

## Terms of Reference

### Stichting IDH

### Implementing an EUDR Pilot Project

#### 1. Introduction

Stichting IDH (“IDH”) accelerates and up-scales sustainable trade by building impact-oriented coalitions of front running companies, civil society, governments, knowledge institutions and other stakeholders in several commodity sectors. We convene the interests, strengths and knowledge of public and private partners in sustainability commodity programs that aim to mainstream international and domestic commodity markets. We jointly formulate strategic intervention plans with public and private partners, and we co-invest with partners in activities that generate public goods.

On basis of these Terms of Reference (“ToR”), IDH aims to select a service provider **to support the relevant stakeholders in the implementation of the EUDR pilot project and operationalization of the traceability system for cocoa supply chains in Côte d'Ivoire.**

#### 2. Background

From 30 December 2025, cocoa imported into the European Union market will have to be fully traceable, deforestation-free, legal in accordance with the relevant legislation of the country of production and covered by a due diligence declaration<sup>1</sup>. The entry into force of this European regulation is part of the sector's move towards sustainable, traceable, deforestation-free cocoa. For IDH, while the regulation represents an important step in reducing deforestation, its implementation must not put smallholder farmers at risk of exclusion.

Companies in the private cocoa and chocolate sector are thus responsible for guaranteeing the conformity of products imported into Europe from Côte d'Ivoire. Since 2018, the signatory companies of the Cocoa and Forests Initiative (CFI) have committed to halting deforestation and promoting the protection and restoration of forests within their cocoa supply chain. This commitment is reflected in the Cocoa and Forests Initiative's [joint framework for actions](#), which includes the ambition to strengthen the mapping of each signatory company's supply chain, with the ultimate goal of complete traceability from the cocoa farm onwards.

The Government of Côte d'Ivoire has invested in national cocoa traceability and forest monitoring systems. In 2018, the Conseil Café-Cacao of Côte d'Ivoire launched a census of producers in order to create a centralised database of producers and their farms.

IDH intends to support the efforts of the Conseil Café-Cacao and companies in the cocoa sector by contributing to the operationalization of the national traceability system and facilitating the verification of data relating to deforestation alerts by all stakeholders around a protected area. The aim is to ensure that EUDR does not encourage the private sector to withdraw from areas at high risk of deforestation and exclude the most marginalised smallholders from the cocoa supply chain, and to facilitate the adoption of the national monitoring and traceability tools by the private sector.

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<sup>1</sup> However, it should be noted that the date of implementation of this regulation could be delayed by a year following the proposal made to the European Parliament by the European Commission.



**IDH, in collaboration with The Conseil Café-Cacao and 3 private sector companies that source cocoa, is looking for a firm to support the census of farmers in selected areas.**

### 3. Assignment

#### *Objectives*

The overall objective of this assignment is to implement the EUDR pilot project, which aims to facilitate convergence between national initiatives and the European due diligence legislation by contributing to better alignment between due diligence tools linked to traceability and forest monitoring.

More specifically, it will involve:

- a) Selecting 17 cooperative societies.
- b) Contributing to the census of 5000 producers in the targeted cooperative societies.
- c) Reconciling data from public and private database producers.
- d) Developing a collaborative methodology to identify and list the remaining cocoa producers, based on data from the efforts of the Conseil du café-cacao and exporters to cross-reference private and public databases.

#### *Deliverables*

The deliverables of this assignment will be:

<b>Deliverables of assignment</b>	<b>Deadline</b>
An inception report outlining the proposed methodology, research plan, and timeline for the assessment.	16 December 2024
a collaborative methodology developed to sensitize, identify, list and count the remaining cocoa producers, based on data from the efforts of the Conseil du café-cacao and exporters to cross-reference private and public databases	26 December 2024
17 cooperative societies selected 10,000 farmers sensitized 5000 farmers counted	29 December 2024
A final report summarizing the learnings of the EUDR pilot project.	31 December 2024

### 4. Selection Procedure

The procedure will be as follows:

1. Publishing this ToR and its annexes .



2. Evaluation of the proposals by the evaluation committee. The evaluation committee will evaluate the proposals based on the selection criteria as published in this ToR.
3. Decision on selection of the service provider.
4. Inception meeting with the selected service provider.

The schedule below indicates the timelines for the tender procedure:

<b>Tender process</b>	<b>Timeline</b>
ToR published	18 November 2024
Deadline for submission of proposals*	29 November 2024, 5 p.m. GMT
Selection of service provider	5 December 2024
Start of assignment	9 December 2024

*\* Proposals submitted after the deadline will be returned and will not be considered in the tender procedure.*

After the deadline to submit a proposal has passed, the IDH evaluation committee will assess the proposals.

The proposals will first be tested for completeness:

- The absence of the documents referred to in Section 6 of this document can lead to exclusion from further participation in the tender procedure. This is also the case when minimum requirements listed in this ToR are not met.
- If the proposal is complete, the selection committee will evaluate the proposal based on the criteria as set forth in Section 6.

The assignment will be awarded to the service provider with the most economically advantageous tender. This is determined based on the evaluation criteria price and quality (see Section 6).

IDH will reject the proposal if any illegal or corrupt practices have taken place in connection with the award or the tender procedure.

## **5. Proposal requirements**

IDH is requesting the service providers to hand in a proposal of maximum 5 pages (excluding company biographies, CVs, sample work and references). The proposal must be handed in a MS Word or PowerPoint version next to a PDF submission to facilitate any copy-and-pasting of content that we may need during evaluation.

The proposal must at least include:



Content:

- a. A succinct, well-documented approach addressing the requirements set out this ToR. We request that the proposal structure match the selection criteria as closely as possible.
- b. Maximum of three client references and a sample of previous work relevant to the deliverables in this ToR.
- c. An overview of the project team, including the CVs of the project team members.
- d. Budget (as per template in Annex 2).
- e. Description of safeguarding approach<sup>2</sup> (does the service provider have a safeguarding policy in place, and if not, are they able and committed to comply to and implement IDH's safeguarding policy (to be found [here](#)); steps (to be) taken to identify risks in relation to safeguarding in the project at hand and description of approach to mitigate these safeguarding risks (if any).
- f. Statement on Ground for exclusion (see Section 6 below).

Administrative:

- g. Completed detail request form (Annex 3).
- h. Copy of most recent (audited) financial accounts.
- i. Statement of acceptance draft contract (Annex 6).

The proposal must be submitted to Stéphanie Kadio via [kadio@idhtrade.org](mailto:kadio@idhtrade.org) and Kevin Gnagne via [gnagne@idhtrade.org](mailto:gnagne@idhtrade.org) before **29 November 2024 5 p.m. GMT**.

## 6. Grounds for exclusion

1. Applicants shall be excluded from participation in this tender procedure if:
  - a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
  - b) they or persons having powers of representation, decision-making or control over them have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata;

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<sup>2</sup> IDH's safeguarding approach means taking all reasonable steps to identify and minimize the risk of harm caused by sexual exploitation, abuse, harassment ("**Harm**") to children and vulnerable adults arising from coming into contact with our staff, partners or our work. In addition, safeguarding means protecting our staff itself from such Harm. For more information, please find IDH's Safeguarding Policy [here](#).



- c) they have been guilty of grave professional misconduct proven by any means which the IDH can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established, or with those of the Netherlands or those of the country where the contract is to be performed;
- e) they or persons having powers of representation, decision making or control over them have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organization, money laundering or any other illegal activity.
- f) Conflict of interest (see below).

**Applicants must confirm in writing that they are not in one of the situations as listed above.**

2. Applicants shall not make use of child labor or forced labor and/or practice discrimination and they shall respect the right to freedom of association and the right to organize and engage in collective bargaining, in accordance with the core conventions of the International Labor Organization (ILO).

#### Conflict of interest

Applicants shall not have a conflict of interest in submitting a tender application to IDH. Conflict of interest refers to any situation where an Applicant's application may be compromised or not impartial and objective for reasons involving family, personal life, political or national affinity, economic interest or any other connection or shared interest with another person. Should the Applicant suspect any potential conflicts of interest on its part, it shall submit a written statement setting forth all conditions and circumstances of such potential conflict(s) of interest to IDH together with its application. A conflict of interest that cannot be solved effectively by less restrictive means constitutes an optional exclusion ground to an applicant, pursuant to article 2.87(1)(e) of the Dutch Procurement Act.

#### **7. Scoring and weighing**

The assignment will be awarded to the applicant with the most economically advantageous tender. The most economically advantageous tender is determined on the basis of the evaluation criteria of Price and Quality.

The evaluation criteria are compared and weighed according to the procedure below. This concerns a general outline of the scoring methodology and an explanation how the service provider can demonstrate compliance with the requirements.

##### ***Step 1 - Criterion Quality***

Evaluation scores will be awarded for each of the components. The evaluation committee will score each component unanimously.

IDH values quality highly, therefore a minimum grade of 3 must be scored by the applicant on each component. If the applicant scores a grade of 3 or less on one of the components he will be excluded from the tender procedure and awarding the contract.



The proposal will be assessed based on the following selection criteria:

	<b>Component</b>	<b>Criteria</b>	<b>Max. Grading</b>
1	<b>Proposal overall</b>	The extent to which the proposal meets the requirements set out in Section 3 above and throughout this document. Can the applicant deliver the requirement deliverables? Will the applicant be able to deliver a comprehensive solution?	<b>5</b>
2	<b>Design and Development process</b>	<p>The extent to which the applicant demonstrates that a clear design and development process will be followed and IDH is adequately consulted for input during the design and development.</p> <p>The extent to which it is clear what is required of IDH in terms of human resources, digital assets and other input to deliver the project without being too onerous on our staff.</p>	<b>5</b>
3	<b>Track record</b>	<p>The extent to which the applicant presents the required level of expertise and knowledge to fulfil the requirements both at team member and company level.</p> <p>To extent to which the applicant gives a clear description of the project team, relevant (delivering similar projects) experience of team members and time allocation per team member.</p> <p>The selected service provider shall be composed of experts with the following skills:</p> <p>Demonstratable experience and expertise in cocoa legislation.</p> <p>Experience in project management and conducting field activities related to communities engagement.</p> <p>Experience in working in a multi-stakeholder setting.</p> <p>Expertise of the Ivorian cocoa sector and the EUDR.</p>	<b>5</b>

The evaluation committee will unanimously score each component by assigning scores from 1 to the maximum grading, with the maximum grading representing optimal performance on the component and 1 representing extremely poor performance on the respective component.

**Step 2 - Criterion price**

The applicant shall follow the Budget template (attached as Annex 2 to these Terms of Reference).



Please note that a combined price in Euros (excluding and including VAT) is to be presented. This is to be broken down by team member rate and hours.

Given the non-for-profit nature of IDH, we encourage service providers to clearly mention if the budget might be positively impacted by partial pro-bono work or reduced rate as a contribution to the successful delivery of the assignment.

The criterion of assessment is as follows: For each budget the lowest price will receive 5 points. All others will receive points relative to the lowest offer (e.g., offer A: 20K, offer B: 25K, offer C: 28K; offer A receives 5 points; offer B receives  $(20/25)*5 = 4$  points; offer C receives  $(20/28)*5 = 3,6$  points). All scores will be automatically rounded to the first decimal point (for example, if an Applicant gets a score of 3,5782, the score will be rounded up to 3,6). For the purpose of the assessment, the budget excluding VAT will be considered.

### **Step 3 - Weighting**

The final score will be weighted 75% on Quality and 25% on Price.

If scores of service providers are equal, priority will be based on the total scores that were given for the Criterion Quality. The assignment will be awarded to the service provider that has received the highest score for the Criterion Quality. If the evaluation of the Criterion Quality does not lead to a distinction, the score for the component "Proposal overall" will be decisive. If this does not lead to a distinction, the ranking will be determined by the drawing of lots.

### Award

Once IDH has decided to which applicant it intends to award the assignment, a written notification thereof is sent to all Applicants participating in the tender procedure.

The applicant is contracted via a letter of assignment, following IDH's template (Annex 4) and the General Terms and Conditions (Annex 5).

*Please note: the payment schedule set out in the letter of assignment template may be amended, subject to unilateral decision of IDH.*

### Contract extension

After evaluation of the collaboration and the outcomes of the assignment and pending the release of additional funds from IDH's institutional donors, IDH may offer to the selected service provider a contract extension to include under the scope of the assignment the completion of deliverables.

In the event IDH wishes to, and the Consultant accepts to extend the scope and/or the term of the assignment, the extension terms will be negotiated within the framework of the Dutch procurement law and the contract will be extended on the terms agreed between the parties. If an agreement cannot be reached, the contract will be terminated, in consequence of which the assignment may be retendered, and the selected service provider will have the opportunity to bid.

## **8. Communication and Confidentiality**



All participants will ensure that all its contacts with IDH, with regards to the tender, during the tender procedure take place exclusively in writing by e-mail to Stéphanie Kadio via [kadio@idhtrade.org](mailto:kadio@idhtrade.org) and Kevin Gnagne via [gnagne@idhtrade.org](mailto:gnagne@idhtrade.org). The participants is thus explicitly prohibited, to prevent discrimination of the other participants and to ensure the diligence of the procedure, to have any contact whatsoever regarding the tender with any other persons of IDH than the person stated in the first sentence of this paragraph.

The documents provided by or on behalf of IDH will be handled confidentiality. The applicants will also impose a duty of confidentiality on any parties that it engages. Any breach of the duty of confidentiality by the applicant or its engaged third parties will give IDH grounds for exclusion of the applicant, without requiring any prior written or verbal warning.

All information, documents and other requested or provided data submitted by the applicant will be handled with due care and confidentiality by IDH. The provided information will after evaluation by IDH be filed as confidential. The provided information will not be returned to the applicant.

## **9. Disclaimer**

IDH reserves the right to update, change, extend, postpone, withdraw, or suspend the ToR, this tender procedure, or any decision regarding the selection or contract award. Additionally, participants in the tender procedure specifically acknowledge that IDH is an organization that is dependent on funding from multiple (institutional) donors, including (but not limited to) Dutch Ministry of Foreign Affairs (BUZA) and the Danish International Development Agency (DANIDA), which provide a grant to IDH for the assignment. Should any of the donors decide to discontinue its engagement with IDH at any time, IDH reserves the right to not award the assignment or conclude a contract with a participant.

Participants in the tender procedure cannot claim compensation from IDH, any affiliated persons or entities, in any way, in case any of the afore-mentioned situations occur.

By handing in a proposal, participants accept all terms and reservations made in this ToR, its annexes and subsequent information and documentation in this tender procedure.

## **10. Annexes**

Annex 1: French version of the ToR Sections 2. Background and 3. Assignment

Annex 2: Budget template

Annex 3: Detail request form

Annex 4: Letter of Assignment

Annex 5: IDH General Terms and Conditions for Services

Annex 6: Statement of acceptance





## Annex 1: French version of the ToR Sections 2. Background and 3. Assignment

### 2. Contexte

A partir du 30 décembre 2024, le cacao importé sur le marché de l'Union européenne devra être entièrement traçable, exempt de déforestation, légal conformément à la législation pertinente du pays de production et couvert par une déclaration de diligence raisonnable<sup>3</sup>. L'entrée en vigueur de ce règlement européen s'inscrit dans l'évolution du secteur vers un cacao durable, traçable et sans déforestation. Pour IDH, si ce règlement représente une étape importante dans la réduction de la déforestation, sa mise en œuvre ne doit pas faire courir un risque d'exclusion des petits producteurs.

Les entreprises du secteur privé du cacao et du chocolat sont ainsi chargées de garantir la conformité des produits importés en Europe en provenance de Côte d'Ivoire. Depuis 2018, les entreprises signataires de l'Initiative Cacao et Forêts (ICF) se sont engagées à mettre fin à la déforestation et à promouvoir la protection et la restauration des forêts au sein de leur chaîne d'approvisionnement en cacao. Cet engagement se reflète dans le [cadre d'actions commun](#) de l'Initiative Cacao et Forêts, qui comprend l'ambition de renforcer la cartographie de la chaîne d'approvisionnement de chaque entreprise signataire, avec pour objectif ultime une traçabilité complète à partir de la plantation de cacao.

Le gouvernement de Côte d'Ivoire a investi dans des systèmes nationaux de traçabilité du cacao et de surveillance des forêts. En 2018, le Conseil Café-Cacao de Côte d'Ivoire a lancé un recensement des producteurs afin de créer une base de données centralisée des producteurs et de leurs plantations.

IDH entend soutenir les efforts du Conseil Café-Cacao et des entreprises de la filière cacao en contribuant à l'opérationnalisation du système national de traçabilité et en facilitant la vérification des données relatives aux alertes de déforestation par l'ensemble des acteurs autour d'une aire protégée. L'objectif est de s'assurer que l'RDUE n'encourage pas le secteur privé à se retirer des zones à haut risque de déforestation et à exclure les petits exploitants les plus marginalisés de la chaîne d'approvisionnement en cacao, et de faciliter l'adoption des outils nationaux de suivi et de traçabilité par le secteur privé.

**IDH, en collaboration avec le Conseil Café-Cacao et 3 entreprises du secteur privé qui s'approvisionnent en cacao, recherche une entreprise pour soutenir le recensement des agriculteurs dans des zones sélectionnées.**

### 3. Mission

#### *Objectifs*

L'objectif global de cette mission est de mettre en œuvre le projet pilote RDUE, qui vise à faciliter la convergence entre les initiatives nationales et la législation européenne en matière de diligence raisonnable en contribuant à un meilleur alignement entre les outils de diligence raisonnable liés à la traçabilité et à la surveillance des forêts.

Plus précisément, il s'agira de

- e) Sélectionner 17 sociétés coopératives
- f) Contribuer au recensement de 5000 producteurs dans les sociétés coopératives ciblées
- g) Rapprocher les données des producteurs de bases de données publiques et privées

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<sup>3</sup> Toutefois, il convient de noter que la date de mise en œuvre de ce règlement pourrait être retardée d'un an à la suite de la proposition faite au Parlement européen par la Commission européenne.



- h) Développer une méthodologie collaborative pour identifier et répertorier les producteurs de cacao restants, sur la base des données issues des efforts du Conseil du café-cacao et des exportateurs pour croiser les bases de données privées et publiques.

#### *Livrables*

Les éléments à fournir dans le cadre de cette mission sont les suivants

<b>Résultats de la mission</b>	<b>Date limite</b>
Un rapport initial décrivant la méthodologie proposée, le plan de recherche et le calendrier de mise en œuvre.	16 December 2024
une méthodologie collaborative développée pour sensibiliser, identifier, lister et recenser les producteurs de cacao restants, sur la base des données issues des efforts du Conseil du café-cacao et des exportateurs pour croiser les bases de données privées et publiques.	26 December 2024
17 sociétés coopératives sélectionnées 10 000 agriculteurs sensibilisés 5000 agriculteurs recensés	29 December 2024
Un rapport final résumant les enseignements du projet pilote RDUE.	31 December 2024