



NATIONAL AGRICULTURAL SEEDS COUNCIL
FEDERAL MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT

CALL FOR EXPRESSION OF INTEREST

Project Country: NIGERIA

Reference Number:

CONSULTANCY FOR THE DEVELOPMENT OF GUIDELINES AND REGULATIONS FOR PLANT VARIETY PROTECTION IN NIGERIA– **NASC-PVP-2021-002-SDV**

Background

The National Agricultural Seeds Council (NASc) located at KM 29 Abuja Lokoja Highway, Sheda, Federal Capital Territory, Abuja, is the agency of government established by the Act 72 of 1992 is saddled with the responsibility to coordinate and regulate the production, marketing, trade and use of seeds in Nigeria. The Council has a vision of creating a seed industry in Nigeria that is market-driven and capable of producing and distributing high quality and improved planting materials that are accessible and affordable to farmers. This is with a view to transforming the Nigerian seed system into a leading seed industry in Sub-Saharan Africa and worthy of generating foreign exchange, become a key employer of labour and contributing positively to the country's economy and key into the Green Alternative strategy of the Federal Ministry of Agriculture and Rural Development.

The Council's specific functions include, certification and quality control of seeds, Seed industry development & technical support services, coordination and monitoring of Breeder, Foundation & Certified seeds production and utilization, information, planning and data management, collaboration in the registration, release and publication of new varieties approved for commercialization in Nigeria, assistance in the development of private sector participation in seed production, receipt and processing of applications for seed import and export, seed law enforcement, capacity building and training of stakeholders in the seed industry.

Purpose and Objective of this Activity

Plant Breeders' Rights (PBR) are a form of intellectual property rights by which plant breeders can protect their new varieties in the same way an inventor protects a new invention with a patent. With the grant of a PBR for a new plant variety, the holder of PBR obtains exclusive rights in relation to the propagating material of their variety. The holder is then able to protect the variety from exploitation by others and can take legal action against individuals or companies that are conducting acts, without permission, that are the exclusive rights of the holder.

The holder of PBR may also take action to prevent another individual or company from using the approved denomination (name) of their protected variety when that individual or company is selling propagating material of another variety of the same genus or species.

On **page 15** of the new draft - **Sections 39 “Protection of Breeders’ Rights (PBR) and “Temporary measures to protect Plant Breeders’ Rights “** gives the Ministry the mandate to approve separate Plant variety legislation to support plant variety development to regulate plant breeders’ rights

The broad objective of this consultancy is to develop a Plant Variety Protection (PVP) Guidelines and Regulations for the institutionalization and operations of the PVP system in Nigeria.

Duties and Responsibilities

The scope of the consultancy includes:

Task 1: Initial Consultations, Review PVP Laws, Legislations, Background Documents and Research Best Processes and Practices

- The Consultant is required to hold initial consultations with the NASC team.
- Review existing guidelines and regulation on PVP in other countries, review the UPOV standards on PVP and also review the draft copy of the PVP Act for Nigeria.
- In-depth review of institutions that are involved in PVP at national, sub-national and local levels to understand the mandates and functions of participating agencies/institutes in Nigeria.
- Conduct a research and review on the UPOV system.
- Prepare an Inception Report that includes the proposed structure of the Plant Breeders Right Policy (PBRP)/ Code of Practice (COP) and issues that require policy decisions.
- The Inception Report must be presented to the NASC for approval and feedback before the Consultant commences detailed and substantial drafting of the PVP Regulations and Guidelines for Application.

Task 2: Draft the PVP and PBR Guidelines and Regulations

Develop a PBR and PVP guidelines and regulations

- Identify the roles and function of all relevant stakeholders involved in the issuance of PBR certificate to an applicant
- Examine and list the role and function of the Plant Breeder's Office and the development of workflow and schedule of duties
- Identification and description of entities that may be or can apply for PBR
- Identify and document compliance and regulatory processes involved in PBR
- Identify and develop the various business registration requirements and documentation that are needed for PVP application.
- Step and guidelines involves in the Examination Process.
- Formulation of guidelines and policies involved in PBR Examination Process
- Review and Development of the Grant of Right in the application for PBR.

- Formulation and Development of Enforcement, Infringements, Offences and associated penalties for the violation of PBR.

Task 3: Present and submit the final copy of the PBR guidelines and regulations

- The Consultant must present the Draft of the PVP application guidelines and regulations to the NASC office and incorporate comments and written feedback from the office in the Final submissions.
- The Final copy of the PVP guidelines and regulation must be submitted to the National Agricultural Seeds Council (NASC) office in Word and PDF formats

Deliverables

- a. Inception Report that includes the proposed structure of Plant Breeders Right Policy (PBRP)/ Code of Practice (COP), brief overview of PBR in Nigeria and issues that require policy decisions.
- b. Draft PVP guidelines and regulations that covers, at minimum, all issues identified in Section III, Task 2 of the TOR.
- c. Power point presentation summarizing key elements of the Draft for PVP guidelines and regulations.
- d. Final PVP guidelines and regulations that incorporate the feedback and comments received

Duration

The consultants will be engaged for a total of 30 days each from the date of commencement of assignment. The consultancy is expected to commence immediately after the award.

Criteria for Assessment and Selection of Applicants

	Evaluation Criteria	Score(Point)
1.	Consultant Academic and Professional Qualification At least an Advanced university degree in Agriculture, seed technology or related field. Bidder must attach academic and professional certificates	20%

2.	Consultant Academic and Professional Qualification At least an Advanced university degree in Agriculture, seed technology or related field. Bidder must attach academic and professional certificates	40%
3.	Communication Skills and Language Requirements: Excellent oral and written communication skills in English. Knowledge of Kinyarwanda is of added advantage.	15%
4.	Technical Approach, Methodology and Work plan	25%
	Total	100%

Required Expertise

The Consultant is expected to provide different skills but the minimum competencies to be provided by the team together must include:

- I. Significant (at least 15 years') experience in the seed sector policy development and regulation in the Nigeria context, with demonstrable competence in improving access for smallholder farmers to improved varieties;
- II. Clear understanding and experience in the role of the private sector in the seed industry development and access to quality seeds by smallholders across Nigeria and Sub Saharan Africa;
- III. Seed market dynamics and development of transboundary market linkages
- IV. Deep understanding of Intellectual Property, Plant Variety Protection, Seed Quality Assurance and Seed Breeding Technology.
- V. Fluency in written and spoken English. Preferably a strong academic background in seed sector research
- VI. The expression of interest shall not exceed 30 pages. Interested consultants may obtain further information at the email address provided below.

How to Apply

- This invitation is open to consulting companies (who are registered in Nigeria under the CAC and all necessary body); and independent consultants who are nationals of Nigeria.
- Consultant must demonstrate their knowledge of the assignment by clearly interpreting the terms of reference and providing a methodology and approach that will be adopted in undertaking the assignment.
- Consultant must provide a clear work plan that will be used in undertaking the assignment. A provisional work plan including a proposed timeframe for the assignment should be enclosed.
- A financial proposal on fees, air and local travel, subsistence and other costs must be attached to the proposal.
- If consulting companies they must provide the name and profile of the lead consultant to carry out the assignment and also names and profiles of any others personnel with their roles in the project, their respective levels of effort and their CVs.
- Consultant should attach his/her resume indicating previous similar jobs in the past; consulting companies should also attach their company profile/capability statement to the proposal.

Qualified and experienced company or consultants that meet the specifications above should forward their CV and expression of interests, describing how their qualifications and experiences match NASC's expectation. Interested consultant(s) should submit an Expressions of interest to: fspkelola@gmail.com by close of business on **March 12, 2021 at 1700 Hours**) clearly marked **"DEVELOPMENT OF GUIDELINES AND REGULATIONS FOR THE APPLICATION FOR PLANT VARIETY PROTECTION"**

Non-Discriminatory Clause

NASC provides equal opportunity in employment and engagement for all persons, vendors, and contractors, and prohibits unlawful discrimination and harassment in all aspects of a

contractual engagement or employment because of age, sex, gender, marital status, disability, nationality, race, religion or any fact.