the right to suspend or annul the Tender Procedure at any moment in time.

Participants cannot claim compensation from IDH, or any affiliated persons or entities, in any way, in case any of the afore-mentioned situations occur.

**6. Evaluation Method**

The consultancy will be awarded to the Consultant with the most economically advantageous tender. The most economically advantageous tender is determined on the basis of the evaluation criteria of price, quality and efficiency.



Scoring criteria	Weight
Technical Proposal	50%
Qualification of the Service Provider and the Team, with attention to inclusion of team members from the region	25%
Similar work experience and experience (also of key team members)	10%
Financial proposal (cost efficiency and value-for-money)	15%

## 7. Confidentiality

The Tenderer will ensure that all its contacts with IDH, with regards to the Tender, during the tender procedure take place exclusively in writing to Melissa van de Bank by email: [vandebank@idhtrade.org](mailto:vandebank@idhtrade.org). The Tenderer is thus explicitly prohibited, to prevent discrimination of the other Tenderers and to ensure the diligence of the procedure, to have any contact whatsoever regarding the tender with any other persons of IDH than the person stated in the first sentence of this paragraph.

The documents provided by or on behalf of IDH will be handled with confidentiality. The Tenderer will also impose a duty of confidentiality on any parties that it engages. Any breach of the duty of confidentiality by the Tenderer or its engaged third parties will give IDH grounds for exclusion of the Tenderer, without requiring any prior written or verbal warning.

All information, documents and other requested or provided data submitted by the Tenderers will be handled with due care and confidentiality by IDH. The provided information will after evaluation by IDH be filed as confidential. The provided information will not be returned to the Tenderer.

## 8. Contact information

Name : Melissa van de Bank  
 Position: Program Officer Liberia  
 Email : vandebank@idhtrade.org  
 Address: Utrecht, the Netherlands

### Attached to, and integral part of this Terms of Reference are:

- Annex 1: IDH Template of Funding Agreement
- Annex 2: IDH General Terms and Conditions for services