

# **Request for Proposals: South Africa: The Development of the Presidential Climate Commission Regulations**

September 2024

## **ABOUT THE NDC PARTNERSHIP**

The NDC Partnership is a global coalition of countries and institutions working to mobilize support and achieve ambitious climate goals while enhancing sustainable development. Through the Partnership, country members leverage their resources and expertise to provide countries with the tools they need to implement their NDCs and combat climate change to build a better future. Hosted by WRI, the UNFCCC Secretariat, and the UN Office for Project Services, the NDC Partnership has members in all regions of the world, with staff in Washington DC and Bonn, Germany.

Through the collective support of its members, the NDC Partnership has engaged with South Africa on the update and enhancement of its NDC, NDC implementation, mobilization of climate finance and mainstreaming NDC action to national planning and budgeting. Through its engagement with the Department of Forestry, Fisheries and the Environment, as its focal point institution, the Partnership supports the Government of South Africa on priority needs for implementation under the framework of the Paris Agreement. In this context, the Partnership issues this Request for Proposal for the development of the Presidential Climate Commission (PCC) regulations to guide its functions and operational mandate.

## **BACKGROUND**

South Africa promulgated the Climate Change Act 22 of 2024 on the 23<sup>rd</sup> of July 2024. The Climate Change Act (CCA) provides for the regulatory framework to support the development of an effective climate change response and a long-term, just transition to a low carbon and climate resilient economy and society. The Act is designed to regulate activities contributing to climate change and ensure a coordinated response across all levels of government and society. It sets ambitious goals for transitioning to a low-carbon and climate-resilient economy.

The overarching objective of the Act is to provide for a coordinated and integrated response to climate change and its impacts; to provide for an effective management of inevitable climate change impacts and to make a fair contribution to the global effort to stabilize greenhouse gas (GHG) concentrations in the atmosphere through the development and the implementation of South Africa's mitigation system that entails policy instruments, including a legislated national emissions trajectory, Sectoral Emissions Targets (SETs) and the Carbon Budgets. The Act provides for a coordinated and comprehensive adaptation, mitigation responses as well as institutional arrangements. Furthermore, the Act legislates the country's greenhouse gas (GHG) emissions reduction trajectory and adopts the latest Nationally Determined Contribution (NDC) to inform the national commitment to reduce GHG emissions.

In terms of institutional arrangements, section 10 of the Act establishes the Presidential Climate Commission (PCC) which is a statutory and advisory body that is tasked to advise government on climate change mitigation and adaptation. The Presidential Climate Commission (PCC) has already been established by the President in December 2020 to support the delivery of a just transition in South Africa (SA). Following the Presidential Jobs Summit held in October 2018, when social partners agreed that a statutory entity should be formed to coordinate and oversee the just transition towards a low-carbon, inclusive, climate-resilient economy and society. The overall objective of the PCC is to provide independent expert advice on South Africa's climate change response.

## PROVISIONS OF THE CLIMATE CHANGE ACT 22 OF 2024 THAT REQUIRE ENACTMENT OF SUPPORTIVE REGULATIONS FOR IMPLEMENTATION

In accordance with South Africa's constitution the promulgated Climate Change Act 22 of 2024 requires development and enactment of supportive regulations for it to be implemented. As such for the PCC to have full legal standing to execute its legislated mandate as an advisory body to government it must meet foregoing legal requirements. (i) The commission must be listed as a public entity in Schedule 3 of the Public Finance Management Act for it to get budget allocations from Parliament to execute its strategic legislated mandate, (ii) the setting up of the agency's secretariat and appointment of personnel should be guided by regulatory statutes. As such South Africa needs support to develop and promulgate regulations under the Climate Change Act 22 of 2024 to institute legal standing of the foregoing provisions of the Act to have legal standing;

- **Section 10 (Clause 4) and 12 (Clause 1-6):** The composition and process for the appointment, nomination and functions of the twenty-five Commissioners of the PCC
- **Section 13 (Clause 1-3):** The appointment and functions of the PCC Executive Director
- **Section 15 (Clause 1-6):** The Reporting Guidelines to the Minister and Cabinet on progress achieved in the implementation of the Act
- **Section 16 (Clause 1-2):** The establishment and functionality of the PCC Secretariat

These set of regulations should be developed in line with guidance provided in the National Policy Development Framework (2020) describing regulations to be regulatory policies that seeks to exert control over individuals and corporations and clearly define procedures and protocols of operation as informed by South Africa's constitution.

## SCOPE OF WORK AND ACTIVITIES

### Objective

- The overall objective is to develop regulations under the Climate Change Act 22 of 2024 to support the setting up, enactment and functionality of the Presidential Climate Commission. The Department of Forestry, Fisheries and the Environment (DFFE) requires a suitably qualified,

experienced service provider to support the drafting, consultation and finalization of regulations to set up the PCC as an independent public entity in line with the Climate Change Act 22 of 2024. The regulations should amongst others include regulatory provisions on the undermentioned sections of the Act;

- **Section 10 (Clause 4) and 12 (Clause 1-6):** The composition and process for the appointment, nomination and functions of the twenty-five Commissioners of the PCC
- **Section 13 (Clause 1-3):** The appointment and functions of the PCC Executive Director
- **Section 15 (Clause 1-6):** The Reporting Guidelines to the Minister and Cabinet on progress achieved in the implementation of the Act
- **Section 16 (Clause 1-2):** The establishment and functionality of the PCC Secretariat

In accordance with South Africa Constitution these regulations need to be developed and enacted) to give effect to the provisions of the Climate Change 22 of 2024 in relation to the functioning of the PCC and its Secretariat.

## Scope and Extent of Assignment

The primary objective of this assignment is to draft regulations that operationalize key provisions of the Climate Change Act 22 of 2024 in relation to the setting up and functioning of the PCC and its Secretariat, specifically focusing on:

1. Drafting the regulations in relation to the establishment, gazetting and administration of the Presidential Climate Commission and its Secretariat as a public entity.
2. Empowering the minister's appointment of the Executive Director in accordance with the provisions of the Climate Change Act 22 of 2024.
3. Empowering the Executive Director to appoint personnel of the Secretariat
4. Pronouncement on governance matters such as the transition of the current Commissioner's term of office and the nomination process for the new Commissioners to commence serving in January 2026 onwards.
5. Support the review of the existing Governance Charter of the Presidential Climate Commission to ensure alignment with the newly enacted Climate Change Act 22 of 2024.

Furthermore, the appointed service provider will support DFFE in executing the process as guided by section 113 on Procedures for making regulations as informed by South Africa's constitution. These will entail supporting DFFE in executing the roadmap outlined in table 1 below for developing the aforementioned regulations.

## Detailed Activities

**Activity 0: Inception Phase:** The appointed service provider will compile and present a work-plan at a project inception meeting with the Project Steering Committee (PCC) set up by Department of Forestry, Fisheries and the Environment (DFFE) to ensure that all parties share a common understanding of, among others: what work will be done; how that work will be done; the expected content and quality of the outputs; and the timing for the delivery of the outputs. As a deliverable from

this output, the appointed service provider will compile an inception report that includes a revised work plan taking into account outcomes of the inception meeting.

**Activity 1:** Review and conduct a thorough review of the Climate Change Act 22 of 2024 to identify sections and clauses that require regulations for the setting up, administration and functioning of the PCC and its Secretariat

**Activity 2:** Draft comprehensive regulations that detail the procedures and requirements for gazetting the establishment of the Presidential Climate Commission and its Secretariat.

**Activity 3:** Develop regulations outlining the process for the minister's appointment of the Executive Director, ensuring compliance with the Act's stipulations.

**Activity 4:** Provide guidance and recommendations on governance matters, including the transition of the current Commissioner's term of office and the nomination process for new Commissioners.

**Activity 5:** Assist in the review of the existing Governance Charter of the Presidential Climate Commission and propose any necessary amendments or updates to align with the Act.

**Activity 6:** Support DFFE in stakeholder engagement and the execution of the undermentioned roadmap to develop and enact the aforementioned regulations;

**Activity 7:** Compile a Socio-economic Impact Assessment System (SEAIS) report for the draft PCC regulations, considering the guidelines and templates prescribed by the Presidency of South Africa.

ITEM NO.	ACTION	RESPONSIBILITY
1.	Circulate the draft Regulations for public comments and inputs	DFFE
2.	Consolidate public comments into a single word document/public comments database	DFFE
3.	Incorporate public comments into the draft regulations	DFFE SUPPORTED BY CONSULTANT
4.	Check on enforcement issues	DFFE SUPPORTED BY CONSULTANT
5.	Presentation to Working Group 9	DFFE
6.	Presentation to MINTECH	DFFE
7.	Submission to Legal for vetting (to Minister)	DFFE
8.	Ministerial submission seeking approval for publication of the regulations for implementation and the signing of the Government Notice	DFFE/MINISTER
9.	Ministerial publication for implementation	DFFE/MINISTER

## Key Deliverables

Activities	Expected outputs
<b>Output A:</b> Project inception meeting with the Project Steering Committee (PCC) and develop project implementation plan	<ul style="list-style-type: none"> <li>Inception Report</li> </ul>

<p>Review and conduct a thorough review of the Climate Change Act 22 of 2024 - synthesis of sections and clauses that require enactment of regulations for the establishment, administration and functioning of the PCC and its Secretariat</p>	
<p><b>Output B:</b> Draft comprehensive regulations that detail the procedures and requirements for gazetting the establishment and administration of the Presidential Climate Commission and its Secretariat</p> <p>Develop regulations outlining the process for the minister's appointment of the Executive Director, ensuring compliance with the Act's stipulations - Recommendations and guidelines on governance matters, including the transition of Commissioner's terms and the nomination process for new Commissioners, within three (3) Months after inception meeting</p>	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> Order Draft regulations for the establishment, administration and functioning of the Presidential Climate Commission and its Secretariat, within one (1) month after inception meeting as informed by Output B above.</li> </ul>
<p><b>Output C:</b> Incorporate stakeholder comments and inputs into the draft regulations and Provide guidance and recommendations on governance matters, including the transition of the current Commissioner's term of office and the nomination process for new Commissioners and assist in the review of the existing Governance Charter of the Presidential Climate Commission and propose any necessary amendments or updates to align with the Act.</p>	<ul style="list-style-type: none"> <li>• Final Order Draft Regulations for gazetting the establishment, functioning and administration of the Presidential Climate Commission and its Secretariat within two (2.5) months after inception meeting</li> </ul>
<p><b>Output D:</b> Support DFFE in stakeholder engagement and the execution of the undermentioned roadmap to develop and enact the aforementioned regulations</p>	<ul style="list-style-type: none"> <li>• Stakeholder engagement support and documentation of Guidelines and enforcement issues, (2.5) Months after inception meeting</li> </ul>
<p><b>Output E:</b> Conduct a Socio-economic Impact Assessment for the PCC regulations in accordance with the Socio-Economic Impact Assessment System guidelines and templates stipulated by the Presidency.</p>	<ul style="list-style-type: none"> <li>• Socio-Economic Impact Assessment System (SEIAS) report for the PCC regulations</li> </ul>

## PROJECT MANAGEMENT

### Reporting Line:

This project will be managed by the Department of Forestry, Fisheries and the Environment (DFFE). The project manager will ensure that the planned activities and results are delivered on time and within budget.

## TEAM OF EXPERT REQUIREMENTS

It is expected that a multidisciplinary team will be required to successfully undertake this work. The successful service provider will have but not necessarily limited to the following competencies:

- Very good understanding of South Africa's constitutional, National Environmental Management Act 107 OF 1998 (NEMA), South Africa's Act 22 of 2024 and process for enactment of Acts and Regulations including expert knowledge on section 113 on procedures and processes for enactment of regulations in South Africa.
- Very good knowledge of South Africa's regulations and legal system
- Very good knowledge of climate change policies mitigation and adaptation.
- Country experience and very good knowledge of South African national development and sectoral policies, plans, legislation and strategies on environment and climate change
- Very good understanding of the country's governance and economic development policies;
- Very good project management skills;
- Very good skills in stakeholder engagement processes and data collection;
- Very good analysis, communication and report writing skills.

A consortium with skills, experience and knowledge that cover this project is encouraged.

### Team Leader

The project leader/principal specialist should have, in addition to the information above:

- At least a Master's degree in the field Law, with specialization in Environmental Law.
- In terms of the Legal Practice Act, 2014, the team leader must be registered on the practicing roll at the Legal Practice Council
- At least 8 years of experience practicing as Legal Council in South Africa
- Proven record on involvement in NEMA or other Specific Environmental Management Act development and/or review processes.
- Proven management skills of complex projects or programmes
- Country experience and knowledge of national policies, plans, legislation and strategies to address climate change in South Africa

### Other Team Members

- The other experts should have, in addition to the information above:
- A Master's degree in the field of engineering, environmental management, economics or equivalent
- More than five years of experience in the field of climate change mitigation and adaptation

- Proven expertise in the sectors of industry, energy, transport, waste, and AFOLU in relation to GHG mitigation measures.

The Service Provider/s must guarantee the presence of a senior technical person in charge throughout the duration of the contract. If the senior person has to leave the project, a period of at least a month is required, in which the senior person must work parallel with the next person (senior consultant with similar expertise and equal years of experience) appointed to be able to transfer skills and knowledge

The project team lead to determine the other team members in line with the competencies described above.

## CONTRACT TERMS

- Estimated start date: 15 October 2024
- Estimated end date: 15 December 2024

## PROPOSAL REQUIREMENTS

Prospective vendors should submit:

- Description of proposed project management structure (lead team/project manager, sub-contracted organizations, local experts, etc.)
- CVs of team members
- Examples of and references for similar previous work (with URLs and contact details)
- Proposed implementation approach/project monitoring plan
- A proposed budget with a breakdown of costs sufficient to assess reasonableness and compliance with our funder requirements.
- A proposed schedule for deliverables
- Advanced degree in any discipline, preferably in climate science, programming, public policy (climate/environment), sustainable development, or a similar subject
- At least 10 years of experience in issues related to climate finance, climate/environment, sustainable development, project management, or monitoring in any of the NDC sectors.
- Demonstrable experience working in the field of climate change, database management, vulnerability assessments and risk profiling and climate change instruments (both mitigation and adaptation) in South Africa and/or sub-Saharan Africa.
- Demonstrated skills in managing and aligning diverse stakeholder groups, including development agencies, non-state actors / civil society, financial institutions, the private sector, and others.
- Excellent writing, editing, digital and oral communication skills.
- Fluency in English.
- Priority will be given to South Africa based entities.

## EVALUATION AND SELECTION

### Evaluation Criteria

The following elements will be the primary considerations in evaluating all proposals submitted in response to this RFP:

- Completion of all required elements;
- The extent to which the vendor's proposal fulfills WRI's stated requirements as set out in the RFP;
- Experience with similar projects;
- Overall cost of the vendor's proposal;
- Debarment and sanctions – WRI will not consider proposals from vendors that are presently debarred by the U.S. government or named on any restricted parties lists;
- Sustainability – WRI values sustainability and all other factors being equal, will favor a proposal to more sustainably perform the work.
- The bidder offering the best overall value will be selected.

The applicant offering the best overall value will be selected. For this procurement, the non-price aspect is considered of relatively more importance than the price aspect.

### **Selection Process**

No proposal development costs shall be charged to WRI / all expenses are to be borne by the bidders. WRI may award to the bidder offering best value without discussion. However, WRI reserves the right to seek bidder clarifications and to negotiate with those bidders deemed to be within a competitive range.

## **PROPOSAL SUBMISSION**

Please send your proposal documents to:

- Mr. Harrison Addo-Obiri, Country Engagement Specialist, NDC Partnership Support Unit  
[Harrison.Addo.5@ndcpartnership.org](mailto:Harrison.Addo.5@ndcpartnership.org)
- Ms. Christine Luttmmer, Project Manager, NDC Partnership Support Unit  
[Christine.Luttmer@ndcpartnership.org](mailto:Christine.Luttmer@ndcpartnership.org)

All proposals must be received **by 5:00pm EST on Friday, 11 October 2024** in electronic format to the contacts listed above.

WRI may, at its discretion and without explanation to the prospective vendors choose to discontinue this RFP without obligation to such prospective vendors or make multiple awards under this RFP.