

Request for Proposal

TERMS of REFERENCE

Environmental and Social Management Systems Support for Komaza, Kenya

September 2020

Investments in Land restoration and Sustainable Land Management (SLM) practices are needed to avoid, reduce and reverse land degradation. The Land Degradation Neutrality Technical Assistance Facility (LDN TAF), managed by the IDH - The Sustainable Trade Initiative, is able to provide technical assistance to investees of the LDN Fund, to strengthen their capacity to implement projects to a higher technical standard and increase positive social and environmental impacts of the investment. More information on the LDN TAF can be found on: www.idhsustainabletrade.com/landscapes/ldn-taf.

The LDN TAF seeks to support Komaza (www.komaza.com) in the implementation of their ambitious Environmental and Social Action Plan (ESAP). In order to do this, IDH invites eligible consultants to submit a proposal for the assignment 'Environmental and Social Management System Support for Komaza'.

These Terms of Reference (ToR) elaborate on the assignment and the requirements as well as the criteria of the selection procedure. Consultants that consider submitting a proposal are requested to carefully read this ToR.

1. Assignment background

Komaza is an innovative forestry company currently operating in Kenya. Komaza produces eucalyptus and Melia products primarily for the domestic market, using wood grown by smallholders under long term contracts. Komaza has strong commitments to achieving positive social impact through this model. The company is at an exciting stage of growth, with expansion planned within and outside Kenya. As part of the expansion, Komaza will grow its environmental and social management system through implementation of an ambitious ESAP.

The LDN TAF will support Komaza launch implementation of the ESAP and assist Komaza define the role and person-specification for the fulltime ESMS Lead Designer who will be recruited by Komaza by June 2021.

2. Description of the assignment

Komaza seeks a social and environmental consultant with extensive experience of applying IFC Social and Environmental Performance Standards and World Bank EHS Guidelines¹ to support the initial stages of ESAP² implementation as follows:

¹ EHS General Guidelines, and Guidelines on Forest harvesting, Board and Particle Based products, and Sawmilling & Manufactured Wood Products

² The ESAP will be shared with short-listed candidates

- Lead work to deliver the ESAP actions due by end-2020, which have already been started and are currently on-track – working closely with existing Komaza senior management and staff to do so. Lead work on the subsequent tranche of actions – due by June 2021. The ESAP actions involve work on policies and procedures, some training etc.
- Oversight on behalf of Komaza over two specialist studies that will be commissioned (a health and safety audit, a baseline study).
- Advise on the job specification for the full time Lead ESMS Designer position, to be recruited by Komaza in 2021, using the experience of working on the initial ESAP deliverables to define a detailed role and person specification. (It is possible that the consultant could be appointed to the full time ESMS lead designer role.)
- Other ESMS related tasks as needed, include developing the following documents to be applicable to all Komaza locations and activities and consistent with IFC PS and EHS General Guidelines, and Guidelines on Forest harvesting, Board and Particle Based products, and Sawmilling & Manufactured Wood Products:
 - Environmental, Health and Safety and Social Policy Statement
 - Procedure for identifying and ensuring compliance with applicable environmental and labor requirements (e.g. permits, EIA, employment terms and conditions, etc.)
 - Procedure for assessing workplace health/safety risks and risk mitigation measures, applied to all new or substantially revised businesses, activities or acquired facilities.
 - Any Urgent Improvements:
 - contract external OSH consultant to assess health and safety risks across all aspects of the business and report on gaps with GIIP / IFC EHS Guidelines); identify any gaps requiring urgent corrective action;

The assignment is estimated to require 50 days input from November 2020 to April 2021, with the precise allocation of days to be agreed between the consultant and Komaza.

The consultant’s work will be supervised by Komaza but reviewed by the E&S representatives of investors through the E&S Panel and by IDH.

3. Required expertise

We are looking for one experienced ESMS consultant to undertake this assignment. The initial ESAP tasks require generalist E&S management expertise and understanding of how to embed ESG into overall business management of a relatively small but growing and very dynamic company. The consultant must have experience of international social and environmental standards.

Consultants currently based in Kenya are preferred because of the current difficulties of international travel. The consultant will be expected to travel to Komaza sites, subject to any COVID related restrictions on travel within Kenya. Key sites to visit will include the office, Processing, Nursery and some smallholder plantations in Kilifi in order to acquire an overview of operations, as well as the office and harvest activities in Nyandarua. The consultant’s work will be carried out in agreement with Komaza, from a mix of the consultant’s own office and Komaza offices and sites. The work will primarily involve interaction with the Komaza management team and workforce in addition to the site visits.

It is possible -- but not guaranteed -- that after the conclusion of this assignment the consultant could be appointed to the full time ESMS lead designer role.

Consulting companies are welcome put forward candidates for this role, but note that we are looking for a named individual rather than a consulting team for this assignment.

4. Selection procedures

We are inviting consultants to submit a proposal by **September 30, 2020**.

Proposals should include:

1. A Technical proposal on how you propose achieving the deliverables required during this consultancy and a high-level workplan;
2. A CV highlighting relevant experience;
3. Indication of daily rates, including VAT;
4. A list of at least 3 references that can discuss work completed in Environmental and Social Management System Support; and
5. Confirmation of complying with the grounds on exclusion and confidentiality statement (the consultant confirms not being in one of the situations as listed in paragraph 6 of this ToR, and reconfirms the confidentiality clause 10).

Finalist candidates will be invited to virtual interviews. Komaza, in close consultation with the LDN TAF team and the LDN Fund, will decide on the final selection of the consultant.

5. Evaluation of Proposals

Proposals will be evaluated based on technical soundness, consultant experience, adequacy of proposed methodology, alignment with requirements and work plan as well as on financial viability.

Marks will be awarded as follows:

Proposal Component	Weighting
Technical Proposal and workplan	30%
CV, Relevant Experience	30%
References	20%
Financial/Daily Rates	20%

6. Instructions for RfP Response

Komaza has a strong desire to maintain a high level of objectivity regarding the selection of consultants who will provide ESAP deliverables. To maintain this objectivity, Komaza intends to keep all potential vendors apprised by sharing all appropriate Komaza information equally by email.

All communications to and from Komaza concerning this RfP will be via email:

Procurement@komaza.org

Email a copy of the completed RfP response no later than **30 September 2020, by 1700 HRS EAT** to:

Procurement@komaza.org

7. Consultant Selection Process and Next Steps

The following is a summary of activities anticipated between this stage of the consultant selection process, and the time of award of contract:

- Receive RfP responses by Sept. 30
- Conduct initial review of proposals by Oct. 9
- Interviews with shortlisted candidates by Oct. 16
- Review and select finalists by Oct. 23
- Award contract to selected Consultant by Oct. 30

8. General terms and conditions

Komaza reserves the right to update, change, extend, postpone, withdraw or suspend the ToR, this tender, or any decision with regard to the selection or contract award. Komaza is not obliged in this tender procedure to make a contract award decision or to conclude a contract with a participant. Komaza reserves the right to suspend or annul the Tender Procedure at any moment in time. Participants cannot claim compensation from Komaza or IDH, any affiliated persons or entities, in any way, in case any of the aforementioned situations occur.

By handing in a proposal, participants accept all terms and reservations made in these Terms of Reference, and subsequent information and documentation in this tender procedure.

9. Grounds for exclusion

Consultants 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 or 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;
- f) 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).

Consultants must confirm in writing that they are not in one of the situations as listed above. Komaza and IDH will reject proposals if any illegal or corrupt practices have taken place in connection to the award or the tender procedure.

10. Confidentiality

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

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

About IDH Sustainable Trade Initiative

IDH, The Sustainable Trade Initiative, convenes companies, governments, financiers and others in public-private partnerships. Together we drive the design, co-funding and prototyping of new economically viable business models to delink tropical commodity production from deforestation and create shared value for all stakeholders. IDH has a network of over 400 companies, CSOs, financial institutions, producer organizations and governments. IDH works in 12 agricultural sectors and 12 landscapes in over 40 countries to achieve scalable impact on the Sustainable Development Goals. IDH's approaches are designed to drive sustainability from niche to norm in mainstream markets. IDH focuses on creating a positive impact on deforestation, living incomes and living wages, working conditions, toxic loading and gender.