

## TERMS OF REFERENCE

### Field Testing Of Jurisdictional Remediation And Compensation Procedures (J-RaCP) Based On Recommendations by PT Hijau Daun Konsultan in Study Report Dated September 2023

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#### **INTRODUCTION**

##### **RSPO Jurisdictional Approach (JA)**

- The JA is a new approach to certification being developed by RSPO since 2018 to complement the conventional management unit approach.
- By upscaling the scope to include an entire jurisdiction and involving multi stakeholders, the JA could enable more stakeholders, especially smallholders, to get onboard the certification path.
- The involvement of the government unit could bring about more effective broad structural changes to existing administrative and legal systems to better protect the social and environmental values of the jurisdiction.

##### **RSPO Remediation and Compensation Procedures (RaCP)**

- The RaCP, applicable to RSPO Members and their suppliers, are the procedures that deal with land clearing without prior HCV-HCS assessment.
- For conventional management unit certification, the procedures require companies that have been found with non-compliant land clearing, to put in place remedial actions and compensation for such breaches in a clear, formal and transparent manner.

#### **BACKGROUND**

- Based on the RaCP for JA study commissioned by the RSPO Secretariat in 2023, the consultants recommended two separate approaches on managing the RaCP process at a jurisdictional scale.
- The two approaches are: (i) Analytical Approach and (ii) Negotiated Outcomes
- The analytical Approach requires the Jurisdictional Entity (JE) members to comply with RaCP requirements at management unit level, but with support from JE in terms of resources, data and process facilitation.
- Negotiated Outcomes recognise the complexity of processes at jurisdictional level and take into consideration its commitment to sustainability, allowing jurisdictions to negotiate its own remediation and compensation for non-compliant land clearing.

## **OBJECTIVES**

The objective of the assignment is to conduct **field testing of both the jurisdictional RaCP approaches** recommended by consultants in earlier RaCP for JA study commissioned by RSPO Secretariat. The field test would begin with the disclosure of non-compliant land clearing and conclude with a concept note which could be further developed by test site jurisdiction into its own jurisdictional remediation and compensation plan. The results of the field trials would support and guide the **development of a jurisdictional RaCP guidance document** applicable to existing and future JA pilots.

## **SCOPE**

Working in consultation with the RSPO Secretariat Standard Design and Innovation Unit, Climate Change and Biodiversity Unit, JA pilots and the Jurisdictional-Biodiversity HCV Sub-working Group, the consultant is required to :

1. Conduct field testing of **both** the recommended jurisdictional RaCP approaches (analytical approach and negotiated outcome) at **each** of the selected sub-jurisdictions in **Sabah and Seruyan** pilots.
2. Assess the data availability for RaCP steps.
3. Assess the field applicability of both the recommended jurisdictional RaCP approaches.
4. Analyse the results of land use change analysis (LUCA) and liability calculations for both recommended approaches at each of the selected sub-jurisdictions in Sabah and Seruyan pilots.
5. Identify the challenges and gaps of both recommended approaches based on actual field test results
6. Propose improvements to both the recommended approaches based on the final outcome of the field test

The consultant shall take into consideration the following:

- Feedback and comments from members of the RSPO Jurisdictional-Biodiversity HCV sub-working group.
- Feedback and comments from the RSPO JA pilots (Sabah and Seruyan).
- Feedback and comments from JE members especially government units.

The RSPO Secretariat will work closely with the Consultant on the following tasks (if needed):

- Sharing of supporting data.
- Connecting consultants with respective RSPO Members (WG members and/or implementing members).
- Connecting consultant with respective JA pilots.
- Presenting field test results and analysis to RSPO Secretariat, JA pilots and relevant stakeholders.
- Relevant RSPO technical and administrative requirements.

## **OUTPUT**

There are two expected outputs from this assignment :

### **1. Implementation Report** detailing:

- a. Preparatory work with relevant implementers at pilot sites to discuss data requirements, planning and logistics.
- b. Work plan development process outlining the objectives, scope, methodology, timeline and activities of the field test.
- c. Implementation process and challenges encountered.
- d. Learnings for future implementations in other existing / future pilot sites.

### **2. Analysis Report** covering:

- a. Availability of data for RaCP steps, including but not limited to disclosure of non-compliant land clearing, HCV-HCS data, land use change analysis (LUCA) and remediation and compensation concept note submission.
- b. Field applicability of the two recommended methods, from disclosure of non-compliant land clearing to LUCA to liability assessment to remediation and compensation concept note.
- c. Analysis of the LUCA and liability calculation between the two recommended approaches in selected sites in both Sabah and Seruyan pilots, and explanation of differences, if any.
- d. Challenges, gaps and learnings identified during the field test process.
- e. Proposal to improve the two recommended methods based on data from (d).

## **CONSULTANT PROFILE**

- Familiar with the palm oil sector and RSPO
- Familiar with the RSPO Standards and the RSPO Remediation and Compensation Procedures
- Regional experience in Southeast Asia where there is a prominent presence of RSPO Members and palm oil sector
- Knowledge and experience in conservation science, habitat restoration, high conservation values (HCV) and high carbon stock (HCS) areas
- Experience with jurisdictional approach

## **PROJECT TIMELINE**

The successful candidate must finalise and deliver the complete reports in **6 months** from the date of contract signed.

The expected timeline is below:

<b>Deliverables</b>	<b>Timeline</b>
Draft 1 of Implementation Report and Analysis Report	By 31 October 2024
Draft 2 of Implementation Report and Analysis Report	By 30 November 2024
Finalised Implementation Report and Analysis Report	By 15 January 2025

## **APPLICATION PROCEDURES**

- The call for proposal will remain open for 21 days from the publication date of this terms of reference (ToR).
- Shortlisted candidates would be contacted within 7 days from the closing date of the call for proposal.
- Shortlisted candidates would be required to present their proposal to the selection panel from RSPO via physical or virtual interview.
- The successful candidate would be notified within two weeks of the interview.

## **PROPOSAL SUBMISSION**

Interested consultants are invited to submit their tender with a proposal containing at minimum the following:

- Background of the company or individual
- Description of relevant experience and expertise
- CVs of proposed team members (if applicable)
- Outline of work plan
- Financial proposal, distinguishing fees and expected costs.

## **TENDER SUBMISSION GUIDELINES**

### **a. Submission timeline**

Your submission should adhere to the below dates:

<b>Date</b>	<b>Tender Activity</b>	<b>Active Party</b>
<b>11 June 2024</b>	ToR Published	RSPO
<b>12 June 2024</b>	Start of Clarifications* on proposals (if required)	RSPO and Consultant
<b>2 July 2024</b>	Proposals must be received by this date	Consultant
<b>9 July 2024</b>	Award of successful vendor and Contract Signing	RSPO and Consultant

\* Clarifications may involve email communication or even online presentations if required.

### **b. Submissions email address**

Proposals should be submitted as PDF documents, strictly via email to:

daniel.liew@rspo.org and CC to tender@rspo.org by 12:00 AM (GMT +8) on Tuesday, 2 July 2024.

Any enquiries in connection with this ToR shall be submitted to:

daniel.liew@rspo.org and CC to tender@rspo.org by 12:00 AM MYT (GMT +8) on Tuesday, 25 June 2024.