

Terms of reference (ToRs) for the procurement of services below the EU threshold (ANNEX1) Contract 83431246

<p>“Hands on” environmental assessment and planning of relevant safeguard measures to improve companies’ environmental impact and compliance to national standards and guidelines</p>	<p>Project number/ cost centre: 2017.2034.1-010</p>
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0. List of abbreviations

AVB	General Terms and Conditions of Contract (AVB) for supplying services and work 2022
CMPP	COVID19-relevant Medical and Pharmaceutical Products
COVID19	Corona Virus Disease 2019
DoA	Description of Action
RVC	Regional Value Chains
SADC	Southern African development Community
SIPS	Support towards Industrialisation and Productive Sectors" (SIPS) Programme in the SADC region
ToRs	Terms of reference

1. Context

The Joint Action “Support towards Industrialisation and Productive Sectors” (SIPS) in the Southern African Development Community (SADC) region, is a SADC Secretariat Programme supported by the European Union (EU) and the German Federal Ministry for Economic Cooperation and Development (BMZ) to facilitate expansion of regional value chains (RVCs) and promote dialogue between the private and public sectors. The Joint Action SIPS as part of the BMZ-commissioned programme “Cooperation for the Enhancement of (SADC) Regional Economic Integration” (CESARE). The Joint Action SIPS commenced on 01 October 2019 and will run until November 2023. The SADC Secretariat administers the Result Area 1 (*Enhancing policy, regulatory and business environment at national & regional levels for development & sustainable operation of regional value chains in the agro-processing and pharmaceutical sectors*). The SADC Secretariat has chosen the German Development Agency, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), to implement Result Area 2 (*Private Sector participation in regional pharmaceutical and medical value chains enhanced*) and 3 (*Private Sector participation in regional leather value chain enhanced*).

The objective of the Joint Action SIPS is to contribute to the SADC industrialisation and regional integration agenda through improving the performance and growth of selected RVCs and related services within the agro-processing, pharmaceutical and medical products sectors. More specifically the Joint Action aims at enhancing private sector participation in the (1) Anti-retroviral (ARV) value chain, (2) COVID-19-relevant medical and pharmaceutical value chain (CMPP), and (3) the regional leather value chain.

The improvement of knowledge, systems and procedures in the management of businesses in the three RVCs is a key aspect of the intervention activities under the Joint Action SIPS, and in this respect the enhancement of environmental sustainability in the RVCs is one of the key fields of activities. Under the CMPP VC, the SIPS Joint Action aims to ‘*Enhance knowledge of technologically driven high quality, modern and environmentally sustainable COVID-19 - relevant products and associated VC production systems.*’ Under the ARV VC, the SIPS Joint Action aims to “*Enhance knowledge of technologically driven high quality, modern and environmentally sustainable ARVs production systems.*” These results acknowledge the importance for the players in these VCs to ensure that their production systems are environmentally sustainable. As part of achieving these results, the Joint Action will therefore facilitate information sharing about occupational safety and health, international and national environmental standards between relevant companies in the region. An important focus of the action is to ensure that the companies interact responsibly with the environment to avoid depletion or degradation of the resources.

During Joint Action SIPS design, an in-depth environmental and climate change safeguards assessment was conducted to identify potential risks and determine all measures to avoid or mitigate unintended negative effects of the Joint Action on the environment resulting from the manufacturing and distribution of antiretroviral and CMPPs. The assessment established that the manufacture of the products by the companies supported by the Joint Action might produce effluent and waste detrimental to the environment if not properly managed. The Joint Action SIPS therefore, aims to support the companies improve their knowledge and practices related to the environmental protection.

The CMPP component of the Joint Action SIPS provides grants ranging from EUR 50,000 to EUR 200,000 to 23 private and public companies and universities in 8 SADC member states to produce personal protective equipment (PPE), hand sanitizers and hospital disinfectants,

ventilators and ancillary equipment such as valves, Covid-19 patients clinical managements, and COVID-19 vaccination related products. The grant-benefitting companies confirmed their compliance with the relevant national environmental regulations. If a company could not confirm full compliance, it committed to prepare a action plan to ensure full compliance with environmental environmental regulations. During implementation of the activities financed by the grant, the companies also committed to abide by the guiding environmental legislation, to ensure minimal negative impact to the environment under which they are operating. The Joint Action SIPS is currently conducting a second call for project proposals to improve the vaccine enabling environment (administration, management and production) as well as clinical management of COVID-19 patients. The second call also strongly emphasizes full compliance with the national environmental regulations. It is expected that the projects under the second call will start during the first quarter 2023.

Assignment Objectives

The proposed assignment will potentially benefit the 15 grant-benefitting companies currently benefitting from the CMPP and ARV components grants. To ensure companies buy-in and sustainability of the plans, the Joint Action SIPS will not finance the proposed action plans that are developed as part of the assignment. The assignment will focus primarily on the activities financed under the grants. However, the focus of the assignment will also include the company's general environmental safeguards issues, including those not included by the grants. For that purpose, the consultant will closely engage with the company's team. Through this, the Joint Action SIPS, the companies of the ARV and CMPP RVCs will improve their environmental management practices, and the benefit is expected to spill over to the communities in which the companies operate and by extension, in the countries and region.

The assignment will (i) facilitate an environmental awareness/sensitization workshop to enhance environmental management awareness among the representatives of the SIPS supported companies, (ii) describe the national regulatory framework regarding the ARV and CMPP manufacturing sectors in the seven countries where the grant-benefitting companies operate; (iii) conduct an on-site assessment of the environmental safeguards practices and of the compliance with national environmental regulatory standards for each grant- benefitting company; (iv) identify all compliance gaps; (v) prepare, during a workshop conducted on site with each company team, an action plan to address the identified compliance gaps and to enhance the antiretroviral and CMPP production systems and processes for environmental sustainability; and (vi) monitor the implementation of the action plan 2 months thereafter through a video-conference meeting. The assignment's objectives will be conducted in selected 13 companies manufacturing CMPP and 2 companies in the ARV value chain . The list of the companies, their location and the description of the projects financed by the grants can be found in the appendix.

2. Tasks to be performed by the contractor/service provider

The contractor/service provider is responsible for providing the following services:

- a) Facilitate an environmental awareness/sensitization workshop to enhance environmental management awareness among the representatives of the SIPS supported companies
- b) Take stock of national environmental legislation, regulations and guidelines applicable to the ARV and CMPP manufacturing companies (i.e. pharmaceutical, medical devices including face masks, ventilators etc., pharmaceutical primary packaging, active pharmaceutical ingredients in each of the 8 countries, through a desk review.
- c) Create a pre-site environmental risk assessment tool and action plan template addressing the gaps, to be filled on site in close collaboration with every selected company.
- d) Based on the risk assessment tool, review existing environmental measures (situational analysis) taken every selected company, in close collaboration with the 15 targeted companies' staff (on site).
- e) Identify the companies' environmental management gaps, based on the national regulations and guidelines as benchmarks in close collaboration with the 15 targeted companies' staff (on site).
- f) Develop a corrective plan of action, resources required and implementation plan for each company. The plan will identify relevant measures that each company needs to implement to enhance its compliance with national environmental standards. The Joint Action SIPS will not finance the proposed action plans that are developed as part of the assignment.
- g) Evaluate, in a virtual online meeting with each company after 2 months, the progress accomplished on the implementation of the action plan and submit recommendation for further action for each company.

Reference documents

In addition to national environmental laws and international best practices available on environmental management in each country, the contractor/service provider will also make use of and refer to the GIZ documents mentioned below, which will be provided by the Joint Action SIPS at the contracting stage:

- SIPS Environmental safeguards in-depth assessment conducted in 2021.
- SIPS Environmental climate change in-depth assessment conducted in 2021.
- Relevant BMZ documents such as SIPS DoA;

The contractor will research further on any other relevant documents and data independently as necessary to achieve the objectives of the assignments.

Critical milestones, as laid out in the table below, are to be achieved by certain dates during the contract term:

Milestone	Deadline/place/person responsible
1. Consultant fielding	1 st April 2023
2. Conduct a virtual environmental awareness/sensitization workshop to enhance environmental management awareness among the representatives of the SIPS supported companies. To produce a workshop report (3 – 5 pages)	By the 15 th April 2023 Draft report submitted to SIPS team, which is given 5 working days to review the draft. Contractor/Service provider discuss draft report with SIPS team (during a virtual meeting) and incorporate comments (Deadline: 2 working days after receiving SIPS team's comments)
3. Produce a report describing the 8 countries' national environmental legislation, regulations and guidelines regarding CMPP and ARV production (3 – 5 pages per country)	One month after fielding: 30 th April 2023. Home/-based/Desk review Draft report submitted to SIPS team, which is given 5 working days to review the draft. Contractor/Service provider discuss draft report with SIPS team (during a virtual meeting) and incorporate comments (Deadline: 2 working days after receiving SIPS team's comments)
4. Conduct a on-site participative inventory / assessment of the environmental management and environmental safeguards measures undertaken by every targeted company.	Activities 4 - 6 are conducted on site. Completion date for 15 companies: 31 st July 2023 Contractor/Service provider submit draft
5. Produce a report on each completed company environmental compliance stock take (situational analysis report) (3 - 4 pages per company)	situational and gap analysis together with plan of action at the end of the field visit. SIPS team is given 5 working days to review the draft.
6. Prepare, with each company team, a budgeted time-bound action plan (3 - 4 pages per company)	Contractor/Service provider discuss draft report with SIPS team (during a virtual meeting) and incorporate comments (Deadline: 2 working days after receiving SIPS team's comments)
7. Final report including follow-up for progress in implementing action plan by each company (10 – 15 pages overall report)	Starting at least 2 months after the field visit. Submission draft report by 30 th September 2023 SIPS team is given 5 working days to review the draft. Contractor/Service provider discuss draft report with SIPS team (during a virtual meeting) and incorporate comments (Deadline: 2 working days after receiving SIPS team's comments) Estimated end of assignment: 15 th October 2023

Distribution of Working Days

Activity	Number of days (up to)
Conduct a virtual environmental awareness/sensitization workshop to enhance environmental management awareness among the representatives of the SIPS supported companies.	3 days (2 days for preparation + 1 day for workshop)
Conduct desk review and analysis to take stock of national environmental regulations, and/or international best practice (framework) and guidelines in all the 8 countries (8 days); write a report and incorporate comments in the draft report. (2 days)	10 days
Conduct field visits (on-site) to the 15 companies supported with SIPS grants, to assess, with each company's team, the companies' environmental management gaps, using the national regulations and guidelines as benchmarks (15 days + 29 travel days)	15 days: environmental management gaps assessment 30 days: plan of action development 15 days: report writing 29 days: travel days
Develop plan of action, with each company on-site, for identified relevant measures to address the gaps from the situational analysis (30 days);	
Write a report* on each completed company environmental compliance assessment/stock take and the agreed action plan and integrate comments from the companies. Incorporate comments in the draft report (15 days)	
<p>*Report to include:</p> <ul style="list-style-type: none"> • Situational assessment by team and consultant • Existing gaps related to national legal frameworks/best practices • Action plan to address gaps (1 year) 	
Conduct online follow-up with each company to monitor progress in implementing action plan by each company (15 days); Write a report and incorporate comments (3 days)	18 days

Total number of assignment days: Up to **120 days**

Note: Bids/Proposals that exceed the total number of assignment days will be disqualified.

Contractor/Service provider to submit an implementation plan (including gantt chart) aligned to the assignment days.

*See details in Chapter 4 – Personnel Concept (Travel)

Period of assignment: Intermittent from 1st April 2023 until 15th October 2023.

Data protection

The performance of the contract may be associated with the processing of personal data by the contractor, who would alone define the nature of such data and how such processing would be carried out. In such cases, the contractor shall act as an independent data controller and must alone comply with all applicable data protection obligations, including regional and local laws. The data protection principles such as lawfulness, purpose limitation, storage limitation, transparency, integrity and confidentiality, and accountability, as well as the numerous rights of the data subject must be paid due attention. The General Data Protection Regulation's (GDPR's) data transfer rules must be considered whenever personal data leaves the EU for a third country. The GIZ is not in any way responsible for such processing and, apart from non-personal data (company data or statistics), the GIZ does not expect to receive any personal data from the contractor.

3. Concept

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

Technical-methodological concept

Strategy: The bidder 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). Following this, the bidder presents and justifies the strategy with which it intends to provide the services for which it is responsible (see Chapter 2 - Tasks to be performed by the contractor).

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

The bidder is required to describe the key **processes** for the services for which it is responsible and create a schedule that describes how the services according to Chapter 2 are to be provided. The bidder is required to describe the necessary work steps and, if applicable, take account of the milestones and contributions of other actors in accordance with Chapter 2.

Project management of the contractor

- The bidder is required to explain its approach for to ensure coordination with the Joint Action SIPS.
- The contractor is responsible for selecting, preparing, training and steering the experts (international and national, short and long term) assigned to perform the advisory tasks.
- The contractor makes available equipment and supplies (consumables) and assumes the associated operating and administrative costs.
- The contractor manages costs and expenditures, accounting processes and invoicing in line with the requirements of GIZ.

The contractor reports regularly to GIZ in accordance with the General Terms and Conditions of Contract (AVB) for supplying services and work 2022 of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH from 2022.

The bidder is required to draw up a **personnel assignment plan** with explanatory notes that lists all the experts proposed in the bid; the plan includes information on assignment dates

(duration and expert days) and locations of the individual members of the team complete with the allocation of work steps as set out in the schedule.

The bidder is required to describe its backstopping concept. The following services are part of the standard backstopping package, which (like ancillary personnel costs) must be factored into the fee schedules of the staff listed in the bid in accordance with section 5.4 of the General Terms and Conditions of Contract (AVB) for supplying services and work 2022:

- Service-delivery control
- Managing adaptations to changing conditions
- Ensuring the flow of information between GIZ and field staff
- Contractor's responsibility for seconded personnel
- Process-oriented technical-conceptual steering of the consultancy inputs
- Securing the administrative conclusion of the project
- Ensuring compliance with reporting requirements
- Providing specialist support for the on-site team by staff at company headquarters
- Sharing the lessons learned by the contractor and leveraging the value of lessons learned on site

4. Personnel concept

The team of experts will comprise **one team leader** and **up to four experts**. As the assignment shall include company visits in 8 countries (Botswana, Malawi, Mauritius, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe) the bidder shall indicate countries' allocation for each expert.

The bidder is required to provide personnel who are suited to filling the positions described, based on their CVs (see Chapter 6), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points.

Team leader

Tasks of the team leader

- Overall responsibility for the advisory packages of the contractor (quality and deadlines)
- Plan with the selected companies the schedule of the visits
- Explain to the companies' management the objectives of the assignment and clarify all issues.
- Coordinate and ensure communication with GIZ, partners and others involved in the project
- Plan and steer assignments and supporting the other short-term expert(s).
- Regular reporting in accordance with deadlines

Qualifications of the team leader

- Education/training (2.1.1): Post-graduate degree in environmental management, environmental science, natural resources, public health or any course of study relevant to the sector
- Language (2.1.2): Good business language skills in English. French and/or Portuguese knowledge is an asset

- General professional experience (2.1.3): 5 years of professional experience as a safety, health, environment and quality(SHEQ) officer with experience implementing SHEQ in a technical, complex industrial environment/ manufacturing environment, with relevant experience in monitoring and auditing of SHEQ performances. Must also have experience in environmental risk management and environmental impact assessment.
- Specific professional experience (2.1.4): 5 years in chemical/pharmaceutical manufacturing sector
- Leadership/management experience (2.1.5): 5 years of management/leadership experience as project team leader or manager in a company or project
- Regional experience (2.1.6): 5 years of experience in projects in SADC region
- Development Cooperation (DC) experience (2.1.7): 5 years of experience in DC projects

Experts (minimum 2 – maximum 4)

Tasks of the experts

- Supporting the Team Leader in execution of the assignment
- Engagement with the beneficiary companies
- Ensuring communication with GIZ, partners and others involved in the project

Qualifications of other experts (up to 4)

- Education/training (2.2.1): University qualification master's degree in environmental management, Environmental Science, Natural Resources, Public Health or any course of study relevant to sector
- Language (2.2.2): Good business language skills in English, French and/or Portuguese is an asset
- General professional experience (2.2.3): 5 years of professional experience in the environmental management sector, preferentially as a SHEQ officer/advisor
- Specific professional experience (2.2.4): 5 years in chemical/pharmaceutical manufacturing sector
- Regional experience (2.2.6): 5 years of experience in projects in SADC region
- Development Cooperation (DC) experience (2.2.7): 5 years of experience in DC projects

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Team skills
- Initiative
- Communication skills
- Sociocultural competence
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

Note: Bids that exceed the maximum number of experts required for the assignment, will be disqualified.

Travel

The bidder is required to calculate the travel by the specified experts and the experts it has proposed based on the places of performance stipulated in Chapter 2 and list the expenses

separately by daily allowance, accommodation expenses, flight costs (economy class) and other travel expenses.

It is expected that the team of experts will travel to the following countries in executing the assignment:

Country	No of Travel Days	No of companies to be visited
Botswana	2	1
Malawi	3	2
Mozambique	3	1
Mauritius	3	1
South Africa	6	3
Tanzania	5	3
Zambia	2	1
Zimbabwe	5	3
Totals	Up to 29	15

5. Inputs of GIZ or other actors

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

- Establish the contact between the consultant and the companies
- Avail all necessary project documents to support the assignments

Inform the 15 targeted companies of the assignment and the role of the experts. Introduce the team of experts to the companies. Facilitate the communication between team of experts and the companies.

6. Requirements on the format of the bid

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

The complete bid shall not exceed 10 pages (excluding CVs).

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.** The CVs 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.

Note: Please pay attention to the maximum page lengths for the bids and the CVs. Content appearing after the cut-off page limit will not be included in the assessment.

Please calculate your price bid based exactly on the costing requirements. In the contract the contractor has no claim to fully exhaust the days/travel/workshops/ budgets. The number of days/travel/workshops and the budget amount shall be agreed in the contract as 'up to' amounts. The specifications for pricing are defined in the price schedule.

7. Option

After the tasks put out to tender have been completed, important elements of these tasks can be continued or extended within the framework of a follow-on assignment. Individual points:

1. **Type and scope:** The option includes conducting environmental safeguards assessment in up to 10 additional companies from the CMPP Second Call for project proposals. The option includes an increase in level of effort (number of person days).
2. **Requirements:** The option becoming effective is subject to the results of the original contract.

The option is exercised in the form of an extension to the contract based on the already offered individual rates.