



14 December 2012

CALL FOR PROPOSALS

INCREMENTALLY SECURING TENURE IN INFORMAL SETTLEMENTS / SLUM UPGRADING IN SOUTHERN AFRICA: THE PROVISION OF ADVISORY SERVICES AND THE DEVELOPMENT OF DISSEMINATION MATERIALS

1 Introduction

Urban LandMark's Tenure Security Facility Southern Africa Programme 2012, supported by Cities Alliance and with co-funding from UKaid, is providing small-sale, targeted advisory services on incrementally securing tenure in slum upgrading. The work aims to contribute to improved access to land for poorer people, which in turn contributes to improved livelihoods, active citizenship and asset creation.

The Tenure Security Facility extends and expands on work Urban LandMark has undertaken over the past six years. This work is making a significant impact in changing the profile of the need for incremental tenure in the slum upgrading process and thinking around how this should occur.

Urban LandMark wishes to commission the provision of advisory support services for incrementally securing tenure, to build on the existing approach, to identified partners in five sites in Southern Africa. These Urban LandMark partners are involved in slum / informal settlement upgrading.

An additional component of work in this Call includes the development of materials for dissemination on the tenure advice and a regional guide on incrementally securing tenure in the region. The materials developed will be based respectively on the tenure advice reports developed in the assignment and on a regional guide report developed by Urban LandMark in the course of the assignment.

2 Background

Urban LandMark's approach advocates for incrementally securing tenure by working with existing local land management arrangements. It proposes the concept of 'recognition' as a way of gaining official acceptance of informal settlements in general, but in particular of *de facto* rights and rights-holders, and the processes and procedures used locally for managing these.

'Administrative recognition' uses normative instruments that may arise from policies or administrative practices to give residents more tenure security. They may not have a firm legal basis but rather derive security and legitimacy through commitment by authorities, for example, in the form of council resolutions or administrative systems.

'Legal recognition' uses a legal procedure, in terms of some recognised law, to grant secure legal status to an area. It usually results in declaring the area in terms of this law (a settlement area, an area zoned for informal housing, etc.), which then permits certain other actions, including investment, to occur with more certainty.

[See Urban LandMark's approach for incrementally securing tenure in informal settlement upgrading in South Africa at www.urbanlandmark.org.za/downloads/inc_securing_tenure.pdf].

Urban LandMark's Tenure Security Facility has developed partnerships in selected sites in Southern Africa, some over several years.

- In Angola with Development Workshop, an NGO based in Luanda
- In Maputo, Mozambique with ANAMM, the national association of municipalities
- In eMalahleni, South Africa with Planact, an NGO working with an informal settlement community in Spring Valley
- In Cape Town, South Africa with Sun Development Services, which works for the City of Cape Town in piloting upgrading in five informal settlements
- In Johannesburg, South Africa where Urban LandMark has provided support over several years to the city's regularisation programme.

A practical regional guide is currently being developed in the Tenure Security Facility Programme on how to improve tenure security for practitioners and other stakeholders in the Southern Africa region. The guide builds on Urban LandMark's approach to incrementally securing tenure in Southern Africa, mentioned previously, but it is being extended for regional applicability.

3 Project parameters

a) Purpose of the project

The purpose of this assignment is to investigate appropriate mechanisms to incrementally increase tenure security for households living in informal circumstances in slum / informal settlement upgrading processes by providing advisory services to five sites in Southern Africa. A secondary purpose is to assist in the dissemination of knowledge about incremental tenure security through materials development.

b) Scope of the project

In Luanda the advice offered by the Tenure Security Facility will be to Development Workshop, an NGO based in Luanda which works in Angola.

In this case the advice is directed at a recommendation that the Ministry of Urbanism and Development Workshop have developed concerning the principle of introducing incremental tenure into current regulations and practice. In particular, the advisory services entail reviewing the draft regulations and working with Development Workshop on developing a strategy for putting the regulations into practice in a pilot municipality in either Luanda or Huambo.

See Allan Cain of Development Workshop's presentation at the World Bank Conference on Land and Poverty in April 2012, at:

www.urbanlandmark.org.za/newsletter/issue/0702/download/cain_powerpoint.pdf.

In Maputo the Tenure Security Facility links up with ANAMM, the Mozambican local government association, and the advice will be directed at exploring how to enhance the local land management practices identified in Urban LandMark's operation of the market study in Maputo.

The Maputo research, called Operation of the market study: land access in urban areas – the case of Maputo, is available at www.urbanlandmark.org.za/research/x57.php, together with a paper on the findings of this study, which was presented at the April 2012 World Bank Conference on Land and Poverty.

The intention of this advice is to inform Cities Alliance's Country Partnership Programme in Mozambique. [See www.citiesalliance.org/sites/citiesalliance.org/files/CP-FactSheet-web.pdf for more information about Cities Alliance's Country Programme approach].

In particular it will entail exploring the application in practice of two potential mechanisms for recognition. These could include the interim official recognition of locally witnessed claims to *de facto* land rights and securing blanket rights through block planning.

In South Africa, the Tenure Security Facility works in three sites. The first is Spring Valley informal settlement in *eMalahleni* where tenure advice will be provided to Planact, an NGO involved in strengthening community participation in upgrading there.

The purpose of the assistance is to develop practical recommendations for using a range of possible administrative recognition mechanisms to incrementally increase tenure security in Spring Valley in a participative manner. This will include a selection of the following possibilities:

- Community-led street addressing
- Mapping the existing enumeration data
- Developing a geo-spatial component of the enumeration and mapping
- Developing a system for managing the enumeration data
- Building on the local land management arrangements to develop locally (municipal and community) acceptable 'rules of the game' for land access, use, holding and transfer
- Types of evidence to recognise locally managed *de facto* rights.

The second is the provision of advisory service to Sun Development Services for informal settlement upgrading in Monwabisi Park in Khayelitsha, City of Cape Town.

Urban LandMark has collaborated with Sun Development services already on the tenure security strategy for Monwabisi Park. In this follow-up phase of support, the emphasis will shift toward incrementally securing tenure as part of an alternative land use management application process that Sun Development Services and the City are developing for Monwabisi Park using Chapter 1 of the Less Formal Township Establishment Act. It has the potential for wider applicability. Although it is the responsibility of Sun Development Services to develop this application, the advisory support entails running a series of workshops with the City, which Sun Development Services will organise, to work out the application in detail in a collaborative manner.

The third concerns assessing progress with and impact of advice previously provided to the City of Johannesburg concerning their innovative regularisation programme.

In terms of this programme, the city legally declared several informal settlements through an amendment to the zoning scheme which resulted in legally declaring the settlements as transitional areas. Through the innovative application of an existing planning mechanism, the City provided legal recognition to the settlements and the residents.

Once progress and impact has been assessed, recommendations will need to be developed concerning the use and application of legal declaration mechanisms for securing tenure. [See www.urbanlandmark.org.za/downloads/inc_securing_tenure_p02.pdf for more information on the regularisation programme.]

There are two aspects to the **materials development**.

The first is to develop five practice notes on the tenure advisory support in the five sites that are a component of this assignment. The practice notes should document the tenure advisory support in both substantive and procedural terms. As such they must address what mechanisms can secure tenure incrementally and how these can be developed and applied. In each case they must indicate practical options and advice on the mechanism that was explored through the advice and support. They must be based on the five reports that will be produced as deliverables for the tenure advisory component. The practice notes are designed to be

practical, accessible reflections on the identification and application of mechanisms for incrementally securing tenure in the five sites, and to advance the incremental tenure security approach. Each practice note should be between 3-5 pages in length.

The practice notes will be published on the websites of Urban LandMark and partner organisations. They will also be used as inputs into the regional guide on incrementally securing tenure.

The second component is to develop a booklet on incrementally securing tenure in Southern Africa. This booklet will be based on the regional guide written by Urban LandMark. A final draft of this guide will be available during the course of this assignment, towards the end of May 2013.

In both cases materials developed must be well edited and well illustrated, containing information in narrative, photographic and graphical formats in order to enhance the accessibility of the material presented, and must be provided to Urban LandMark as web publication-ready documents.

c) Method

Urban LandMark has well developed partnerships and/or linkages in the five sites described above. The work has already been scoped to a high degree of detail.

The advisory work will consist of short, focused interventions, working under the guidance of the Tenure Security Facility project manager and in close collaboration with the different partners, as set out above.

In addition to being concise and targeted, the tenure advice must produce a report in each case that will be of use to the partners as well as to Urban LandMark in the development of the regional guide. The reports will also form the basis for the development of accessible materials for electronic dissemination in the form of practice notes.

The work will include but might not be limited to the following activities:

1 Project management

- 1.1 Participate in an initial briefing in Pretoria for background on and clarification of:
 - 1.1.1 The incremental approach to tenure security
 - 1.1.2 The five sites and Urban LandMark's partnerships
 - 1.1.3 The Tenure Security Facility 'practice notes'
 - 1.1.4 The regional guide.
- 1.2 Develop a detailed work plan on the basis of the briefing, with site / component-specific activities and budgets
- 1.3 Manage the different components of work (2-6 below), including sub-contractors or consortium partners, should your proposal for this work be structured as such, for the contract duration
- 1.4 Quality assure the work of the contractors / consortium partners
- 1.5 Report at agreed time frames to the Tenure Security Facility Project Manager.

2 Legal recognition: provide technical assistance and advisory support to Development Workshop in Luanda, Angola

- 2.1 Review and comment on the draft regulations
- 2.2 Participate in a workshop in Luanda with Development Workshop on the proposed piloting in either Huambo, Angola's second city, or Luanda
- 2.3 Draft a piloting strategy which addresses how to implement the draft regulations
- 2.4 Consult three to five key stakeholders on the draft strategy
- 2.5 Finalise the strategy in report format.

3 Develop a proposal on incremental tenure security in the context of Maputo

- 3.1 Undertake guided background reading on the context, including Urban LandMark's notional continuum of tenure security in the context of Maputo and engage with the Tenure Security Facility Project Manager on the direction developed to date
- 3.2 Develop a draft position on two incremental tenure mechanisms which could include the interim official recognition of locally witnessed claims to *de facto* land rights and securing blanket rights through block planning
- 3.3 Participate in a workshop with stakeholders that the Tenure Security Facility will identify but which is likely to include ANAMM, the Tenure Security Facility Project Manager, identified stakeholders in Maputo municipality and Cities Alliance
- 3.4 Consult (electronically if necessary) with five key stakeholders (two in Cities Alliance, a Maputo councillor, ANAMM and a relevant local or Southern African expert)
- 3.5 Finalise the proposals in report format.

4 Provide technical assistance and advisory support to Planact for securing tenure in Spring Valley, eMalahleni

- 4.1 Participate in a Planact / Tenure Security Facility workshop on the tenure route map being developed for Spring Valley, as an initial familiarisation exercise
- 4.2 On the basis of this workshop, and follow-up discussions where necessary, conduct a detailed exploration of possible mechanisms for administrative recognition applicable in Spring Valley. This will include a selection of the following possibilities: community-led street addressing; mapping the existing enumeration data; developing a geo-spatial component of the enumeration and mapping; developing a system for managing the enumeration data; building on the local land management arrangements to develop locally (municipal and community) acceptable 'rules of the game' for land access, use, holding and transfer; and forms of evidence to recognise locally managed *de facto* rights.
- 4.3 Present the developed mechanisms in an interactive manner at a second workshop with Planact and participate in a community consultation workshop that Planact will lead
- 4.4 Develop, in consultation with Planact, recommendations concerning the most appropriate administrative mechanisms to pursue and a strategy for doing so, in the form of a 'tenure security plan'
- 4.5 Finalise the recommendations in a tenure security plan for Spring Valley.

5 *Re-engage with the City of Johannesburg's Regularisation Programme on behalf of Urban LandMark*

- 5.1 Review Urban LandMark's existing case study documentation on the regularisation programme
- 5.2 Interview four to five key stakeholders to update progress, and identify shortcomings and achievements (for example, a municipal official, a practitioner, an academic and representatives of an affected community)
- 5.3 Identify lessons learned and develop recommendations concerning 'legal recognition' and incremental tenure security, cross-referencing with the City of Cape Town and Luanda advice where applicable
- 5.4 Hold a feedback meeting with the City of Johannesburg's relevant housing and planning officials
- 5.5 Develop a final report.

6 *Provide technical assistance and advisory support to Sun Development Services, City of Cape Town*

- 6.1 Familiarisation with existing project documentation
- 6.2 Hold an initial briefing workshop with Sun Development Services on the land use management application, city and settlement contexts, and develop a programme for an identified number of workshops
- 6.3 Develop content for and hold the agreed number of workshops, together with Sun Development Services
- 6.4 Document the process and recommendations in a draft report
- 6.5 Obtain feedback (electronically if necessary) on the draft report from workshop participants in the City of Cape Town, via Sun Development Services
- 6.6 Develop a final report on the basis of the feedback obtained.

7 *Develop dissemination materials in web publication-ready format*

- 7.1 Draft five practice notes as follows:
 - 7.1.1 Luanda: piloting regulations for interim tenure
 - 7.1.2 Maputo: options for official recognition
 - 7.1.3 eMalahleni: community-driven administrative recognition
 - 7.1.4 Johannesburg: legal declaration to improve tenure security – lessons and recommendations
 - 7.1.5 Cape Town: alternative land use management application for legal recognition.
- 7.2 Develop a booklet on incrementally securing tenure in Southern Africa based on the regional guide written by Urban LandMark.

4 Invitation

You are invited to submit proposals to do the work according to the description of the project intention and the project method and scope outlined above, and the basis for the work described below. Proposals are due by **Monday 28 January 2013 at 15h00**.

Proposals to undertake this project must include:

- A clear indication of whether a submission is being made to undertake one of the components of work (and in this case, which one) or all of the components of work (either approach will be considered, although preference will be given to quality proposals for the full scope of work), and budgets for each component. Urban LandMark reserves the right to combine individual submissions into a consortium of partners to carry out the work should the respective expertise and proposed activities of such bidders make this most relevant and effective vehicle for fulfilling the scope and objectives of the work.
- The proposed approach to the work, and a detailed methodology which both responds to and builds upon the method proposed here, and phasing of the work with levels of effort.
 - An understanding of the urban land issue and of tenure security will be sought for in the proposal.
- Proposals should indicate in-country knowledge for South Africa, Angola and Mozambique.
- Statement of qualifications of organisation(s) or individual(s).
- The names and CVs of team members responsible for different aspects of the work. In particular, indications should be given of (i) project management expertise in the case of submissions for the full scope of work; (ii) appropriate policy and practical expertise for the tenure advisory work; and (iii) skills and experience in materials development.
- An offer to do the work within the budget ceiling – per component and for the full scope of work – all including VAT. See item 6. “Remuneration” of this Call for a detailed breakdown per component and the total budgeted amount for this assignment.
- The proposed fee structure.
- A clear indication of cost breakdowns.
 - The budget proposal should take into account that Urban LandMark has already developed partnerships, proposed methodologies and has scoped the work in detail.
- The names and contact details of three possible reviewers capable of independently commenting on previous work of the individual/organisation submitting a proposal which might be relevant to this assignment.

Proposals must be submitted by email to Urban LandMark and should be addressed to Lucille Gavera (lucille@urbanlandmark.org.za) and to Lauren Royston (lauren@devworks.co.za).

5 Estimated timeframes and deliverables

It is envisaged that the project will be awarded by the end of January 2013 for early February 2013 commencement. The successful tenderer will have an estimated 5 to 6 months in which to complete the work (i.e. full and final completion by Friday 26 July 2013).

Deliverables to be supplied to Urban LandMark at the following dates will include:

- a) A proposed work plan two weeks after appointment.
- b) Staggered deliverables for the advisory support to be mutually agreed at work plan stage, but five draft reports by no later than 7 June 2013
 - a. Luanda / Huambo strategy report
 - b. Maputo proposal report
 - c. eMalahleni / Spring Valley tenure security plan
 - d. City of Cape Town / Monwabisi Park proposal report
 - e. City of Johannesburg / regularisation programme lessons learned and recommendations report
- c) Five practice notes by 28 June 2013
- d) Draft regional guide dissemination booklet by 8 July 2013
- e) Presentation of draft deliverables to Urban LandMark in Pretoria or Johannesburg on or as close as possible to 12 July 2013.
- f) Final deliverables by 26 July 2013, as follows:
 - a. Five advisory reports
 - b. Final production-ready dissemination materials consisting of the five practice notes and the regional guide booklet.

6 Remuneration

A budgeted amount of up to **R769 000.00** (including VAT) has been set aside for the assignment, or for individual components of work, as follows (all including VAT).

Tenure advice

Luanda	R 89 250.00
Maputo	R 89 250.00
eMalahleni, CoJ and CoCT	R 212 500.00
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	<i>R 391 000.00</i>
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Dissemination

Practice notes for Luanda and Maputo and 3 South Africa sites; regional guide booklet

R 210 000.00

Travel

Luanda and Maputo	R 40 000.00
South Africa	R 20 000.00
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	<i>R 60 000.00</i>
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Project management

R 108 000.00

Total (inclusive of VAT)

R 769 000.00

The proposal should indicate a **lump sum amount** with the necessary motivation and breakdown outlined above. On agreement of the contract amount, and appointment of the party, payment will be on delivery of satisfactory key deliverables, as follows:

- a) A proposed work plan two weeks after appointment: 10%
- b) Staggered deliverables for the advisory support to be mutually agreed at work plan stage, but five draft reports by no later than 7 June 2013: 20%
- c) Five draft practice notes by 28 June 2013: 15%
- d) Draft regional guide dissemination booklet by 8 July 2013: 25%
- e) Final deliverables as follows by 26 July 2013: 30%
 - a. Five advisory reports
 - b. Final production-ready dissemination materials consisting of five practice notes and the regional guide booklet.

Proof of actual expenses/disbursements should be supplied with the invoice for each stage.

7 Basis of award

Urban LandMark will award the contract based on:

- Appropriateness and quality of response to this Call as expressed in the proposal (30%).
- Relevant, demonstrated competence of organisation/s and/or individual/s to undertake this work (40%).
- Cost breakdown and professional fees (value for money) (30%).

Organisations and individuals making proposals are permitted to form consortia but this must be clearly indicated in the proposal. Urban LandMark reserves the right to ask specific organisations making proposals for best and final offers should this be deemed necessary.

8 Contact

Technical questions or comments in respect of these Terms of Reference should be directed to Lauren Royston, preferably on email (lauren@devworks.co.za) or at +27 82 900 5342.

Further procedural queries should be directed to Lucille Gavera (lucille@urbanlandmark.org.za).

All substantive technical or procedural issues should be raised between 10 and 25 January 2013.