



Indigenous Peoples' Alliance for Rights and Development -
IPARD

Cooperation Agreement No. 7200AA20CA00013

REQUEST FOR PROPOSAL

**PREPARATION OF A GUIDE AND MANUAL ON FREE, PRIOR
AND INFORMED CONSENT (FPIC) FOR FSC INDIGENOUS
FOUNDATION.**

MARCH, 2023

I. CONTEXT

A. BACKGROUND

In 2019, the Forest Stewardship Council (FSC) established the FSC Indigenous Foundation (FSC- IF) as the operational office of the Permanent Indigenous Peoples Committee (PIPC). The FSC-IF is a private interest foundation in accordance with Law No. 25 of June 12, 1995, of the Republic of Panama. The mission of FSC-IF is to enable an enabling environment to guarantee the rights of Indigenous Peoples and promote sustainable forest-based solutions within 300 million hectares of indigenous forests on the planet. The vision is that Indigenous Peoples' global values, rights, livelihoods, ecosystem services, natural capital and communities are incorporated into forest governance, climate change governance and market systems.

Indigenous Peoples' Alliance for Rights and Development

The FSC-IF is the implementing partner of the five-year Global Development Alliance (GDA) program funded by USAID and FSC: Indigenous Peoples Alliance for Rights and Development (IPARD). The IPARD Program is guided by three development objectives:

- Objective 1: To organize and convene a capacity building program for Indigenous Peoples' organizations and stakeholders.
- Objective 2: To foster an enabling environment for the recognition, effective participation and joint decision-making by Indigenous Peoples in matters affecting them, and
- Objective 3: Promote the sustainable development of Indigenous Peoples based on sustainable economic models.

IPARD uses three interconnected approaches to support Indigenous Peoples in overcoming their development challenges:

- A. Multi-Sectoral Approach (MSA):** under the strategic guidance of IPARD's Steering Committee (SC), the Program convenes and leverages the expertise of multi-sectoral partners to ensure that the needs of Indigenous communities are considered across a wide range of sectors.
- B. Country-Focused Approach (CFA):** IPARD's programmatic strategy is guided by a country-focused approach, driven by specific national contexts related to Indigenous Peoples. IPARD implements a structured process to identify, evaluate and select countries for its programs. FSC-IF works in conjunction with the IPARD Steering Committee, and according to the guidelines of the multi-sectoral approach, in order to select countries and identify key priorities and strategies.
- C. Indigenous Project Management Approach (IPMA):** Leveraging FSC-IF's networks and relationships with Indigenous leaders and organizations around the world, IPARD seeks ongoing dialogue, consultation, and feedback with Indigenous Peoples to inform the Program. IPARD supports a forum through which the FSC-IF Indigenous Foundation serves as a bridge between Indigenous Peoples, technical partners, national governments, and the private sector. IPARD invests in best practice conservation and effective approaches and methodologies to ensure long-term

development of Indigenous Peoples Organizations on multiple management areas to allow them to develop, negotiate, manage, and implement their own programs, projects and other initiatives.

Through these three approaches, IPARD aims to empower Indigenous Peoples' organizations and catalyze an enabling environment where Indigenous Peoples can pursue their development.

B. IPARD PROGRAM – GLOBAL CONTEXT

The FSC-IF is committed with the implementation of a Free Prior Informed and Consent principles in all its activities design as part of its institutional strengthening as well as the promotion of the understanding of IPARD's FPIC and similar FPIC tools by Indigenous Peoples around the globe. The FSC-IF needs to develop an FPIC guide and manual aligned with the FSC FPIC Guidelines and USAID's PRO-IP policy based on an analysis of FPIC requirements in international law and in the regions where the FSC-IF works.

In addition, IPARD's Objective 1 focus in capacity development includes a goal to strengthen Indigenous Leaders capacities to understand and effectively lead FPIC processes in their territories. Objective 1 will start soon with capacity development on FPIC for Indigenous Leaders of the Mesoamerican region. The training on FPIC will provide insightful information that will guide the adjustment of the FSC-IF own FPIC guide and therefore both activities are seen as complementary.

C. OBJECTIVE OF THE ACTIVITIES

General Objective:

The objective of this activity is to create an FPIC Guide and a Manual to aid FSC-IF in the implementation of FPIC in its activities as part of its institutional strengthening.

On the one hand, the FPIC Guide will serve as a tool for FSC-IF to better understand the FPIC situation at a global level and will be referenced by FSC-IF staff, donors, implementing partners, Indigenous Peoples and government; and the other hand, the Manual will serve as an actionable tool for FPIC implementation and will be used internally by FSC-IF staff. Both organizational tools will ensure accuracy and speed in the work performed by users.

Specific objectives:

- i) Create a global **Guide for FSC Indigenous Foundation** with guiding principles for applying FPIC.
- ii) Create two level of **Manuals for FSC Indigenous Foundation** on how to implement this guidance at the national and community levels including step-by-step processes and sample implementation tools that includes: 1) Manual for the Co-creation building with Indigenous People Organizations or Indigenous People Authorities; and 2) Manual to implement FPIC process, which should include FPIC template of different procedures, as well as the used of Equitable Origin's FPIC 360 tool.
- iii) Develop a tool box manual for FSC IF's implementing partners, as

well as Indigenous People Organizations and other stakeholders

D. SCOPE OF THE CONSULTANCY

The guidance will be broadly aligned with the FSC Guidelines for the Implementation of the Right to Free, Prior, and Informed Consent (FPIC), FSC's PIPC FPIC Manual, and USAID's PRO-IP policy and FPIC manual, as well as it will be based on an analysis of FPIC requirements in international law and in the regions where the FSC-IF works.

The manual will include a summary of FPIC case studies as well as steps, tools, and diagrams for FPIC implementation at the national and community levels.

Activity 1 - . Identify, analyze and summarize existing FPIC standards in:

- International laws and conventions (such as ILO169 and UNDRIP) and regional frameworks applicable in the regions where FSC works;
- FPIC requirements of relevant international development agencies including, at a minimum: The Global Environment Facility Environmental and Social Standards; United Nations Development Programme; United Nations Environment Programme; United Nations Industrial Development Organization; USAID's PRO-IP Policy;
- Possible private sector requirements for FPIC;
- Standards and certifications that address FPIC at a global level.

Activity 2 - Research, review, and analyze existing FPIC guidance

- The consultants will identify guidance related to FPIC at a global level including existing FPIC manuals, including the FSC Guidelines for the Implementation of the Right to FPIC (FSC-GUI-30-003 V2.0 – EN).
- The consultants will conduct research and interviews with industry experts on FPIC tools, their applications, and their relevance to FSC-IF projects and the FPIC guidance.

Activity 3 - Draft FPIC Guide

- The consultants will provide a draft outline of the FPIC Guide to FSC-IF for review. Any adjustments can be made as needed, following FSC-IF internal review.
- Once the FPIC Guide outline has been finalized, the consultants will develop an initial draft of the FPIC Guide for review by FSC-IF. It is anticipated that there will be three rounds of review by FSC-IF (one of which will include the feedback from Indigenous partners described in Activity 6).

Activity 4 - Research, review, analyze and summarize FPIC case studies

- The consultants will research, gather, analyze, and document a geographically representative sample of 3 case studies of FPIC.
- The consultants will aim to identify case studies that exemplify successful FPIC processes and best practices as well as lessons learned about conflicts where FPIC was not successful. The consultants will aim to identify well-documented cases at the national, regional and community levels, that include processes carried out by different actors (government, private, civil society, international agencies such as UNDP, FILAC, etc.).
- The consultants will work with FSC-IF to identify appropriate case studies to be included based on a review of available data. FSC-IF will assist the consultants in connecting with international agencies and identifying any specific FSC case studies to be included.

Activity 5 - Draft FPIC Manuals at the two level (co-creation and FPIC)

- The consultants will provide a draft outline of the FPIC Manual to FSC-IF for review. Any adjustments can be made as needed, following FSC-IF internal review.
- Once the FPIC Manual outline has been finalized, the consultants will develop an initial draft of the FPIC Manual for review by FSC-IF. It is anticipated that there will be three rounds of review by FSC-IF (one of which will include the feedback from Indigenous partners described in Activity 6).

Activity 6 - Feedback from Indigenous Partners on Guide and Manual

- The consultants will conduct interviews or a focus group with internal Indigenous Leaders from the FSC-IF Permanent Indigenous Peoples Committee (PIPC) to provide input on FPIC protocols and the PIPC's experiences regarding FSC-IF projects. The interviews will also seek feedback on the proposed FPIC Guide and Manual which will be incorporated into the documents. These meetings will be held virtually.
- Develop a tool box manual to be used by Indigenous People Organizations.

Activity 7.- Indigenous Engagement on Guide and Manual.

- The consultants will conduct interviews or focus groups with external Indigenous stakeholders such as the Global Alliance of Territories and Communities or others in Asia, Africa and Latin America. The interviews and/or focus groups will seek feedback on the proposed FPIC Guide and Manual which will be incorporated into the documents. FSC-IF will help

consultant identify and coordinate with these groups. These meetings will be held virtually.

- If translation of documents and/or interpretation of meetings is required, FSC-IF will cover the cost of those services.

E. CONTRACT CONDITIONS:

Type of Consultancy:	firm consultancy with payments according to the deliverables indicated in the payment schedule
Type of contract:	Lump sum.
Duration of the contract:	28 weeks
Location:	The consultant will carry out the work virtually.
Responsible person:	Program Leader for Objective 2 – IPARD Program

F. MINIMUM REQUIREMENTS AND REQUIRED COMPETENCIES

Consultants or key professional must comply with with the following requirements:

Academic background:

- Bachelor's degree in social sciences, law, economics, business administration, engineering or other related disciplines.
- Master's degree in social sciences, law, economics, business administration, engineering or other related disciplines.
- Professional specialization in academic areas related to indigenous peoples will be given special consideration.

General experience:

- Proven professional experience of at least fifteen (15) years working with Free, Prior and Informed Consent
- At least ten (10) years of experience working with Indigenous Peoples issues

Specific experience:

- Demonstrated experience of at least seven (7) years working with methods and procedures for the design or preparation of guides and manuals.
- Three (3) experiences in the development of guides and manuals.

E. G. METHODOLOGY AND DELIVERABLES

The consultants will deliver a **Work Plan and Schedule of Activities** to be carried out during the consultancy period five (5) business days counted from the business day following the signing of the service agreement not subject to payment.

This Work Plan must detail the activities and estimated time to conduct the consultancy, including sources of information, research methodology

(secondary information, interviews, field visits, analysis of interview results, etc.)

For the development of this consultancy, it is required to comply with the activities established in the Work Plan between FSC-IF and the consultants. In this sense, the following products must be delivered:

Deliverables	Outcomes	Delivery time	Payment percentage (%)
FPIC guide and manual			
1	Diagnosis of strategic actions to comply with the execution of the activities of the work plan approved, and determination of all requirements needed for each activity at the preparation or planning stage.	2 weeks weeks from the date of signature of the service agreement.	10
2	First Progress Report that includes the progress of planned activities 1, 2, 3 and 5, including the determination of the requirements of the following activities of the work plan and the methodology or requirements needed for each activity and follow-up of the implementation process.	7 weeks from the date of signature of the service agreement.	10
3	Second Progress Report that includes the progress of planned activities 1, 2, 3, 4 and 5, including the determination of the requirements of the following activities of the work plan and the methodology or requirements needed for each activity and follow-up of the implementation process.	12 weeks from the date of signature of the service agreement.	10
4	Third Progress Report that includes the progress of planned activities 1, 2, 3, 4 and 5, among others, including the determination of the requirements of the following activities of the work plan and the methodology or requirements needed for each activity and follow-up of the implementation process.	15 weeks from the date of signature of the service agreement.	10
5	Fourth Progress Report that includes the progress of planned activities 2, 3, 5, 6 and 7, including the determination of the requirements of the following activities of the work plan and the methodology or requirements needed for each activity and follow-up of the implementation process	19 weeks from the date of signature of the service agreement.	10
6	Document containing identification, analysis and summary of existing FPIC standards (Activity 1 fcompleted)	21 weeks from the date of signature of the service agreement.	12
7	Draft of FPIC Guide and Manual (Activity 3 and 5 completed)	24 weeks from the date of signature of the service agreement.	12

8	A global Guide for FSC Indigenous Foundation and a Manual for FSC Indigenous Foundation	28 weeks from the date of signature of the service agreement.	15
9	Final Report (should include the executive summary, annexes, sources and bibliography used, assistant list, photos, etc) and PowerPoint summary of the FPIC Guide and Manual (not to exceed 10 slides)	28 weeks from the date of signature of the service agreement.	11
TOTAL		28 weeks	100

H) COORDINATION

The consultant will coordinate the expected work with the FSC-IF IPARD Program Director based in Panama, through the Global Manager of Capacity Building and Inclusion Program and the Global Manager of Advocacy, Rights and Social Participation of the program the FSC-IF IPARD Deputy Program Director, who will review the products with a maximum period of five (5) calendar days to make observations and/or comments, if any. For its part, the contractor will have a term not exceeding five (5) calendar days to make the necessary adjustments or changes and deliver the corrected product/deliverable.

- The Global Advocacy, Rights and Social Participation Managers of the FSC-IF IPARD program and the Capacity Building and Inclusion Program will review the deliverables related to the FPIC guide and manual and the online training, respectively.

- **Conditions for payments of the products:**

The products must be authorized by the FSC-IF Managing Director and the IPARD Program Manager to proceed with payment. All products must be delivered in English and Spanish, two written copies and in editable digital format. Payments will be made within thirty (30) calendar days counted from the satisfactory approval of the products by the designated authorities.

I) COPYRIGHT AND INTELLECTUAL PROPERTY:

All the information generated because of the consultancy will be the exclusive property of FSC-IF.

J) CONFIDENTIALITY:

The consultant agrees that all the information or documentation provided and/or produced for the purpose of the consultancy will be kept confidential, and it will not be disclosed in any case by it, without the prior authorization

of FSC-IF during the execution of the consultancy and after it has been completed.

Likewise, it is agreed that, during the term of the contract, the consultant will refrain from issuing concepts on behalf of FSC-IF in the media, carrying out actions or making representations that directly or indirectly could negatively affect FSC-IF.

K) CONFLICT OF INTEREST

When a potential conflict of interest arises, management will gather all relevant information and may ask questions of the parties involved. If management determines that a conflict of interest exists, steps will be taken to address the conflict. If a conflict of interest is not identified, the inquiry.

F. II. TECHNICAL AND FINANCIAL PROPOSAL

Applications need to include the following documents:

- a) A **technical proposal** to address the general and specific objectives of the consultancy and a timeline to complete the deliverables listed above.
- b) **CV of the consultants**, two professional references or background of consultancy firm.
- c) **Financial proposal** for the services and payment conditions proposal.

Please see Annex 11 - FORMAT FOR PRESENTATION OF TECHNICAL AND COST PROPOSAL.

1. INSTRUCTIONS TO OFFERORS

a) Proposal Submission Deadline

Deadline for submission is 15 calendar days after the announcement is published – 5:00 (5:00 p.m. Panama Time).

b) Submission Address

Both the Technical Proposal and Cost Proposal must be submitted via e-mail to: procurement.fscif@fsc.org with the subject line – “Preparation of a guide and manual on free, prior and informed consent (FPIC) for FSC indigenous foundation)”.

c) Proposal Requirements

All proposal submissions must adhere to the requirements stated in Annex 11 - FORMAT FOR PRESENTATION OF TECHNICAL AND COST PROPOSAL.

