



REQUEST FOR TENDERS

RFT: 2021/PWP-118-CON
File: AP_6/5/8/3
Date: 6 July, 2021
To: Interested consultants
From: PacWastePlus Finance and Procurement Officer

Subject: Request for tenders: Waste Licensing and Environmental Monitoring Policy/ Drafting Guidance Notes

1. Background

- 1.1. The Secretariat of the Pacific Regional Environment Programme (SPREP) is an intergovernmental organisation charged with promoting cooperation among Pacific islands countries and territories to protect and improve their environment and ensure sustainable development.
- 1.2. SPREP approaches the environmental challenges faced by the Pacific guided by four simple Values. These values guide all aspects of our work:
 - We value the Environment
 - We value our People
 - We value high quality and targeted Service Delivery
 - We value Integrity
- 1.3. For more information, see: www.sprep.org.

2. Specifications: statement of requirement

- 2.1. SPREP would like to call for tenders from qualified and experienced consultants who can offer their services in the development of Policy Guidance, and legislative drafting guidance to assist PacWastePlus countries to undertake the necessary legislative reform processes to effectively license and manage waste management activities, and to include and enforce environmental and waste monitoring requirements on businesses and waste service providers.
- 2.2. The successful applicant will need to provide the details of works required as referred to in the attached Terms of Reference within a period of 10 weeks from the date of contract signing, duration of contract may be negotiable provided the applicant can adequately justify in their proposal the need for a longer duration.
- 2.3. The Terms of Reference and the specific statement of work for this engagement are set out in Annex A.
- 2.4. The successful consultant must supply the services to the extent applicable in compliance with SPREP's Values and Code of Conduct https://www.sprep.org/attachments/Publications/Corporate_Documents/sprep-organisational-values-of-conduct.pdf

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested consultants must meet the following conditions:



- i. Complete the tender application form provided – noting you are required to complete all areas in full, particularly the statements to demonstrate you meet the selection criteria. Failure to do so may result in your application NOT being considered.
- ii. Submissions must include a TECHNICAL PROPOSAL that include a detailed workplan, methodology, schedule of activities and other items as deemed necessary by the applicant.
- iii. Submissions must include a FINANCIAL PROPOSAL that has an annotated budget listing for each task
- iv. Submissions must include a Curriculum Vitae for each member of the proposed team, demonstrating relevant experience, skills, and qualifications to carry out the required statement of works.
- v. Provide examples of past relevant work outputs
- vi. Sign the Conflict of Interest Form provided.

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant satisfies the conditions stated above and is capable of meeting the specifications and timeframes. Documentation must also include supporting examples to address the evaluation criteria. Describe any additional minimum content and format requirements.
- 4.2. Tender documentation should outline the interested consultant's complete proposal: methods, personnel (and their skill sets/curricula vitae), timeframes and costs.
- 4.3. Provide three referees relevant to this tender submission, including the most recent work completed.
- 4.4. Tenderers/Bidders must insist on an acknowledgement of receipt of tenders/proposals/bids.

5. Tender Clarification

- 5.1. Any clarification questions from applicants must be submitted by email to wp.procurement@sprep.org before 19 July 2021. A summary of all questions received with an associated response will be posted on the SPREP website www.sprep.org/tender by 23 July 2021.

6. Evaluation criteria

- 6.1. SPREP will select a preferred supplier on the basis of SPREP's evaluation of the extent to which the documentation demonstrates that the tenderer offers the best value for money, and that the tenderer satisfies the following criteria:

(A) Experience

- Demonstrated experience in conducting research (focus on both company, and officers to deliver the works) **15%**
- Demonstrated experience working with or knowledge of legislative instruments (Local, State / Provincial / National) from SPREP member countries, and how these manage waste management issues and environmental monitoring **25%**
- Examples provided of past works relevant to this activity (links to output reports or products that provide insight into research approach and writing style) **10%**

(B) Proposed project methodology

- Detailing activities to be conducted over the term of the engagement, with specific mention of:

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- Research plan and scope of investigation to provide necessary guidance to the region **20%**
- Risk plan (with mitigation measures) to ensure successful delivery of the project. **20%**

(C) Value for Money

- Demonstration of value for money – **10%**

7. Deadline

- 7.1. **The due date for submission of the tender is: 04th August 2021**
- 7.2. Late submissions will be returned unopened to the sender.
- 7.3 Please send all tenders clearly marked 'TENDER: Waste Licensing and Environmental Monitoring Policy/Drafting Guidance Notes to one of the following methods:

Mail: SPREP

Attention: Procurement Officer

PO Box 240

Apia, SAMOA

Email: tenders@sprep.org (MOST PREFERRED OPTION)

Fax: 685 20231

Person: Submit by hand in the tenders box at SPREP reception,
Vailima, Samoa.

SPREP reserves the right to reject any or all tenders and the lowest or any tender will not necessarily be accepted.

For any complaints regarding the Secretariat's tenders please refer to the Complaints section on the SPREP website

<http://www.sprep.org/accountability/complaints>

Waste Licensing and Environmental Monitoring Policy / Drafting Guidance Notes

1. BACKGROUND

The Secretariat of the Pacific Regional Environment Programme (SPREP) is working with the European Union's Delegation to the Pacific, and 14 Pacific Island Countries and Timor-Leste to undertake the PacWastePlus Programme (PWP) which seeks to improve and enhance waste management activities and the capacity of governments, industry, and communities to manage waste to reduce the impact on human health and the environment.

PacWastePlus seeks to generate improved economic, social, health and environmental benefits for Pacific Island Countries arising from stronger regional economic integration and the sustainable management of natural resources and the environment. The programme activities will be designed to assist Countries to ensure the safe and sustainable management of waste with due regard for the conservation of biodiversity, reduction of marine litter, health and well-being of Pacific island communities, and climate change mitigation and adaptation requirements.

Activities for PacWaste Plus will focus on targeted priority waste streams which are: hazardous wastes (specifically **asbestos, E-waste and healthcare waste**); solid wastes (specifically **recyclables, organic waste, disaster waste and bulky waste**); and related aspects of **wastewater** (water impacted by solid waste).

Pacific Islands Countries (PICs) participating in the PacWastePlus programme are: Cook Islands, Democratic Republic of Timor-Leste, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

2. ACTIVITY BACKGROUND

PacWastePlus is working with participating countries to improve waste management via support activities that address data management, education and awareness, strengthening of legislative frameworks, on-ground actions, and capacity building. Participating countries would benefit from support and guidance on the policy requirements, and draft instructions, for the inclusion of waste licensing process, and environmental monitoring standards to be included in environmental / waste legislation.

Presently very few Pacific Island countries have a policy position, or operative clauses that guide government departments in how to effectively license and manage waste management activities, and to include and enforce environmental & waste monitoring requirements on businesses and waste service providers.

PacWastePlus is seeking to engage the services of a suitably qualified consultant to assist with the development of Policy Guidance, and legislative drafting guidance to assist countries to undertake the necessary legislative reform processes to include provisions on these items.

3. SCOPE OF WORK

Phase	Description	Documentation SPREP will provide	Consultant Output
Inception	<p>Lead an inception meeting with the PacWastePlus team to discuss the delivery of the project, addressing all issues likely to cause delays (risk management), and ensure a common understanding of the action, and required outputs.</p> <p>Develop a research plan for approval prior to implementation. The research plan should explain the overall strategy, methodology, and analyses to be used to successfully accomplish the project objective.</p> <p>The plan should be structured to, at a minimum, answer the following questions (noting the research plan should identify all issues to be addressed through the work):</p> <ul style="list-style-type: none"> i. Conduct a literature review on the SPREP Member countries (both Pacific Islands, Territories and Metropolitan Countries) that have legislative instruments to license waste management activities. ii. Conduct a literature review on the SPREP Member countries (both Pacific Islands, Territories and Metropolitan Countries) that have legislative instruments that 	Nil	<p>Inception meeting</p> <p>Minutes of the inception meeting with confirmation of activities, and scope of work to be developed and agreed by meeting participants prior to commencement of any activities.</p> <p>Research Plan</p> <p>Detailed research plan (Comprehensive plan on how research will be undertaken, information sources, and time frame to implement).</p> <p>The report should provide a detailed workplan of activities (including a timeline) and clearly identify any tasks or responsibilities of SPREP necessary to ensure project success.</p> <p>Draft Report/Instrument/Policy Note Structure</p> <p>Draft document structures are to be presented along with the research plan to enable SPREP the ability to understand the likely output information and ensure it will provide the quality information required by member countries (noting the geographical size and</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>require waste / environmental monitoring and reporting.</p> <p>iii. For those countries that do not have dedicated waste management legislation, undertake an investigation into the various options available (amend existing general environment legislation to include sections on waste management that could then provide for subsequent specific regulations on waste management, or enact dedicated legislation on waste management?) With the intent of providing input into the various “pros and cons” of each approach, to assist officers to determine an appropriate process for their country.</p> <p>iv. Undertake analysis of the various instruments in use in the region for the purpose of determining which instruments / clauses would be suitable for use in a ‘template’ instrument that countries could use as a basis for legislative inclusion nationally (The assessment should consider appropriate internationally binding instruments in maritime e.g., MARPOL / London Convention, etc.).</p> <p>v. Provide a rationale for the use / inclusion of these legislative instruments, and provide an assessment of how effective these instruments are to achieving their objectives? Identify any barriers to their</p>		<p>populations vary greatly throughout the region).</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>uptake? How are they perceived by bureaucrats, waste managers and service providers/businesses?</p> <p>vi. Develop a policy paper supporting the use of the template instrument.</p> <p>vii. Develop drafting guidance notes to assist practitioners to utilise the template instruments in their national legislative drafting processes (where available, consideration should be provided to country drafting guidance).</p> <p>Specifically, the research should work to develop Policy guidance the following key components (at a minimum):</p> <p>Waste Licencing</p> <p>i. The types and scope of Permits/license needed to regulate the nature, type and volume of discharges from waste management activities and commercial facilities to mitigate possible environmental impacts. For Example, Solid Waste Permit, Liquid Waste Permit, Air Pollution Permit, Waste Transport Permit, Landfill Permit etc.</p> <p>ii. The type of facilities/companies that is requiring to hold these types of permits e.g. waste transport services, manufacturing facilities, retailers, oil/fuel depots, agricultural farms (piggeries/poultry farms/ cattle ranch etc), timber processing facilities,</p>		

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>landfills, composting facilities, recycling facilities, and business dealing with hazardous waste or hazardous materials.</p> <ul style="list-style-type: none"> iii. Classification criteria and types of permit required for a significant discharger, significant disposer, and a hazardous material/waste handler. iv. Ideal fee or calculation formula for each type of permit and Waste Bond if required (where fees are expected to be established, the consultant should identify other governing legislation that will need to be followed / addressed for the fees to be legitimate). Additionally, guidance should be provided on how the fee collection system should be structured. v. Identify the minimum validity period of each permit. vi. Minimum Conditions to be included for each permit type identified which may include but not limited to the submission of waste returns and its frequency, permitted regulated activities and acceptable standard of operations. vii. Suitable National Air Quality Standards that all emissions from facilities need to be compliant with to minimise environmental and health impacts on local communities. viii. Suitable National Liquid Standards for all discharges from facilities to be compliant 		

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>with, to minimise environmental and health impacts on local communities.</p> <ul style="list-style-type: none"> ix. Implementation Plan to assist regulators in Pacific Countries to ensure that existing businesses comply with the Permitting system once it comes into force. x. Establish Compliance Inspection Guidelines to assist country officers in enforcing the licensing system (considering which level of government is responsible for different compliance activities, and recommending fine / penalty levels for country consideration). <p>Environmental & Waste Monitoring</p> <ul style="list-style-type: none"> i. What data and information should be required in a monitoring system (consider policy guidance, typical issues identified in National waste strategies, requirements from relevant Environmental and waste MEAs typically operating in the Pacific. ii. Who is responsible for data collection, collation, analysis, management and storage? iii. Which other typical legislative instruments should include links, references, or otherwise to monitoring standards and requirements. 		

Phase	Description	Documentation SPREP will provide	Consultant Output
	iv. What institutional structures, and systems typically accompany monitoring and reporting requirements.		
Research	<p>Undertake the research and report development as per the approved research plan.</p> <p>The research should be geared to deliver two products:</p> <ol style="list-style-type: none"> 1. Policy Guidance on waste licencing 2. Drafting guidance that will prescribe the technical requirements in drafting of Acts and subordinate legislation to introduce a Waste Permitting system to manage waste and control pollution (with due respect to any drafting guides operating in Pacific island countries already). 	Nil	<p>Draft Policy Guidance Report</p> <p>Develop a Policy Guidance that details the findings from the research phase of work. The report should provide a clear premise of the waste permit types and the types of facilities that require these permits, and proposed legislative framework.</p> <p>Draft Drafting Guidance Note</p> <p>Develop a Drafting Guidance that can be used as a reference for National officers tasked with developing the legislation.</p> <p>Draft Publication Booklet</p> <p>The research report's findings should then be transferred into a draft structure (including writing style) suitable for use as an information booklet (entry point) to the more detailed research report. Structure and draft graphics suggested should be presented for comment.</p>
Final Report & Booklet	Following feedback from the SPREP review team, the report and booklet should be finalised	Nil	<p>Final Policy Guidance & Drafting Guidance</p> <p>Final report addressing any comments provided from the review activity.</p> <p>Final Publication Booklet</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
			Final booklet addressing any comments provided from the review activity.

Institutional Arrangement

Due to the current uncertainty with travel arrangements due to COVID-19, this technical assistance will be remotely delivered and not require travel (or if possible, be based in one of the participating countries). If needed, introductions to representatives of Pacific Island countries can be made, but it is expected that the bulk of the work will focus on the research and contact with legislative drafters and counterparts.

Consultant Responsibilities

The consultant will be responsible for scheduling meetings with service/technology providers, country representatives, and SPREP, taking minutes, and distributing these for comment prior to finalising.

Schedule of Work

The activities are to be completed no later than **10 weeks from Agreement signing date** with a preference for the activities to be completed much earlier.

Expected project activity is detailed in Table 2, it is expected that tenderers will detail how and when each of these steps will be delivered.

Table 2: Project Schedule

Phase	Activity	Timeline
<i>Contract Signing and Execution</i>		
Inception	<ol style="list-style-type: none"> 1. Inception Meeting 2. Research Plan 3. Draft report structure 	Two weeks from date of Contract Execution
Research	<ol style="list-style-type: none"> 4. Draft report 5. Draft booklet 	No later than 4 weeks from date of Contract Execution
Completion	<ol style="list-style-type: none"> 6. Final report 7. Final booklet 	No later than 10 weeks from date of Contract Execution

3.3 Budget

Submissions are required to itemise all financial elements of their proposal in **USD**, including, but not limited to, the following:

- Salary costs (hourly rate)
- All applicable taxes

Submissions must include an annotated budget listing for each task.

SPREP reserves the right to withdraw this tender at any time. SPREP reserve the right to accept or reject any or all bids and to waive any formal defects or irregularities in the bids, when deemed to be in the interest of SPREP.

4. Other Information

The successful consultant will be provided with any relevant project documentation as stated in Section 3.

The successful consultant must supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct

https://www.sprep.org/attachments/Publications/Corporate_Documents/sprep-organisational-values-code-of-conduct.pdf



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