

ANNEX II: TERMS OF REFERENCE

CONSULTANCY TO UNDERTAKE LEGAL, INSTITUTIONAL AND ORGANIZATIONAL FRAMEWORK ANALYSIS OF THE PROPOSED EAST AFRICAN FISHERIES ORGANIZATION (EAFO)

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1. BACKGROUND INFORMATION

1.1. Partner country

Lake Victoria Fisheries Organisation (LVFO) Member countries namely; Burundi, Kenya, Tanzania and Uganda, together with the EAC Partner States; Rwanda, and South Sudan.

1.2. Contracting authority

Lake Victoria Fisheries Organisation (LVFO)

1.3. Country background

The Lake Victoria Fisheries Organization (LVFO) was formed in 1994 through a Convention of establishment, and entered into force on 24th May 1996. At that time, the Convention was signed by the three riparian partner states, namely the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania. LVFO was subsequently registered under the UN Charter of the Food and Agriculture Organization (CAP 102) as a Regional Fisheries Management Organization (RFMO). Upon signing of the Treaty for the establishment of the East African Community (EAC) in 1999 and entering into force on 7th July 2000, LVFO was deemed to be an institution of the EAC with the mandate of managing the fisheries and aquaculture resources in the EAC region, and was designated and functions as such.

In 2016, the Convention was amended to provide for expanded scope and mandate by including fisheries and aquaculture in all water bodies within the territorial limits of the EAC Partner States. The scope which was initially restricted to Lake Victoria, was expanded to encompass all water bodies of the EAC Partner States. Subsequently, the Republic of Burundi officially joined the organization in 2018 as a fourth Partner State.

Lake Victoria is the largest fresh water fisheries in the world with a surface area of 68,800 Sq km and accounts for about 80% of the fisheries resources in the region. The lake and its catchment is shared by all the EAC member States except South Sudan. This makes the lake a unifying factor in EAC and a key driver for fostering regional, political and economic integration. The lake plays a very significant economic role by supporting a large fishing industry and a source of livelihood to more than 35 million people. The fish production is estimated at one million metric tons per annum, valued at USD 840 million generating a foreign exchange earning of USD 300 million. In the Republic of Burundi, a new member of the organization, the main fishery is based on Lake Tanganyika, accounting for more than 90% of the capture fisheries.

1.4. Current situation in the sector

LVFO is governed by the Fisheries and Aquaculture Sectoral Council of Ministers (FASCoM) from the Partner States, guided by the Convention of establishment. The Sectoral Council reports to the EAC Council of Ministers, guided by the EAC Treaty, through the EAC Secretariat for subsequent endorsement/approval of policy decisions. The Sectoral Council is advised by a Coordination Committee composed of Permanent/Principal Secretaries responsible for fisheries and aquaculture. The day-to-day management is undertaken by the LVFO Secretariat headed by the Executive Secretary. LVFO has structures and mechanisms of engaging with other stakeholders as a working body.

The organization also consists of an intricate web of organs created with a view to attaining regional equity and harmonisation. They include the Fisheries and Aquaculture Management and Research/Technical Committees, the Working Groups, and the Secretariat itself. At national level, the organs of the LVFO comprise the national Fisheries and Aquaculture Management and Research institutions, Beach Management Units (BMU), Fish Processors and Exporters Associations in the Partner States, and the national working groups which are the key implementers of the LVFO activities under the coordination of the Secretariat. In turn, these organs have linkages to numerous EAC organs.

LVFO operates under the principle of subsidiarity, i.e. decisions are proposed at national level, harmonised at regional level, and implemented at national level. Its principle objectives are to foster co-operation among the Partner States, harmonize national measures for the sustainable utilization of the fisheries and aquaculture resources of the EAC water bodies, and to develop and adopt conservation and management measures. LVFO is coordinated by a secretariat based in Jinja, Uganda.

The LVFO Secretariat has five core functions which play a pivotal role in the operations of the organization: (i) promotion of economic, social and fisheries resource sustainability; (ii) promotion of sustainable aquaculture development; (iii) harmonization of fisheries and aquaculture policies and regulations; (iv) coordination of fisheries research and management; (v) promotion of fish quality assurance, marketing and fish trade, and (vi) communication and dissemination of fisheries information.

To effectively implement activities in Burundi whose main fishery is on Lake Tanganyika, LVFO has established Memorandum of Understanding (MoU) with Lake Tanganyika Authority (LTA). The two regional organizations share common goals and objectives with regard to sustainable management of fisheries resources and aquaculture in Burundi and Tanzania. The MoU with LTA cover four broad areas of cooperation: (i) Joint project preparation and implementation; (ii) Resource Mobilization; (iii) Technical cooperation; and (iv) Reporting of fisheries and aquaculture activities at the EAC.

Currently, the LVFO Secretariat is understaffed with only 12 employees, out of 23 in the established structure. Two additional staff will soon be employed as permanent staff to ease the deficiency of staff. Understaffing is mainly reflected in the execution of projects and programmes of the organization, thus hindering effective delivery of the organizations' mandate whereby only two technical staff are engaged as professional staff directly related to the core mandate of the organization. However, the implementation of GIZ project has necessitated the recruitment of two additional project staff on short term contracts. Five additional staff would soon be employed under short term contracts by the ECOFISH and TRUEFISH Projects to serve for the projects.

The activities of LVFO are guided by the Strategic Plan, which is operationalized by successive five year Fisheries Management Plans. The LVFO budget is funded from two major sources, i.e. statutory contributions from Partner States through the Ministries responsible for EAC Affairs, and contributions from Development Partners through various development projects that are implemented by the organization. The budget for the FY 2020/2021 is USD 3,077,934, out of which USD 1,945,938 is from Partner States (63%), while USD 1,131,996 is from Development Partners (37%).

1.5. Related programmes and other donor activities

A consultancy study was carried out by REDMA (2008) on “Functional and Institutional Analysis of the LVFO Secretariat” with support from the LVFO through the Implementation of the first Fisheries Management Plan (IFMP Consultancy Report No. 40). The study pointed to the need to widen the scope and mandate of LVFO so as to politically include all the EAC Partner States, geographically expand coverage to regional fisheries beyond Lake Victoria and to address aquaculture and postharvest aspects.

With support from the EAC-Regional Integration Program II (RISP II), LVFO engaged a consultant to undertake Stakeholder consultations in 2013 on “Expansion of Scope and Mandate of Lake Victoria Fisheries Organization (LVFO) into EAFO as an Institution of EAC”. The key fisheries stakeholders in the five EAC Partner States (Republics of Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania) were interviewed and 61% of the respondents supported the mainstreaming while 54% of stakeholders wanted the name of LVFO to be reviewed and changed to reflect its new mandate as an EAC Institution responsible for the management of fisheries.

As part of the functional review of LVFO mandate, the New Partnership for Africa's Development (NEPAD) Agency facilitated an institutional fact finding mission on the Republic of Burundi and Republic of Rwanda in February 2015. This was part of participatory functional review of LVFO mandate to realign it to its new role as the technical institution responsible for management of capture fisheries, aquaculture and fish trade in the EAC Region.

The LVFO Strategic Plan (2016-2020) among others provides a situation analysis in view of the expanded scope and mandate of the organization, which encompasses (i) Legal and Policy Framework (ii) Institutional Framework (iii) Institutional Linkages, and (iv) Functional Analysis. The Institutional Framework provides an analysis of the responsible organs for management and research of the nation's fisheries resources and aquaculture in each of the EAC Partner States. The Institutional Linkages provides principles and status of the relationships governing government and lower level institutions. The Functional Analysis identified several functions that the LVFO Convention spells out, which were summarized as follows: (i) Management (ii) Research (iii) Communication (iv) Human Resource development (v) Coordination (vi) Dissemination (vii) Resource Mobilization and (viii) Advisory.

The "LVFO Functional Review Report" of August 2018 was prepared by the LVFO Secretariat. The report came up with a number of recommendations as a way forward in realigning LVFO functions to its new mandate as the technical arm of EAC responsible for capture fisheries, aquaculture and fish trade in the EAC regional block.

Finally, the LVFO Secretariat in October 2018 drafted a paper to support change of name from Lake Victoria Fisheries Organization to East African Fisheries Organization. This was a response to directives of both the 1st Fisheries and Aquaculture Sectoral Council of Ministers (FASCoM), and the 37th East African Community (EAC) Council of Ministers. This paper provides background information regarding the formation of LVFO; its relation with the EAC Treaty and changes since its formation; provisions in the revised LVFO Convention 2016; the need for change of name, implications, benefits and what has been done so far to mainstream the LVFO into EAC.

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1. Overall objective

The overall objective of the project of which this contract will be a part is to enhance effectiveness and efficiency of the LVFO Secretariat with respect to its expanded scope and mandate. The consultancy will therefore propose changes to the current institutional and functional set-up of the LVFO Secretariat, and the corresponding terms and conditions of service of all staff. The consultancy will also generate a comprehensive analysis of legal requirements for the transformation of LVFO to East African Fisheries Organization (EAFO) by proposing changes to the current legal framework of the organization, including how it relates with the EAC Treaty and with other organs of the EAC such as the Lake Victoria Basin Commission (LVBC).

2.2. Purpose

To achieve improved coordination and functioning of LVFO. This will entail conducting institutional, organizational and legal framework analysis of the proposed EAFO in line with the LVFO Convention, the EAC Treaty and relevant directives of the EAC and LVFO Councils. The analysis will thus comprise assessing institutional set up at Partner State level and the extent it enhances effective coordination by EAFO in relation to its mandate and functions as set out in the Convention. The analysis will identify requirements for the proposed EAFO as an institution of the Community and inform provision of recommendations. The consultancy should also propose an alignment of the Terms and Conditions of Services of the Secretariat Staff with the new organizational structure.

2.3. Results to be achieved by the contractor

The Consultant is expected to deliver the following results;

- Result 1: Institutional and organizational structures of the proposed EAFO developed and recommendations on the alignment of the Terms and Conditions of Services of the Secretariat Staff with the new institution and in line with the EAC structure provided.
- Result 2: An analysis of legal requirements for changing the name from LVFO to East African Fisheries Organization (EAFO) while aligning it with the EAC Treaty conducted and recommendations provided.

- Result 3: A set of recommendations and an implementation plan, including capacity needs and gaps assessment for the recommended institutional and organizational structures by both the LVFO Secretariat and the Partner States provided.
- Result 4: A brief situational analysis of the present LVFO to capture the achievements and challenges as well as the lessons learnt and best practices of the LVFO to contribute to the process. A SWOT analysis will be useful to anticipate the transformative change.

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the project

- a) The EAC LVFO Partner States willingness to participate in formulation of the institutional and organizational framework for the establishment of the EAFO. [Suggestion: The operational/functional aspects of the emerging entity should be examined to ensure its effectiveness]
- b) Willingness of the different actors in the Partner States to collaborate with the consultant;
- c) Partner States will adopt the key recommendations and the proposed institutional, functional and legal framework
- d) The Partner States will remain politically committed to support the implementation of the adopted Institutional, Functional and Legal Framework irrespective of any eventual change in their composition or political orientation.
- e) All relevant MDAs in the Partner States that are involved in the implementation of the consultancy confirm their commitment to participate in the implementation of project activities.
- f) Partner States will commit additional financial, human and technical resources required to enable the expanded organisation in fulfilment of its mandate / objectives.

3.2. Risks

- a) Travel restrictions in some Partner States due to the prevailing novel coronavirus pandemic
- b) Delayed coordination between different key stakeholders both at national and regional levels
- c) Lack of political good will in electioneering period and political interference
- d) Changes in the concerned Ministries (for example after national elections) will disrupt or delay project implementation.
- e) The regional and global economic crisis arising from the pandemic might affect the Partner States economies and in an unexpected way, and consequently they do not show interest to participate in the project activities. This would require a different set of approaches and measures to be undertaken;

4. SCOPE OF THE WORK

4.1. General

4.1.1. Description of the assignment

The Lake Victoria Fisheries Organization has mobilized resources from the 11th EU Development Fund (EDF 11) through the ECOFISH Project for undertaking a consultancy to review the institutional and functional frameworks of the organization. The consultancy is in response to the Fifth EAC

Development Strategy (2016/17 - 2020/21), whose target was to transform Lake Victoria Fisheries Organization (LVFO) into East African Fisheries Organization (EAFO) by 2020, and a directive from the First Session of the Fisheries and Aquaculture Sectoral Council of Ministers (FASCoM), which was held on 2nd March 2018 in Entebbe (Uganda). FASCoM directed the LVFO Secretariat to conduct a study on institutional and functional analysis of the proposed East African Fisheries Organization (EAFO).

The process for the transformation of LVFO has a long history. The LVFO Convention of 1994 and its subsequent amendment in 1998 recognized the three partner states of Kenya, Uganda and Tanzania as the Contracting Parties to the Convention. After the Republic of Burundi and the Republic of Rwanda joined the EAC on 6th July 2009, it became necessary for the LVFO as an institution of the EAC, to accommodate the two countries as new members of the Community. Accordingly, various pronouncements have since been made by both the LVFO and the EAC Council of Ministers on the transformation. Currently, the EAC has six member countries, with the Republic of South Sudan having joined the Community on 16 April 2016.

As a step forward to accommodate the amendment of the Convention and the subsequent change of name to reflect its new mandate as an EAC Institution responsible for the management of fisheries, aquaculture and fish trade in the EAC region, an understanding of the implications for the underlying legal, institutional and functional frameworks is necessary. The extent to which the scope and mandate stretch to the shared water bodies and resources therein also needs to be clearly defined.

Other pertinent issues that needs to be clearly addressed include the relationship between the LVFO Convention and the EAC Treaty, the implications of change of name, and the extent of scope and mandate of the organization. The current title of the Convention seems to indicate that the Organization only deals with matters surrounding Lake Victoria and to that extent only the three EAC Partner States of Kenya, Uganda, and Tanzania, leaving out the Republic of Burundi and other EAC Partner States. It would certainly be necessary to change LVFO to East Africa Fisheries Organization to align it with its mandate and objectives as laid out in the Convention of 2016.

The EAC Treaty, Article 114 (2bii &iii) provides for the establishment of common fisheries management systems for inland and marine waters, while Article 9(3) recognizes that fisheries will be managed as provided for in the Convention establishing the LVFO. In the LVFO Convention (2016), the scope extends to the “East African Community water bodies”, which are defined in Article I of the LVFO Convention defines as the water bodies found among the EAC Partner States. The implications regarding the operational scope of the organization are therefore needed which will then pave the way for defining a new structure and functions of the organization. Legal implications and recommendations regarding the operational scope of the organization are also needed. Accordingly, it might be prudent to change the name “Lake Victoria Fisheries Organization” to “East African Fisheries Organization” to align it with its mandate and objectives as laid out in the Convention.

4.1.2. Geographical area to be covered

Lake Victoria Fisheries Organisation Partner States (Burundi, Kenya, Tanzania and Uganda).

4.1.3. Target groups

LVFO stakeholders, which include MDAs responsible for Fisheries and Aquaculture, and Ministries responsible for EAC Affairs. Others include regional water body organizations such as Lake Tanganyika Authority, Western Indian Ocean Marine Science Association, national water authorities and other relevant stakeholders.

4.2. Specific work

Detailed Tasks

The Consultant will carry out the following activities:

- a) Consult with the Executive Secretary, Deputy Executive Secretary, and Professional Staff of the organization at the Secretariat in Jinja Uganda.
- b) Collect and review relevant documents including the EAC Treaty, LVFO Convention of January 2016, EAC Handbook, EAC Workload and Job Analysis, LVFO Paper on Change of Name from LVFO to EAFO, LVFO Strategic Plan, LVFO Staff Rules and Regulations, Institutional and Functional Review Report of LVFO (2008), LVFO Functional Review Report, the EAC Study by Ernst and Young on the Required Reforms to Align the EAC Structure, Programmes and Activities with Financial Resources from EAC Partner States (when completed), and any other relevant document at the LVFO Secretariat and other depositories such as EAC Secretariat, African Union, and UN-FAO.
- c) Examine the linkages between the LVFO Secretariat and the other LVFO structures, EAC institutions (in particular the Lake Victoria Basin Commission), and other transboundary water body organizations [Lake Tanganyika Authority (LTA); Indian Ocean Tuna Commission (IOTC); The Nairobi Convention; and South West Indian Ocean Fisheries Commission (SWIOFC)].
- d) Examine the LVFO functions – e.g. programme and activities, and review the current Secretariat structure and associated posts; analyze the workload of each post and expertise required, staffing levels, job description and staff performance management system, in relation to expanded scope and mandate.
- e) On the basis of the analysis in (b), (c) and (d) above, propose a new staffing structure for the Secretariat, aligning it to the core functions of the Organization to accommodate expansion of scope and mandate.
- f) On the basis of recommendations made in (e) above, prepare a revised institutional structure, job descriptions and job grading for all the positions to ensure the structure properly reflects the required structure and expertise of the jobs as required by the Organisation.
- g) Ensure consistency between the LVFO Secretariat and the EAC on Staff Terms and Conditions of Service, and those relating to the Conditions of Service in other EAC institutions.
- h) Review current Terms and Conditions of Service including the current salary and remuneration structure of the staff of the LVFO in the context of EAC institutions and propose appropriate amendments to the Terms and Conditions of Service, salaries and remunerations of the staff of the LVFO.
- i) Provide legal opinion/advice, and examine the legal requirements for establishment of the new organization, linkages between the LVFO Secretariat and the other LVFO structures, EAC institutions (in particular the Lake Victoria Basin Commission), transboundary water body organizations [in particular Lake Tanganyika Authority (LTA)] and other regional organizations including the Indian Ocean Tuna Commission (IOTC); The Nairobi Convention; the South West Indian Ocean Fisheries Commission (SWIOFC), and the Western Indian Ocean Marine Science Association (WIOMSA).
- j) On the basis of the analysis in (b) and (c) above, propose a detailed account of legal steps that are necessary for establishment of the new organization to accommodate expansion of scope and mandate, and assess their possible legal implications.
- k) Ensure consistency between the EAFO Convention and the EAC Treaty, and those relating to Protocols and Laws establishing other EAC organs and institutions.
- l) Review current LVFO Convention in the context of EAC Treaty and propose appropriate amendments to the current Convention, if any.
- m) Present preliminary findings to the next scheduled meeting of the EAC Multi-Sectoral Council of Ministers (November 2020 in Arusha, Tanzania).
- n) Prepare a report and later a final report.

The assignment should be planned in two phases as follows:

Phase 1: Travel from home base to the LVFO Secretariat, document review, analysis of institutional, functional and legal issues, regional travel for consultations with relevant MDAs and the national legal offices, State Attorneys in the Partner States, EAC Institutions in Uganda, travel to EAC Secretariat for consultations with the Counsel to the Community (CTC), return to Jinja for further consultations and drafting of preliminary findings, return to home base.

Phase 2: Travel from home base to the Multi-Sectoral Council meeting in Arusha, Tanzania in March 2020, presentation and discussions, return to home base, production of draft report, incorporating comments from LVFO and report finalization.

The contractor must also comply with the latest Communication and Visibility Manual for EU External Actions concerning acknowledgement of EU financing of the project. (See https://ec.europa.eu/europeaid/communication-and-visibility-manual-eu-external-actions_en).

4.3. Project management

4.3.1. Responsible body

The Contracting Authority for the contract is Lake Victoria Fisheries Organisation (LVFO)

4.3.2. Management structure

Lake Victoria Fisheries Organization is responsible for launching of the service tender procedure, signing of the service contract, authorizing payments to the contractor and handling the financial management and control during project implementation. The Executive Secretary, through the office of the Director Fisheries Resource Monitoring and Research will take the lead in managing the contract, along with technical staff in the ECOFISH Project Management Unit.

For the validation process, the LVFO will bring together strategic partners to participate in presentation of the findings of the analysis at a Multi-Sectoral Council Meeting in Arusha, Tanzania among whom are the MDAs in the EAC-LVFO Partner States, the EAC Secretariat in Arusha including the Counsel to the Community (CTC), State Attorneys in the Partner States, relevant institutions of the EAC and other regional water body organizations.

4.3.3. Facilities to be provided by the contracting authority and/or other parties

The LVFO Secretariat will provide all available information and will fully co-operate with the Consultant in order to achieve the best results. Technical information and access to the existing records, any useful information and/or documentation which may be relevant to the performance of the Contract will be provided upon request. The Secretariat will also provide all relevant logistics for the consultant and staff of the Secretariat in the multi-sectoral validation meetings such as air tickets, accommodation, meeting venue, conference facilities, as well as documentations for successful conclusion of the assignment.

Direct Expenses (per diems) will be paid to the Consultant on commencement of the work. Fees will be payable in three instalments, 40% as pre financing and upon signing of contract, submission and acceptance of inception report, 30% on successful completion of Phase I and submission of draft report, and 30% upon submission and approval of the final report.

5. LOGISTICS AND TIMING

5.1. Location

The Consultant will preferably be briefed at the LVFO Secretariat in Jinja, Uganda and will be expected to carry out consultations with stakeholders in the EAC Partner States.

The findings of the study will be presented before a Multi-Sectoral Council Meeting in Arusha, Tanzania.

5.2. Start date & period of implementation of tasks

The intended start date is **1st February 2021** and the period of implementation of the contract will be **Five** months from this date. Please see Articles 19.1 and 19.2 of the special conditions for the actual start date and period of implementation.

It is anticipated that the assignment would take **Thirty (30) man days**, split into Two (2) phases.

The First Phase would include review of documentation, consultations at the LVFO Secretariat, visits to MDAs in the region, preparing preliminary findings and discussing these within the LVFO Secretariat. This phase should preferably be completed by 30th February 2021.

The Second Phase would comprise a presentation to the Multi-Sectoral Council Meeting for validation of the report scheduled for March 2021 in Arusha, Tanzania, the submission of a draft final report two days after this presentation followed by the submission of a Final Report one week after receiving all comments on it.

6. REQUIREMENTS

6.1. Staff

Note that civil servants and other staff of the public administration of the partner country, or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

6.1.1. Key experts

Key experts are defined and they must submit CVs and signed statements of exclusivity and availability.

All experts who have a crucial role in implementing the contract are referred to as key experts. The profiles of the key experts for this contract are as follows:

Key expert 1: Team leader

An individual consultant who meets the minimum requirements below presented in a Curriculum Vitae with three referees;

Qualifications and skills

- ❑ At least postgraduate qualification in management sciences, HR management, law, business management, fisheries or other fields of studies related to this assignment.
- ❑ A person with expertise in management, institutional transformation and having worked in the position of chief executive officer of an organization for at least 5 years
- ❑ Demonstrated experience in institutional transformation and organizational restructuring as well as being conversant with trends in organization structuring and change management
- ❑ Specific experience in staff recruitment, management and organisational development, staff management and supply or any other field related expertise to this assignment.
- ❑ Knowledge and exposure to Regional Economic Communities (e.g. EAC, COMESA, SADC, IGAD) regional cooperation initiatives will be an added advantage.

General professional experience

The Consultant shall preferably have at least (5) years' experience in institutional review of organisations or institutions, or general expertise in a relevant directly related field.

Specific professional experience

- ❑ Direct practical experience in institutional reforms with at least Five (5) professional assignments (long or short-term).
- ❑ Demonstrated experience with similar assignments for a regional or an international organization is an added advantage
- ❑ Experience on evaluation of related to institutional, functional or legal framework development
- ❑ Experience in providing technical support to governments and intergovernmental organizations in related areas
- ❑ A minimum of 4 years work experience, but at least 8 years for the key personnel in related areas of undertakings, including the development of institutional, functional or legal framework strategies and guidelines.
- ❑ Excellent written and oral communication skills in English,
- ❑ Ability to work independently and respond to feedback in a timely and professional manner,
- ❑ Excellent organizational skills and attention to details,
- ❑ Previous experience in fisheries, aquaculture, natural resources management, agriculture and related disciplines is an added advantage

Other competences

- ❑ Communication and facilitation skills, Language skills - Proficiency in English (Proficiency in Kiswahili or French is an added advantage)
- ❑ All experts must be independent and free from conflicts of interest in the responsibilities they take on.
- ❑ Fully conversant with ITC tools, including teleworking and virtual meetings

6.1.2. Other experts, support staff & backstopping

CVs for experts other than the key experts should not be submitted in the tender but the tenderer will have to demonstrate in their offer that they have access to experts with the required profiles. The contractor shall select and hire other experts as required according to the needs. The selection procedures used by the contractor to select these other experts shall be transparent, and shall be based on pre-defined criteria, including professional qualifications, language skills and work experience.

The costs for backstopping and support staff, as needed, are considered to be included in the tenderer's financial offer.

6.2. Office accommodation

Office accommodation for each expert working on the contract is to be provided by the contractor, the partner country or the contracting authority depending on the stage of the assignment.

6.3. Facilities to be provided by the contractor

The contractor shall ensure that experts are adequately supported and equipped. In particular, it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

6.4. Equipment

No equipment is to be purchased on behalf of the contracting authority / partner country as part of this service contract or transferred to the contracting authority / partner country at the end of **this** contract. Any equipment related to this contract which is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

7. REPORTS

7.1. Reporting requirements

The contractor will submit the following reports in English in one original and two (02) copies:

- ❑ **Inception Report** of maximum 12 pages to be produced one week after signing the contract. In the report the contractor shall present the detailed methodology to be applied in the study, including analytical framework to be used in the analysis and materials for in-depth interviews and focus group discussions meant to create ground for informed discussions. The contractor should proceed with his/her work unless the contracting authority sends comments on the inception report.
- ❑ **Draft baseline report:** within 10 working days from the submission of inception report the consultant should submit a draft report outlining the preliminary results of the assessment for the baseline
- ❑ **Final baseline report:** within 5 days after receiving inputs from the LVFO Secretariat
- ❑ **Inception report for institutional and functional framework:** within 5 working days after completion of the baseline study report.
- ❑ **Draft institutional and functional framework:** within 20 working days from the submission of the inception report
- ❑ **Final draft report:** within 5 working days after receiving inputs from the stakeholders. The report should have a maximum thirty pages (main text, excluding annexes) in the format given in Annex 1.
- ❑ **Final report** with the same specifications as the draft final report, incorporating any comments received from the parties on the draft report. The deadline for sending the final report is fourteen (14) days after receipt of comments on the final draft report. The report shall contain a sufficiently detailed description of the different options to support an informed decision on the Institutional and functional framework of the proposed East African Fisheries Organisation (EAFO). The detailed analyses underpinning the recommendations will be presented in annexes to the main report. The final report must be provided along with the corresponding invoice.
- ❑ The Consultant shall submit originals or photocopies of all documents collected and reviewed as part of the consultancy
- ❑ LVFO intends to disburse the funds in the following schedule:

Table 1:Proposed Disbursement

S/N	Description	Payable
1	Reimbursement Amount	Reimbursement as a global amount to not exceed (EUR 16,600.00) Includes outside home base, and other expenses which will be incurred directly in relation to the assignment (local travels, stationery and printing). air tickets at the economy rate, such expenses have to be agreed upon in advance
2	40% of total contract fee	Upon signing and returning of the contract along with Inception Report and approved fund request (includes perdiems, where applicable)
3	30% of total contract fee	Upon completion of Phase I and submission and approval/acceptance of draft report along with approved funds request (includes perdiems, where applicable)
4	30% of total contract fee	Upon submission and approval/acceptance of final report and other deliverables as per TOR along with approved funds request. (includes perdiems, where applicable)
TOTAL (EUR)		The total compensation under this agreement shall not exceed Fifty-nine thousand seven hundred twelve Euros (EUR 59,712.00) only. which is the total budget set aside for this assignment.

■ Financial obligations by LVFO and the Consultant

- (a) LVFO will pay for reimbursables that is to include per diems outside home base, and other expenses which will be incurred directly in relation to the assignment (local travels, stationery and printing). air tickets at the economy rate, such expenses have to be agreed upon in advance.
- (b) Any funds provided under this agreement in EUR which are to be exchanged to local currency must be exchanged at the best available rate through the channels authorized by applicable laws and regulations. Transactions must be capable of verification by LVFO through bank receipts or other documents or publications sufficient to demonstrate the legality of such transactions.
- (c) LVFO shall not be liable for any other fees or expenses, including taxes and bank charges.
- (d) In this contract, per diems are calculated as per the EU rates: Uganda (■204), Kenya (■281), Tanzania (■211) and Burundi (■234).
- (e) Full and final payment will only be made upon:
 - Completion of the final report/deliverables and its acceptance by the Executive Secretary
 - Submission and approval of an invoice within 15 days following completion of the Assignment, detailing services rendered, and
 - Submission and approval of receipts for all expenses incurred
 - The invoice must contain the following information: name and address of the consultant, invoice date, unique invoice number, service rendered, deliverable, period in which service was provided, bank details, and, for consultants, VAT number. The invoice must be addressed to Executive Secretary, LVFO. Payments will be made to a bank account provided by the consultant.

7.2. Submission and approval of reports

The reports referred to above must be submitted to the Executive Secretary LVFO through the project manager identified in the contract. The project manager is responsible for ensuring that the reports are reviewed by stakeholders and approved.

8. MONITORING AND EVALUATION

8.1. Definition of indicators

Conducting extensive literature review and generating clear and concise final reports

Prompt incorporation of comments from stakeholders and quick response time between reports

8.2. Special requirements

None

ANNEX 1

The report should adequately address the Terms of Reference

The front page should include EAC, LVFO and EU logos

The body of the text should be single spaced. Use *Times New Roman* 11 points. Section titles should have larger fonts (12 points)

Ensure the report has page numbers at the bottom of the page – right position (except the front page)

Limit your report to a maximum of **30 pages** of A4 size including illustrations (excluding annexes).

Use South African English. The report must be spell-checked and grammar-checked before submission.

Figures and tables should appear in numerical order and must be described/cited in the body of the text. Check consistency/uniformity in lettering and sizing of the labels in the figures.

The report should be organized as follows: Title; Abbreviations; Executive Summary; Body of the report; Acknowledgements (which must include financial support from the EcoFish Programme); References (Use the *African Journal of Marine Science* citation style).