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1. BACKGROUND INFORMATION

1.1. Country

Myanmar

1.2. Contracting authority

The contracting authority is Worldwide Fund for Nature (WWF) Myanmar.

WWF Myanmar was established in 2013 and is working to conserve the country's biodiversity and build a sustainable future for people and wildlife. The focus is on promoting green economy within national policies, and sustaining and protecting biodiversity and ecological connectivity of the landscape through an integrated landscape approach, and the Ayeyarwady river basin through an integrated river basin approach. Find out more at www.panda.org/greatermekong

1.3. Country background

Since the gradual political opening from 2011, while political unrest and ethnic tensions still riddle a number of regions, the country has experienced significant economic growth. According to the World Bank's Economic Monitor, Myanmar's economy was projected to grow at 6.5% in 2018/19, with growth expected to reach 6.7% in the medium-term.

The manufacturing sector in Myanmar is at a cross-road: whilst industrial development is progressing and remains critically important for economic growth, if not managed responsibly, it would have significant negative impacts on the country's natural environment and undermine Myanmar's long-term sustainable development. With 60 percent coverage of the entire industry, the Food and Beverage industry plays a significant role in this process.

Manufacturing growth is expected to recover and to account for ca. 70% of Myanmar's growth in 2030. This would result in an annual increase in industrial power demand by approximately 19%, or an additional 500 MW of energy per year.

Myanmar's Constitution requires its citizens and enterprises to protect and conserve the natural environment (Section 45) and to assist in carrying out environmental conservation.

1.4. Current situation in the sector

Food and Beverage (F&B) industries are extremely important for the social and economic progress of Myanmar. These industries have, however, considerable potential for environmental damage if production is not compliant with the environmental law.

In regard to industrial production, natural resource exploitation and infrastructure development, Environmental Impact Assessment and Initial Environmental Examination (EIA/IEE) as well as Environmental Management Plan (EMPs) are key tools to assess, minimise and mitigate any negative impacts of industrial operations. Thus, all industry must carry out an Initial Environmental Examination (IEE) for company registration. If the IEE indicates that the project is within a category of high risk, then the project or operation needs to conduct a detailed EIA. The legal framework for the EIA/IEE was introduced in 2015 through the "Environmental Assessment Procedure: Notification No. 616/2015", which defines the entire procedure and requirements for EIAs – or Initial Environmental Examinations (IEE) for less impactful operations/ projects - and environmental compliance certificates. For project proposals with high risk requiring a full EIA, project proponents are required to prepare an Environmental Impact Assessment Report and an Environmental Management Plan (EMP). The draft EIA Report and EMP are subject to public consultation and must be updated based on the comments received. Finally, a multi-agency EIA Report Review Body reviews and assesses these reports and recommends to the Minister of MoNREC whether the submitted reports should be approved. If approved, MONREC issues an Environmental Compliance Certificate (ECC) along with any conditions and subject to payment of service fees prescribed by ECD. Normally prepared as part of the EIA, an Environmental Management Plan (EMP) comprises

the project proponent's commitments, emission limit values, applicable environmental standards, other government requirements, project maps, images, and detailed engineering plans, mitigation measures for each phase of the project cycle, budgets, monitoring and evaluation plans, and specific responsibilities for all actions outlined in the EMP.

The implementation of these EIA and EMP provisions is highly relevant for meeting Myanmar's Sustainable Consumption and Production (SCP) objectives and the 17 Sustainable Development Goals of Agenda 2030. In absence of detailed guidance, however, the quality of both EIAs and EMPs is quite variable in Myanmar, in part because the ECD staff are relatively new and there is insufficient guidance documentation and on-the-job training for businesses. The EMP legislation remains mostly unenforced.

WWF Myanmar, together with further partners (see below), supports the Government of Myanmar with the enforcement of EMP provisions in F&B industries, both to improve the sectors' environmental performance and to pilot an implementation approach that can be replicated to the rest of Myanmar industries.

1.5. Related programmes and other donor activities

The "Tha Bar Wa" project: Since 2018, WWF Myanmar – in a consortium with WWF Germany, Myanmar Food Processing Export Association (MFPEA) and the German Sparkassenstiftung (SBFIC) - is implementing a grant project under the title "Tha Bar Wa - Catalysing Sustainable Water and Energy Management in the Food and Beverage (F&B) Industry in the Ayeyarwady River Basin, Myanmar". Funded under the European Commission's Switch Asia programme, Tha Bar Wa aims to promote cleaner production in the Food & Beverage (F&B) sector with a focus on improving water and energy management. The project aims to: improve the legal framework for (waste) water and energy management and its enforcement; enable F&B enterprises to adopt water and energy management practices and technologies; institutionally strengthen selected domestic banks in the field of green SME lending; and share the lessons learned to promote replication in other industrial zones and the wider region.

Other donor interventions: The IFC is currently financing another consulting assignment that will structurally and operationally support ECD in the reviewing of EIAs submitted by companies. It is deemed that this will complement and strengthen rather than duplicate efforts under this contract. Additionally, JICA is supporting ECD with Technical Support for work in EIA. Similarly UNDP has been working with ECD on the topics of EIA and green financing.

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1. Overall objective

The three main objectives of this consultancy are:

- (a) Strengthen the implementation of Myanmar's Environmental Impact Assessment (EIA) system by providing detailed guidance on Environmental Management Plans (EMPs) for key industrial sectors such as food and beverage industries;
- (b) Develop a checklist to support the implementation of EMPs in food and beverage industries; and
- (c) Develop a review and draft monitoring and environmental strategic plan and roadmap for ECD ;

Purpose and details of activities:

The purpose of this individual international consulting assignment is as follows:

The purpose of this assignment is to assist Environmental Conservation Department (ECD) under Ministry of Natural Resources and Environmental Conservation (MoNREC) in Myanmar, through a multi-stakeholder process, to review existing Environmental Management Plan - EMP (applicable to 9 prioritise industries of Myanmar) checklist and prepare a detailed guideline for the manufacturing industry (esp. food and beverage sector), so that the industry will develop EMP and submit their EMP to ECD for review, monitoring and supervision. Additionally, the objective is to develop a strategy and a roadmap for ECD to review and monitor the submitted EMPs.

Details of Activities:

A. Review and revise existing EMP compliance checklist and develop short environmental information reviews checklist for the manufacturing sector, focusing on food and beverage industries

- i. Review similar compliance checklist and guidelines on the EMPs from other countries and determine which sections are appropriate and transferable for Myanmar context;
- ii. Conduct short environmental information reviews to identify the environmental hotspots for the factories in order to integrate it into the checklist and adopt the checklist accordingly
- iii. Draft detailed guidelines and a revised compliance checklist for enterprises applicable for manufacturing industries focused on F&B sector for review by MoNREC/ECD senior management. The draft will serve as a detailed guideline for other industries and also to the third party consultants to prepare for EMP application.
- iv. Conduct interviews and/or meetings with industry representatives to draft guidelines and revise as necessary based on their comments;
- v. Present such documents to ECD and the working group chaired by the ECD for comments and feedback and incorporate them.

B. Develop an EMP compliance and implementation strategy and a 5 year roadmap for ECD.

- vi. Facilitate and support WWF Myanmar in the preparation and conduction of a stakeholder dialogue called "EMP Working Group" with meetings on a regular basis (every 6 to 8 weeks) with ECD officials on the development of a strategy and roadmap for the implementation of the EMP regulation, formally convened by ECD and involving relevant business associations, enterprises, and consultants¹
- vii. Based on the outcomes of the first stakeholder consultation, prepare a roadmap and an implementation strategy for ECD in order to facilitate the EMP process and annual environmental review and in the food and beverage sector that should serve as an example for other sectors, and ensuring that industry representatives are fully aware of the implications; and
- viii. Assist ECD in preparing outreach and communication material to disseminate the requirements for improved EMPs in the food and beverage sector that will promote the implementation in other manufacturing sectors as well.

¹ The first and second workshops working group meeting/workshop served to agree on the Working Group's objectives, structure, working modes and outputs. The following workshop serve to discuss the work plans, methodology and timeline of revised checklist, draft implementation strategy and roadmap and ensure a shared understanding and endorsement by all stakeholders.

2.2. Results to be achieved by the consultant

- (a) Conduct short environmental information reviews checklist for the manufacturing sector, focusing on food and beverage industries
- (b) Review/ Revision of the existing EMP compliance checklist as per the need to the industry especially applicable to Small and Medium Enterprises (SMEs).
Deliverable: Revised compliance checklist for the food and beverage sector serving as an example for other manufacturing industries as well.
- (c) Development of guidelines on EMP development for the manufacturing sector, focusing on food and beverage industries entrepreneurs.
Deliverable: A set of detailed guidelines on how to apply and draft a EMP report based on the revised checklist for the industries
- (d) Development of a strategy and 5 year roadmap for the EMP compliance and implementation process
Deliverable: Draft Strategy and roadmap to be shared and presented to the multi-stakeholder working group (EMP Working group) for feedback. The draft after incorporating feedback need to be submitted to ECD.

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the “Tha Bar Wa” project

1. *There is the political will in Myanmar to promote sustainable economic development.* This is reflected in the Green Economy Policy Framework of the government to be launched in July. Sustainable production patterns, stimulating green investments as well as incentives for energy and water efficient technologies are explicit objectives mentioned in the framework.

2. *There are interested SMEs that are willing to improve their water and energy performance.* WWF has already worked with SMEs from the beverage industry in the field of waste water treatment. The high interest in the cost benefit analysis of waste water treatment options and the intention of three companies to invest demonstrates the gradual change in SMEs production behaviours.

3. *Demonstrating the economically viable business case for energy efficiency measures and the regulative pressure from the government with regard to waste water management secures the engagement of more companies.* Further, key business associations such as MFPEA and IZC promote and recognize the benefits of sustainable production and ensure access to the SMEs.

4. *The financial sector is becoming less regulated and is getting more aware of the opportunities and potential market for green finance.* Based on the Financial Institutions Law 2016, the restrictions will be gradually lowered so that the banks can unfold their full economic potential by moving towards risk-based lending which would enhance lending for green finance to SMEs.

3.2. Risks (associated with the “Tha Bar Wa” project)

- Lack of reliable data on industries on pollutions and water consumption and discharge.
- No consensus between different stakeholders (MoNREC, MoI, MFPEA, IZC).
- Poor coordination and/or conflicts between MoNREC and MoI (current MoPFI) might hamper the development and implementation of the policies.
- SMEs are not sufficiently engaged in the capacity building measures and action.
- SMEs are not willing to invest and/ or demand business services for cleaner production.
- Lack of or dropout of sufficiently capable local technical experts / engineers and business intermediaries.
- The financial sector is not receptive to green investments.
- Difficult outreach, communication and access to the scattered located SMEs.
- Violation against labour and social standards might occur with the cooperating SMEs.

4. SCOPE OF THE WORK

4.1. General

4.1.1. Project description / Description of the cooperation

Since 2018, WWF Myanmar – in a consortium with WWF Germany, Myanmar Food Processing Export Association (MFPEA) and the German Sparkassenstiftung (SBFIC) - is implementing a grant project under the title “Tha Bar Wa - Catalysing Sustainable Water and Energy Management in the Food and Beverage (F&B) Industry in the Ayeyarwady River Basin, Myanmar”. Funded under the European Commission’s Switch Asia programme, Tha Bar Wa aims to promote cleaner production in the Food & Beverage (F&B) sector with a focus on improving water (focus of EMP) and energy management. The project aims to: improve the legal framework for (waste) water and energy management and its enforcement; enable F&B enterprises to adopt water and energy management practices and technologies; institutionally strengthen selected domestic banks in the field of green SME lending; and share the lessons learned to promote replication in other industrial zones and the wider region.

4.1.2. Geographical area to be covered

The geographical area formally covers the full area under jurisdiction of Myanmar. The assignment foreseeably involves activities in Naypyitaw, Yangon and Mandalay supported by the national consultant and if not possible for field visit then such consultation will be done online. Additional industrial locations may be agreed between the contractor and the consultant if relevant.

4.1.3. Target groups

Key target groups for this assignment include

- MoNREC Environmental Conservation Department (ECD) leadership and staff of MoPFI, YCDC, MCDC etc.
- EMP working group committee members.
- Businesses, esp. Small- and Medium-sized Enterprises (SMEs) from the F&B and G&T sectors
- Third party consultants
- Business intermediaries and private sector associations
- Environmental advocacy groups i.e. NGOs, CSOs and other groups. List to be compiled by the national consultant.
- Staff of the contracting authority, its cooperation partners SMART Myanmar, SCP Facility and UNEP, and the EU Delegation to Myanmar and other relevant development partners.

4.2. Specific work

The scope of individual international consulting assignment includes the further specification/identification of support needs on the part of the MoNREC, the development of guidance material for both stakeholder groups and the development of a strategy and roadmap for the implementation of EMP provisions in the F&B sector in a multi-stakeholder process.

Review/Revision of the existing EMP compliance checklist and development of guidelines on EMP development for the manufacturing sector focussing on the F&B sector.

Drafting and finalising a strategy and roadmap for the implementation of the EMP implementation and legislation.

The international (individual) consultant will lead the assignment (describe under point 2, details of activities above) in close coordination and support from a national consultant (hired by WWF Myanmar from the separate tender process). The international consultant will lead and perform the major task describe in point 2 under details of activities with the support from a national consultant.

In order to make sure that the international consultant will be able to gather all documents and information from the key and relevant stakeholders, share the finding and information with the key stakeholders, be in the feedback loop and incorporate such feedbacks she/ he will be supported by a national consultant who will perform the following major tasks related to the assignment in close supervision and guidance from the international consultant.

- Conduct interviews in Myanmar Language with Ministries, ECD and relevant industry representatives on the draft guidelines and revise as necessary based on their comments;
- Review previous EMPs submitted which are in Myanmar languages for these sectors in Myanmar and identify areas that need significant improvement;
- Coordinate with ECD officials including relevant key stakeholders for delivering of the result as per the guidance and supervision of the international consultant.
- Make insights gained on the support needs available to the expert contracted for delivering the task of the international consultant.
- Conduct necessary interviews with key stakeholders as per the guidance of the international consultant and furnish information.
- Facilitate and support WWF Myanmar in the preparation and conduction of a stakeholder dialogue called “EMP Working Group”. After an inception meeting with ECD,(a regular meeting in the interval of 6 to 8 weeks with ECD officials in Nayipyitaw or online will be conducted) on the development of a strategy and roadmap for the implementation of the EMP regulation, formally convened by ECD and involving relevant business associations, enterprises, and consultants
- Support the development of a draft implementation strategies and a draft roadmap for the roll-out of the EMP legislation in the F&B sector and their revision based on the stakeholder feedback.

4.3. Project management

4.3.1. Responsible body

On the part of WWF Myanmar, the contract will be managed by Ujjwal Pokhrel, Tha Bar Wa project manager.

4.3.2. Management structure

The Tha Bar Wa project team is part of WWF Myanmar’s Freshwater team, which is under the responsibility of WWF MM’s Conservation Director, who directly reports to the Country Director. WWF Myanmar is a project office of WWF International, Gland.

Tha Bar Wa is implemented in close consultation with lead applicant WWF Germany. Most operational decisions regarding the consulting assignment will be decided by the project manager of Tha Bar Wa, other decisions, esp. regarding contracts, will involve WWF Germany as necessary.

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

The contracting authority is responsible for securing the venues and catering required for the above-mentioned stakeholder meetings, and for their logistical organisation. It will further support the consultant with travel and interview arrangements and provide a room for bilateral/internal meetings with the consultant. The contractor will not provide a computer and office space needed to deliver the assignment.

5. LOGISTICS AND TIMING

5.1. Location

The project office relevant to this assignment is located in Yangon. The assignment foreseeably involves activities (meetings, interviews) in Nayipyitaw, Yangon and Mandalay (the travel to these

places depends on the Government instruction of travel and organising meeting and on the COVID 19 situation). Hence, the assignment foresees virtual meetings and consultation during COVID 19. Additional industrial locations may be agreed between the contractor and the consultant if relevant. Based on the travel restriction by various governments including the Government of Myanmar, a distance and online work will be conducted.

5.2. Start date & period of implementation

The intended start date is **1st of February 2021 to end of September 2021** and the period of implementation of the contract will be **roughly 8 months** from this date.

An extension or second phase to the project is not currently foreseen.

6. REQUIREMENTS

6.1 Staff

6.1.1. Individual International Consultant qualification and experience

The profiles of the international consultant for this assignment are as follows:

Qualifications and skills

- An university degree (at least Bachelor level) in environmental engineering/management/ science/ law or a related field,
- A minimum of 10 years of relevant experience internationally including in Asian Region in the similar assignments reviewing Government Environmental (specific to industrial sector) regulation and laws.
- Fluency in English and experience in writing similar policy reports and preparing knowledge products.

General professional experience

- Candidates with extensive country expertise and/or work experience in Myanmar strongly preferred.
- Demonstrated experience in preparing policy document and guidelines and trainings, preferably on Environmental Management Plans, Environmental Impact Assessments (EIAs) and how to review them;

Specific professional experience

- Extensive experience in the field of environmental management of the industrial sector (reporting, implementation, review and audit).
- Extensive experience on supporting policies on EIA and EMPs to the government especially in Asian countries.
- Knowledge of production processes and pollution parameters and level of impacts of different industries.

The consultant must be independent and free from conflicts of interest in the responsibilities they take on.

6.1.2. Other experts, support staff & backstopping

The costs for backstopping and support staff hired by the consultant are not part of this consultancy requirement.

WWF will make key contact persons from the Tha Bar Wa project team available to clarify questions and provide feedback on interim results. This does not include immediate content-related support to the implementation of the assignment, the translation of interview recordings or translation of

documents from Myanmar Language to English and vice versa will be managed by WWF hired national consultant and the Project staffs.

Office accommodation

Office accommodation for each expert working on the contract is to be provided by the project or will be home based depending the COVID situation.

6.2. Facilities to be provided by the contractor

WWF 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.

The consulting assignment does not require the use of specific facilities.

6.3. Equipment and services

The contracting authority will not make available any workplace equipment or services required to fulfil the contract, such as laptops, displays, keys or internet access.

The cost of such equipment and services is to be covered by the fee rates of the consultant.

No equipment is to be purchased on behalf of the contracting authority as part of this assignment.

6.4. Incidental expenditure

The provision for incidental expenditure covers ancillary and exceptional eligible expenditure incurred under this contract. It cannot be used for costs that should be covered by the contractor as part of its fee rates, as defined above.

It covers travel costs to and from Myanmar and other locations within Myanmar and subsistence allowances² for missions, outside the normal place of posting, undertaken as part of this assignment.

Local travel costs, including per diems, will depend on the travel schedule to be agreed between the consultant and the contractor. All per diem will be as per WWF Myanmar policy. The contracting authority reserves the right to reject payment of per diems for time spent travelling if the most direct route and the most economical fare criteria have not been applied.

7. REPORTS AND CONSULTANCY PAYMENTS

7.1. Reporting requirements and payments

The contractor will submit the following reports in English in one original and digital copy:

- **Inception Report** of approx. 15 pages to be produced no later than 40 days from the start of contract. In the report the contractor shall describe e.g. an analysis of existing situation, agreed methodology, work plan and time lines for each deliverables as the deliverables of this ToR. The contractor should proceed with his/her work unless the contracting authority sends comments on the inception report. The inception report will be then presented by the consultant in the EMP working group and feedbacks will be received and incorporated.

² Per diems or daily subsistence allowances may be reimbursed for missions foreseen in these terms of reference or approved by WWF, carried out by the consultant. The per diem is a maximum fixed flat-rate covering daily subsistence costs which will be based on WWF Myanmar policy for international consultant. These include accommodation, meals, international tips and local travel, including travel to and from the airport.

- **Draft report** (main text, excluding annexes), describing draft documents that includes revised EMP checklist, detailed guideline for food and beverage that can serve as an example to other manufacturing industries, EMP implementation strategy and Roadmap for ECD be submitted no later than one and half month before the end of the period of implementation of tasks. The consultant will present the draft final report in the EMP working group and feedback are to be included in the final report.
- **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 30 days after receipt of comments on the draft final report within 30 days of the draft submission. The final report must be provided along with the corresponding financial invoice.

The reports referred to above must be submitted to the project manager identified in the contract.

The project manager is responsible for approving the reports on behalf of WWF Myanmar.

Digital copies of the reports must be submitted to the project manager identified in the contract. The reports must be written in English.

7.2. Consultancy fee payment:

The consultant will be paid based on the number of days consumed/worked as per the following schedules:

First payment: after submission of the inception report based on the number of days of work for drafting the inception report based on filled timesheet.

Second Payments: After submitting the draft report based on the number of days (with filled timesheet) worked for the draft report.

Final payment: After submitting the final report based on the total number of days worked (with filled time sheet) for the final report.

After filling in the time sheet of each day (8 hours work per day). Templet for the timesheet will be provided by WWF, Myanmar.

8. MONITORING AND EVALUATION

8.1. Definition of indicators

- I.1 Deliverables are available within the agreed timeline.
- I.2 The linguistic quality of all deliverables (templates, guidelines, roadmap, strategy) and reports is good.
- I.3 Relevant inputs and feedback by the stakeholders have been duly considered in all deliverables.

8.2 Submission of application:

The individual consultant (international) is supposed to submit her/ his proposal that includes the total number of days required for this consultancy including her/ his daily rates as part of her/his application. The consultant will also submit her/ his latest CV highlighting relevant qualification and experiences related to this ToR to the email below no later than Friday 22nd January 2021, 5: 00 pm Myanmar time. **WWF Myanmar reserves the right to select or not select or even cancel the tendering process.**

Application deadline: Friday 22nd January 2021 by 5: 00 pm Myanmar time

Application to be emailed to: vacancy.mm@wwf.org.mm |

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