

Request for Proposals - Legal Review of Due Diligence Requirements for Large Commercial Farms in Brazil

RFI n#: 2024-8-PR-DDLEGALREVIEW
Location: Brazil
Start date: 17 September 2024
End date: 4 October 2024



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All applications must be submitted via [this form](#).

You may submit questions to tender@bettercotton.org - RFI n# 2024-8-PR-DDLEGALREVIEW" until 23 August 2024.

Questions, requests and applications sent after the deadline (2nd September 2024) will only be considered in exceptional circumstances.

Description

Better Cotton is the world's largest cotton sustainability programme. Our mission: to help cotton communities survive and thrive, while protecting and restoring the environment. In difficult times, we are meeting the challenge head on. Through our network of field-level partners we have provided training on more sustainable farming practices to more than 2.9 million cotton farmers in 26 countries. More than a fifth of the world's cotton is now grown under the Better Cotton Standard and our membership network includes more than 2,400 members.

More information about Better Cotton can be found on our website: www.bettercotton.org

Background

Better Cotton uses a process called 'benchmarking' to confer one-way recognition of other credible cotton sustainability standard systems. Since 2013, this recognition has allowed farmers who comply with a successfully standard system recognised as equivalent to access the market for Better Cotton, avoid duplicative certification requirements and contribute to widen and deepen Better Cotton's impact.

The credibility of the recognised standard system therefore relies, in part, on Better Cotton's ability to select and work with competent strategic partners to support farmers. A Due Diligence process is already implemented at the strategic partner level. As a next step, Better Cotton will conduct the Due Diligence process at the level of agro-industrial groups, referred here as large commercial farms (group or company with over 10,000 hectares of cotton production). The objective of the Due Diligence is to identify and prioritise risks associated with the farms' operations and elaborate a mitigation and remediation plan to enable large commercial farms to comply with Better Cotton's requirements and strengthen their organisational structure.

We are seeking expression of interest from skilled individuals or organisations interested in reviewing our adapted Due Diligence process for strategic partners which will need to be completed and challenged to the Brazilian context.

What is Due Diligence for Better Cotton

Due Diligence is an on-going, proactive, and reactive process through which our partners can identify, prevent, mitigate, and account for how they address actual and potential adverse impacts as an integral part of decision-making and risk management systems.

The purpose of the Due Diligence process is to help Better Cotton to ensure that the partners or producers we work with, or fund, have adequate governance structures, policies, and operational systems in place. It can also help organisations ensure they observe both international and domestic law and build towards the requirements of corporate Due Diligence.

Better Cotton's due diligence covers 6 areas: ethics, governance, HR, environment and operations, financial stability and governance, and where applicable - downstream local partners.

The due diligence is structured around:

- **Assessing the organisation and its undertakings** to identify the factual circumstances (reality) under which the business is operating.
- **Identifying and assessing any actual or potential risks** by evaluating the factual circumstances against recognised standards.
- **Preventing or mitigating the identified risks** by adopting and implementing a corrective risk action plan.

Objective

The objective of the consultancy is to review the current Due Diligence process and adapt it for Brazilian large commercial farms **by 4 October 2024**.

Through direct relationships with Better Cotton's Due Diligence team, the consultant will be responsible for reviewing and analysing Better Cotton's guidelines, questionnaire and risk assessment tool and recommending inclusion, exclusion or adaptations to achieve the following objectives:

- Ensure the process can assess whether the large commercial farms comply with general good practices in terms of management and operations.
- Ensure the process can evaluate the organizational effectiveness of large commercial farm's operations and identify areas for improvement to be implemented.
- Ensure the process covers the evaluation of high-level sustainability practices with potential reputational risk: deforestation, relations with neighbouring communities, land use rights, pesticide use. or other to be identified by the consultants.
- Ensure that required evidences and expected answers provide relevant information to assess the pre-defined criteria.
- Ensure the assessment has clear risk classifications and scoring
- Ensure there are clear instructions on how to address the three types of risks.

Tasks & Methodology

A Better Cotton team member will closely follow and support the consultant in the Due Diligence revision. Other team members will also support. The Better Cotton team will therefore include, but is not limited to:

- Senior Manager, Programmes, based in Brazil
- Senior Programme Coordinator, based in Geneva
- Programme Coordinator, based in Brazil

Better Cotton will provide all Due Diligence materials to the consultant for revision:

- The Due Diligence Handbook (See Annex 1)
- The Due Diligence questionnaire answered by the partner = 33 questions + sub-questions + attachments
- The Due Diligence analysis framework
- The template for the Final Report

Due Diligence Deliverables

- i. Revision and suggestions (if any) of the current Due Diligence questions.
- ii. Revision and adaptation of the list of evidence.
- iii. Revision and adaptation of the scoring grid design.

*All the deliverables will be provided in English

High-level Timeline

2 September 2024	Applications deadline All applications must be submitted via this form .
2 September to 9 September 2024	Applications review & shortlisting / Interviews
By 16 September 2024	The successful applicant will be notified Unsuccessful <u>shortlisted</u> applicants will also be notified
17 September 2024	Start of the consultancy and introduction call with Better Cotton staff
25 September 2024	Progress update meeting with Better Cotton Staff
30 September 2024	Submission of first draft of questions, list of evidences, and scoring grid for Better Cotton review until 04 October.
By 4 October 2024	Final submission of deliverables

Required Skills & Knowledge

Skills, Knowledge and Experience
<ul style="list-style-type: none"> • Demonstrable experience writing, deploying, reviewing, or implementing Due Diligence frameworks in the development, corporate or agri-business sectors
<ul style="list-style-type: none"> • Experience working with international organisations
<ul style="list-style-type: none"> • Strong understanding of Brazilian and international legal context related to land use, deforestation, local communities and pesticides
<ul style="list-style-type: none"> • Field level experience in Brazil
<ul style="list-style-type: none"> • Strong analytical and communication skills, especially in the following areas: ethics, governance, HR, environment and operations, financial stability, and governance
<ul style="list-style-type: none"> • Excellent reporting and presentation skills
<ul style="list-style-type: none"> • Fluency in spoken and written English and Portuguese

Application Requirements

Please note that we have changed our RFP submission protocol, and this is now in two phases;

- **Phase 1:** Initial details will be submitted on the form found in [this link](#).
- **Phase 2:** You will receive an email with live links to upload relevant documents (please check your Spam and Junk folders).

Interested applicants are asked to send, in English, the following:

- Relevant staff CVs
- A detailed financial offer up to 10 working days and limited to 500 EUR/day
- A list of references
- A short narrative proposal composed of:
 - A timeline for delivery
 - A concise description of the approach that will be used for the Due Diligence framework review/

We thank all applicants for their interest; however only shortlisted applicants will be contacted.

Better Cotton is committed to good practice and transparency in the management of natural, human and financial resources. All applications will be reviewed under the principles and subject to Better Cotton's policies on equal opportunity, non-discrimination, anti-bribery & corruption and conflict of interest.

Evaluation Criteria

Proposals will be evaluated based on the following criteria:

Technical Evaluation Criteria

- Demonstrated understanding of this RFP
- Quality and clarity of the proposed approach and methodology
- Feasibility of the proposed activity plan and timeline, and appropriateness of time allocated to delivering each task
- Relevant professional experience of the proposed consultant(s)
- Quality and relevance of the sample work submitted

Financial Evaluation Criteria

- Quality and clarity of budget provided, and level of detail included
- Alignment of the budget to the activity timeline detailed in the technical proposal
- Value for money
- Adherence to the available budget