

# Analysis on the Status of Carbon Rights and Land Tenure for Terrestrial and Mangrove Projects in Aotearoa New Zealand

**RFP No:** CI-NZ-NCS Policy-001

Date of Issuance: May 24, 2022

## 1. Objectives and overview

- a. The main objective of this consultancy is to develop an analysis of the status of Iwi Māori legal rights over carbon and land tenure in Aotearoa New Zealand and make recommendations as to what legal measures are required to enable the use and transfer of carbon rights, to enable carbon projects and carbon credits trading for international and domestic voluntary and compliance markets.
- b. To provide an analysis and recommendations for options to establish a credible voluntary or compliance standard for an Iwi Māori led blue carbon bond or credit scheme that meets domestic and NCS requirements and an outline of the technical, policy and legal measures that will allow for voluntary or compliance nature-based carbon projects in national policies or accounting measures.

## 2. Deliverables and key tasks

The consultant or consultancy firm will complete several tasks to prepare the next deliverables, including development of a work plan to define the analysis scope and methodology, to be refined with the CI country office and other CI global teams.

### Deliverable 1. Work plan, scope and methods to be applied to prepare deliverables

- a. A document describing work plan/ schedule
- b. Includes scope of the analysis and methods (desk review and documents to be revised, interview with experts, workshops, etc.)
- c. Includes date to deliver a draft of the report requested

### Deliverable 2. Draft report: the state of Iwi Māori carbon and land rights and carbon projects

- a. Assess Aotearoa New Zealand's domestic carbon pricing instruments to prepare an analysis of the domestic carbon pricing policy context, Aotearoa New Zealand's market-based NCS investments to-date (domestically and regionally) and an assessment of policy gaps/recommendations to facilitate regional trading opportunities as both a buyer or seller (i.e., with Singapore or Pacific countries).
- b. A document summarizing the existing policies and regulations related to legal rights over carbon and land tenure nationally with a particular focus on Iwi Māori estates and consideration of Te Tiriti o Waitangi (the Treaty of Waitangi) and current and future Treaty settlements.
- c. An overview of land tenure systems in the country, with a focus on Iwi Māori Customary territorial, marine and coastal areas (particularly mangrove forests and wetlands) and their implications for carbon rights nationally and at the subnational level.
- d. Recommendations as to what legal and compliance measures are required nationally and at the local level to enable the use and transfer of blue carbon rights, to enable blue carbon projects and blue carbon bond or credit trading for voluntary and compliance markets (including internationally).

- e. If blue carbon rights have not been addressed, recommendations as to what legal measures are required to address Iwi Māori land tenure and community rights over blue carbon nationally and at the subnational level.
- f. An overview of the state of affairs with regard to technical, policy and legal measures that will allow for voluntary or compliance standard for blue carbon projects (from nature-based solutions) including in national policies or accounting measures.
- g. An analysis of existing and planned institutional arrangements for authorizing international carbon credit transfers and processes for accounting nationally and at the subnational level.
- h. An overview of the status of recognition and protection of the carbon and land tenure rights and interests of Iwi Māori at a national and subnational level.
- i. The report should include a list of all national, subnational and local laws, statutes and regulatory frameworks in the host country that are relevant to the project activities. Provide assurance that the project is complying with these and, where relevant, demonstrate how compliance is achieved.

Deliverable 3. Final report. This final report must include improvement on the draft presented previously, a description of national arrangements and procedures and options and recommendations for an Iwi Māori led blue carbon or credit scheme that meets domestic and NCS requirements.

The description of national arrangements will answer the following questions.

- a. What is the current domestic carbon pricing policy context, Aotearoa New Zealand's market-based NCS investments to-date (domestically and regionally) and policy gaps/recommendations to facilitate regional trading opportunities (i.e., with Singapore or Pacific countries)?
- b. Who can be authorized by the government to generate, facilitate and receive payments for emissions reductions for terrestrial, marine and coastal areas, including mangrove forests or other nature-based climate solutions?
- c. What legislative mechanisms and policy settings exist to enable Iwi Māori to give authorization to project proponents to operate blue carbon projects? If any, what is the government agency in charge of giving authorization to project proponents to operate either a voluntary or compliance standard for blue carbon projects?
- d. Is there a policy or legislation and regulations that explicitly allow or prohibit carbon initiatives to be developed at a site or project scale for generating carbon credits and receiving financial compensation for carbon credits from international and/or domestic buyers?
- e. What is the current and future position of the government with regards to measuring and embedding existing and future site-scale carbon projects in the national accounting framework?
- f. What measures have been taken by the government to streamline and integrate carbon accounting at a national and sub-national level and to prevent double counting of carbon rights?
- g. What measures have been taken by the government to clarify land tenure and community rights over carbon, including for Iwi Māori?
- h. What measures have been taken by the government to recognize and respect indigenous rights within forests across terrestrial, marine and coastal areas?
- i. Are there any requirements regarding the distribution of revenues at national and sub-national level? Or precedents regarding this matter?

- j. Are there any other recommendations regarding how the country's legal framework can support blue carbon bond or credit generation and the protection of Iwi Māori rights over carbon and facilitate trade in blue carbon bonds or credits?

### **3. Deliverables/Estimated Outputs**

The consultant will prepare and submit the following deliverables/outputs (in English):

- Work plan/ schedule/methods: Due 3 weeks after start
- Draft report: Due 8 weeks after start
- Final comprehensive report incorporating feedback from CI: Due 12 weeks after start

### **4. Estimated Timeline**

The anticipated timeline for the consultancy is 12 weeks from the start date.

### **5. Location of Task/Applicable Trips**

This consultancy may be based anywhere globally.

### **6. Required Skills and Experience**

The consultant must:

- Have research or/and applied experience working on climate policy or carbon projects regionally, specifically in Aotearoa New Zealand.
- Have good understanding of national climate change policies in Aotearoa New Zealand.
- Have a good understanding of Iwi Māori land tenure and carbon rights in Aotearoa New Zealand.
- Have a good understanding of Te Tiriti o Waitangi (Treaty of Waitangi) and indigenous terrestrial, marine and coastal areas claims and customary rights.
- Have legal expertise related to carbon rights and agriculture, restoration/reforestation, avoided deforestation, and blue carbon industries in Aotearoa New Zealand.
- Experience providing advice to governments and/or NGOs and Iwi Māori on climate policy and experience with carbon projects, with knowledge on NCS and carbon pricing-related issues.
- Have working fluency in English and Māori.
- Have proven experience engaging with Iwi Māori and communities on land tenures and rights.

### **7. Submission Details**

- Proposals must be received no later than 20 June 2022. Late submissions will not be accepted. Proposals must be submitted via email to [cbolinga@conservation.org](mailto:cbolinga@conservation.org). All proposals are to be submitted following the guidelines listed in this RFP.
- Validity of bid is 120 days from the submission deadline
- Clarifications and questions may be submitted to [cbolinga@conservation.org](mailto:cbolinga@conservation.org) by the specified date and time in the timeline below. The subject of the email must contain the RFP number and title of the RFP. CI will respond in writing to submitted clarifications by the date specified in the timeline below. Responses to questions that may be of common interest to all bidders will be posted to the CI website and/or communicated via email.

- Amendments. At any time prior to the deadline for submission of proposals, CI may, for any reason, modify the RFP documents by amendment which will be posted to the CI website and/or communicated via email.

## **8. Proposal Documents to Include**

- Signed cover page on bidder's letterhead with the bidder's contact information.
- Signed Representation of Transparency, Integrity, Environmental and Social Responsibility (Attachment 1)
- Technical Proposal, including:
  - i. Corporate Capabilities, Experience, Past Performance. Please include descriptions of similar projects or assignments. Include links or references to published works produced within the last 5 years that are endorsed by governments or professional bodies. (Max 8 pages)
  - ii. Qualifications of Key Personnel. Please attach CVs that demonstrate how the team proposed meets the minimum requirements listed in section 6 (Required skills and experience).
- Financial Proposal. Offerors shall use the cost proposal template (Attachment 2).

## **9. Evaluation Criteria**

In evaluating proposals, CI will seek the best value for money considering the merits of the technical and costs proposals. Proposals will be evaluated using the following criteria:

<b>Evaluation Criteria</b>	<b>Score (out of 100)</b>
Demonstrated experience and understanding of domestic climate policies in Aotearoa New Zealand and regional carbon trading.	15%/ Max points
Demonstrated experience with preparing policy documents for government and private sector audiences. Provide links or references to published works produced within the last 5 years that are endorsed by governments or professional bodies.	25%/ Max points
Relevant technical expertise in designing NCS carbon projects. Examples that demonstrate innovative interventions that address broad NCS application in carbon markets will be favored.	25%/ Max points
Demonstrated legal expertise in relation to carbon rights and agriculture, restoration/reforestation, avoided deforestation, or blue carbon industries in Aotearoa New Zealand.	15%/ Max points
Appropriate budget, demonstrating appropriate allocation of labor days in relation to tasks and deliverables; appropriate consultant daily rates in relation to qualifications; appropriate other direct costs in relation to the scope of work; and overall cost effectiveness.	10%/ Max points

Working fluency in English and Māori	10% Max points
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## 10. Proposal Timeline

TOR Posted	24 May 2022
Clarifications submitted to CI	30 May 2022
Clarifications provided to known bidders	3 June 2022
Complete proposals due to CI	20 June 2022
Final selection	2 July 2022

11. **Resulting Award** CI anticipates entering into an agreement with the selected bidder. Any resulting agreement will be subject to the terms and conditions of CI's Services Agreement. A model form of agreement can be provided upon request.

This RFP does not obligate CI to execute a contract, nor does it commit CI to pay any costs incurred in the preparation or submission of the proposals. Furthermore, CI reserves the right to reject any and all offers, if such action is considered to be in the best interest of CI. CI will, in its sole discretion, select the winning proposal and is not obligated to share individual evaluation results.

12. **Confidentiality** All proprietary information provided by the bidder shall be treated as confidential and will not be shared with potential or actual applicants during the solicitation process. This includes but is not limited to price quotations, cost proposals and technical proposals. CI may, but is not obliged to, post procurement awards on its public website after the solicitation process has concluded, and the contract has been awarded. CI's evaluation results are confidential and applicant scoring will not be shared among bidders.
13. **Code of Ethics** All Offerors are expected to exercise the highest standards of conduct in preparing, submitting and if selected, eventually carrying out the specified work in accordance with CI's Code of Ethics. Conservation International's reputation derives from our commitment to our values: Integrity, Respect, Courage, Optimism, Passion and Teamwork. CI's Code of Ethics (the "Code") provides guidance to CI employees, service providers, experts, interns, and volunteers in living CI's core values, and outlines minimum standards for ethical conduct which all parties must adhere to. Any violation of the Code of Ethics, as well as concerns regarding the integrity of the procurement process and documents should be reported to CI via its Ethics Hotline at [www.ci.ethicspoint.com](http://www.ci.ethicspoint.com).

## 14. Annexes to the TOR

Attachment 1: Representation of Transparency, Integrity, Environmental and Social Responsibility

Attachment 2: Cost Proposal Template

## **Attachment 1: Representation of Transparency, Integrity, Environmental and Social Responsibility**

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All Offerors are expected to exercise the highest standards of conduct in preparing, submitting and if selected, eventually carrying out the specified work in accordance with CI's Code of Ethics. CI's Code of Ethics provides guidance to CI employees, service providers, experts, interns, and volunteers in living CI's core values, and outlines minimum standards for ethical conduct which all parties must adhere to. Any violations of the Code of Ethics should be reported to CI via its Ethics Hotline at [www.ci.ethicspoint.com](http://www.ci.ethicspoint.com).

CI relies on the personal integrity, good judgment and common sense of all third parties acting on behalf, or providing services to the organization, to deal with issues not expressly addressed by the Code or as noted below.

### **I. With respect to CI's Code of Ethics, we certify:**

- a. We understand and accept that CI, its contractual partners, grantees and other parties with whom we work are expected to commit to the highest standards of Transparency, Fairness, and Integrity in procurement.

### **II. With respect to social and environmental standards, we certify:**

- a. We are committed to high standards of ethics and integrity and compliance with all applicable laws across our operations, including prohibition of actions that facilitate trafficking in persons, child labor, forced labor, sexual abuse, exploitation or harassment. We respect internationally proclaimed human rights and take no action that contributes to the infringement of human rights. We protect those who are most vulnerable to infringements of their rights and the ecosystems that sustain them.
- b. We fully respect and enforce the environmental and social standards recognized by the international community, including the fundamental conventions of International Labour Organization (ILO) and international conventions for the protection of the environment, in line with the laws and regulations applicable to the country where the contract is to be performed.

### **III. With respect to our eligibility and professional conduct, we certify:**

- a. We are not and none of our affiliates [members, employees, contractors, subcontractors, and consultants] are in a state of bankruptcy, liquidation, legal settlement, termination of activity, or guilty of grave professional misconduct as determined by a regulatory body responsible for licensing and/or regulating the offeror's business
- b. We have not and will not engage in criminal or fraudulent acts. By a final judgment, we were not convicted in the last five years for offenses such as fraud or corruption, money laundering or professional misconduct.
- c. We are/were not involved in writing or recommending the terms of reference for this solicitation document.
- d. We have not engaged in any collusion or price fixing with other offerors.

- e. We have not made promises, offers, or grants, directly or indirectly to any CI employees involved in this procurement, or to any government official in relation to the contract to be performed, with the intention of unduly influencing a decision or receiving an improper advantage.
- f. We have taken no action nor will we take any action to limit or restrict access of other companies, organizations or individuals to participate in the competitive bidding process launched by CI.
- g. We have fulfilled our obligations relating to the payment of social security contributions or taxes in accordance with the legal provisions of the country where the contract is to be performed.
- h. We have not provided, and will take all reasonable steps to ensure that we do not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitate, or participated in terrorist acts, and we are compliant with all applicable Counter-Terrorist Financing and Anti-Money Laundering laws (including USA Patriot Act and U.S. Executive Order 13224).
- i. We certify that neither we nor our directors, officers, key employees or beneficial owners are included in any list of financial or economic sanctions, debarment or suspension adopted by the United States, United Nations, the European Union, the World Bank, or General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension".

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Attachment 2: Cost Proposal Template

The cost proposal must be all-inclusive of profit, fees or taxes. Additional costs cannot be included after award, and revisions to proposed costs may not be made after submission unless expressly requested by CI should the offerors proposal be accepted. Nevertheless, for the purpose of the proposal, Offerors must provide a detailed budget showing major expense line items. Offers must show unit prices, quantities, and total price. All items, services, etc. must be clearly labeled and included in the total offered price. All cost information must be expressed in USD.

If selected, Offeror shall use its best efforts to minimize the financing of any taxes on goods and services, or the importation, manufacture, procurement or supply thereof. If Offeror is eligible to apply for refunds on taxes paid, Offeror shall do so. Any tax savings should be reflected in the total cost.

### Cost Breakdown by Deliverable:

<b>Deliverable</b>	<b>Price (Lump Sum, All Inclusive)</b>
Deliverable 1: Work plan, scope and methods to be applied to prepare deliverables	
Deliverable 2: Draft report: the state of Iwi Māori carbon and land rights and carbon projects	
Deliverable 3: Deliverable 3. Final report. This final report must include improvement on the draft presented previously, a description of national arrangements and procedures and options and recommendations for an Iwi Māori led blue carbon or credit scheme that meets domestic and NCS requirements.	

### Cost Breakdown by Cost Component (example only)

<b>Description</b>	<b>Unit of measure (day, month, etc.)</b>	<b>Total period of engagement</b>	<b>Unit cost/rate</b>	<b>Total Cost for the Period</b>
Consultant 1				
Consultant 2				
Sub-total Personnel				
Travel Costs (if applicable)				
Other related Costs (please specify)				
<b>Total Cost of Financial Proposal</b>				