



Request for Proposals

Identification and Compilation of Information on Engagement with Indigenous and Local Communities and Experts associated with TEK in Mexico

for the project
North American TEK Atlas

Commission for Environmental Cooperation

2018

As part of the efforts to identify and compile information on communities and experts associated with Traditional Ecological Knowledge (TEK) in North America, the Commission for Environmental Cooperation (CEC) is requesting proposals from prospective consultants related to identifying existing frameworks¹ in Mexico for the voluntary engagement of Indigenous communities and experts associated with TEK, as well as compiling an inventory of TEK-related projects conducted by universities, research/public institutions, and private sector partners in Mexico which include TEK from indigenous and local communities. This will provide a better understanding of how Mexico contributes to determining where TEK experience is found in North America and how it can be included in the CEC's decision-making processes. Details about current activities related to TEK are included in the Operational Plan 2017-2018, available at <http://www.cec.org/about-us/operational-plans/operational-plan-17-18>. More information about this initiative will be provided by the CEC Secretariat during this work.

The CEC was established by the governments of Canada, Mexico and the United States through the North American Agreement on Environmental Cooperation, the environmental side agreement to NAFTA. An intergovernmental organization, the CEC brings together citizens and experts from governments, nongovernmental organizations, academia and the business sector to seek solutions to protect North America's shared environment while supporting sustainable economic development. Find out more at: www.cec.org.

Terms of Reference

Overview and Scope

The CEC Council has acknowledged the need to work effectively with indigenous and local communities in CEC activities and the value of Traditional Ecological Knowledge (TEK) in informing the work of the CEC. Therefore, a TEK Expert Group (TEKEG), created in 2016, will be involved in the implementation of this project, which is intended to identify and compile information on the existing frameworks and mechanisms in Mexico for engagement with indigenous and local communities associated with TEK. This compilation will serve as a

¹ Legal, regulatory and political frameworks applicable in Mexico.

resource to inform upcoming CEC decision-making and enhance the engagement of indigenous and local communities in CEC initiatives.

Description of Services

The consultant will complete a compilation of relevant frameworks and mechanisms in Mexico related to the engagement of indigenous and local communities associated with TEK, as well as an inventory of environmental projects conducted by universities, research/public institutions, and private sector partners which included the TEK of indigenous and local communities or that have used, compiled or documented aspects associated with their TEK. These activities include:

- 1) A comprehensive inventory and summary of relevant frameworks and mechanisms in Mexico, at both the federal and state levels, of the engagement of indigenous and local communities, in relation to traditional ecological knowledge (TEK).
- 2) An inventory and summary descriptions of examples of TEK-related projects conducted by universities or other research/public institutions, and private sector partners across Mexico, which included the TEK of indigenous and local communities or that have used, compiled or documented aspects associated with their TEK.
- 3) A list of indigenous and local communities whose TEK has been included as part of their engagement and consultations with universities or other research/public institutions, and private-sector partners.
- 4) Participation in a face-to-face meeting at the end of October with the TEKEG experts and Parties' leads.

Deliverables

- Report on the existing frameworks and mechanisms in Mexico related to the engagement of indigenous and local communities in TEK, at both the federal and state levels. This report must include the inventory of projects in which TEK has been included and a list of environmental projects which included the engagement of indigenous and local communities in Mexico whose TEK has been included as part of their engagement and consultations with universities or other research/public institutions, and private-sector partners.

Quality of Deliverables

The consultant is responsible for providing deliverables of **publishable quality** (i.e., copy-edited prior to submission) in English and, when applicable, for the technical editing of the materials. The consultant will submit to the CEC Secretariat all written material (including complete drafts and final reports) in Microsoft Word, following the format of the CEC's [Report Template](#) and adhering to the precepts of the [Guidelines for CEC Documents and Information Products](#), as supplemented by the CEC's English [Style Guide](#). Supporting documents for tables, figures and maps will be submitted with the report in their original file format (e.g., Excel or ArcGIS). Note that all amounts shall be presented in metric units. The CEC Secretariat will be responsible, when applicable, for translation, printing, publication and distribution of products from this activity.

Upon delivery by the consultant of a final version of the report or other written materials under the project, the CEC reserves the right to a 15-business day period to review the document(s), notify the consultant of any potential issues or errors, and return the document(s) to the

consultant for appropriate corrections, at no extra cost. In all cases, contract payments will be withheld if products submitted to the CEC fail to fulfill the quality and formatting requirements specified above. In the event that the consultant neglects to make the required corrections or if, following corrections, a deliverable remains unsatisfactory, the document shall be edited or revised by a third party designated by the Secretariat, the cost of which shall be deducted from the consultant's fees at a rate of C\$60 per hour.

Plagiarism

Plagiarism is the act of conveying someone else's original expression or creative ideas as one's own and can be a violation of copyright law. Neither intentional nor unintentional plagiarism is acceptable to the CEC. The consultant must follow good scholarly methodology in preparing reports and deliverables under the contract, including systematic referencing in footnotes or in-sentence references, for any secondary sources, quotations, data, etc., that do not originate with the author. Sources for tables and figures reproduced from other literature must be given in a "Source" attribution immediately below the table or figure. Failure to properly reference the source of such borrowed material constitutes plagiarism and will be considered a breach of contract. For further information, see [Guidelines for CEC Documents and Information Products](#). In addition, for every written deliverable submitted, the Consultant must use iThenticate software, or an equivalent software approved by the Commission, to validate the written product in question and must forward the plagiarism review results to the CEC at the time of document submission. Contract payments will be retained if products do not fulfill these requirements.

Requirements

To be eligible for further consideration, all consultants must fulfill the following basic requirements.

The consultant, as well as all their personnel and sub-consultants, must reside and be authorized to work legally in Mexico. If travel is required, the consultant must possess valid documentation to travel and move freely in Mexico.

Specific qualifications required:

- Excellent knowledge of Mexican federal laws, policies and regulations with regard to Indigenous and local communities. Knowledge of systems based on community practices and customs is also desirable.
- Fluency in both written and spoken Spanish. Preference will be given to candidates capable of working in indigenous languages.
- A good reputation and at least five years of demonstrable theoretical and practical experience in TEK and indigenous rights of consultation and engagement.

Indigenous people, authorities and representatives are invited to submit proposals. Indigenous authorities and representatives must provide a deed or document evidencing this capacity.

The proposal should not exceed three (3) pages, exclusive of applicant resume or corporate brochures. It should include a detailed cost breakdown, including number of person/days of key and other personnel, direct and indirect costs, travel costs and applicable taxes.

Potential consultants must also submit any additional information that will assist the CEC Secretariat in the evaluation of their proposal, such as samples of previous work and letters of

recommendation from previous assignments. This information is not subject to the three (3) page limit.

The consultant deemed best qualified will be selected on the basis of a competitive process, in accordance with sections 2.5-2.7 of the [CEC Consultant Services Procurement Manual](#).

The CEC Secretariat intends to use its milestone-based contract for these services. A sample is available upon request.

The consultant will be paid upon receipt and approval of draft and final deliverables and corresponding invoices.

Payment shall be made only for *bona fide* consultant fees and legitimate expenses incurred in accordance with the contract for professional services, and only upon receipt and documented acceptance by the Secretariat of statement(s) of account/invoice(s) from the consultant. Settlement of invoices that are acceptable for payment will normally be made 30 days from the date of receipt by the Commission.

The budget for this activity will not exceed **C\$20,000 (twenty thousand Canadian dollars)**, including professional fees and travel expenses. Reimbursable expenses are detailed in the CEC standard contract, available upon request; in addition, the cost of using iThenticate software to detect plagiarism (US\$50) should also be considered.

For universities and nongovernmental organizations, note that the CEC accepts that overhead be charged for administration and other indirect costs up to 15% of the total value of the contract.

If the proposal were presented by a consultant established in Mexico, the applicable value-added tax will be 0%, in accordance with Article 29, section IV, paragraph a) of Mexico's VAT Act, as these are technical services that were engaged from abroad.

If a currency other than Canadian dollars is used, the consultant should indicate the total cost of the professional services in Canadian dollars as well as the currency of choice, for comparison purposes.

Conflict of Interest

"Conflict of interest" means, but is not limited to, a situation where a consultant's personal interest is sufficiently connected with professional duties under the contract, such that it results in a reasonable apprehension that said personal interest may influence the exercise of professional responsibilities under the contract. For example, a direct conflict of interest exists when the consultant is also a CEC government official, or is related to or closely affiliated with a CEC government official, CEC staff member or third party involved with the performance of the services.

The consultant will inform the CEC Secretariat of any circumstance that existed prior to the execution of this contract or that could manifest during the performance of this contract, which could constitute a conflict of interest. The consultant will complete and sign, on behalf of all his or her personnel, the attached *Declaration of Acceptance and Impartiality and Independence* (see Annex). The Consultant will also take note of the [CEC Consultant Services Procurement Manual](#).

Deadlines for Proposal Submission and Decision

The proposal, including all relevant attachments, must be received by the CEC Secretariat offices by **17:00 EST on 24 September 2018**. Proposals submitted after this deadline will not be considered.

Proposals must be submitted via e-mail to <dcroteau@cec.org>. Proposal format may be in Microsoft Word or Adobe PDF format. Once the proposal has been submitted electronically, the CEC will confirm receipt within three business days. If receipt is not confirmed by e-mail within this time, **applicants must contact the CEC**. The contact person is:

Dominique Croteau
JPAC Coordinator
Commission for Environmental Cooperation
393, rue St-Jacques Ouest, bureau 200
Montreal, QC, Canada H2Y 1N9
Tel: 514-350-4300

The CEC Secretariat intends to select the consultant and notify the applicants within a reasonable period of time following the proposal submission deadline.

ANNEX (see also Schedule D in CEC standard contract)

CONSULTANT'S DECLARATION OF ACCEPTANCE AND IMPARTIALITY AND INDEPENDENCE FOR CONTRACT

I, the undersigned,

Last Name: _____ First Name: _____

ACCEPTANCE

☐

hereby declare that I accept to serve as consultant in the subject contract.

IMPARTIALITY AND INDEPENDENCE

(If you accept to serve as a consultant, please check one of the two following boxes. The choice of which box to check will be determined after you have taken into account, inter alia, whether there exists any past or present relationship, direct or indirect, with any of the Parties to the North American Agreement on Environmental Cooperation ("NAAEC") or their Commission for Environmental Cooperation ("CEC") representatives, Secretariat staff, and/or third parties involved in the performance of this contract, whether financial, professional, familial, or of another kind and whether the nature of any such relationship is such that disclosure is called for pursuant to the criteria set out below. Any doubt should be resolved in favor of disclosure.)

☐

I am impartial and independent with respect to the NAAEC Parties and their CEC representatives, CEC Secretariat staff, and third parties involved in the performance of this contract, and intend to remain so; to the best of my knowledge, there are no facts or circumstances, past or present that need be disclosed because they are likely to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest.

OR

☐

I am impartial and independent with respect to the NAAEC Parties and their CEC representatives, Secretariat staff, and/or third parties involved in the performance of this contract, and intend to remain so; **however**, I wish to call your attention to the following facts or circumstances which I hereafter disclose because they might be of such a nature as to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest. Where facts or circumstances exist that might give rise to the latter such doubts, I may set out measures I intend to take to mitigate or eliminate any doubts regarding my impartiality and independence, and/or a possible conflict of interest. (Use separate sheet and attach.)

Date: _____

Signature: _____