



# REQUEST FOR TENDERS

RFT: PWP-124-CON  
File: AP\_6/5/8/4  
Date: 25 March, 2022  
To: Interested consultants  
From: PacWastePlus Finance and Procurement Officer

**Subject: Request for tenders (RFT): Development of Asbestos containing materials (ACM) legislative ban language, and an Asbestos Code of Practice for Tonga.**

## 1. Background

- 1.1. The Secretariat of the Pacific Regional Environment Programme (SPREP) is an intergovernmental organization 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](http://www.sprep.org).

## 2. Specifications: statement of requirement

- 2.1. SPREP wishes to call for tenders from qualified and experienced consultants who can offer their services to develop an Asbestos containing material (ACM) legislative ban, and an Asbestos Code of Practice for Tonga.
- 2.2. The Terms of Reference of the consultancy are set out in Annex A.
- 2.3. 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/spreporganisational-values-code-of-conduct.pdf](https://www.sprep.org/attachments/Publications/Corporate_Documents/spreporganisational-values-code-of-conduct.pdf). Including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud Prevention & Whistleblower Protection and Gender and Social Inclusion.
- 2.4. SPREP Standard Contract Terms and Conditions are non-negotiable

## 3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested consultants must meet the following conditions:
  - i. Submit a detailed Curriculum vitae detailing qualification and previous relevant experience for each proposed personnel;
  - ii. Provide three referees relevant to this tender submission, including the most recent work completed;
  - iii. Provide examples of past related work outputs;



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

- iv. Complete the **tender application form** provided (*Please note you are required to complete in full all areas requested in the Form, particularly the Statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV. Failure to do this will mean your application will **not** be considered*).
  - v. Submission must include a TECHNICAL PROPOSAL that includes a detailed work-plan, methodology, schedule of activities, and other items deemed necessary by the tenderer;
  - vi. Submissions must include a FINANCIAL PROPOSAL that has an annotated budget listing for each task as required in the scope of works;
  - vii. Provide a copy of valid business registration/license.
- 3.2 Tenderers must declare any areas that may constitute conflict of interest related to this tender and sign the **conflict-of-interest form** provided.
- 3.3 **Tenderer is deemed ineligible due to association with exclusion criteria, including** bankruptcy, insolvency or winding up procedures, breach of obligations relating to the payment of taxes or social security contributions, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, grave professional misconduct including misrepresentation, corruption, participation in a criminal organisation, money laundering or terrorist financing, child labour and other trafficking in human beings, deficiency in capability in complying main obligations, creating a shell company, and being a shell company.
- 3.4 Tenderer must sign a declaration of **honour form** together with their application, certifying that they do not fall **into** any of the exclusion situations cited in 3.3 above and where applicable, that they have taken adequate measures to remedy the situation.

#### 4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant satisfies the conditions stated above and in the Terms of Reference and is capable of meeting the specifications and timeframes. Documentation must also include supporting examples to address the evaluation criteria.
- 4.2. Tender documentation should be submitted in English and outline the interested consultant's complete proposal:
- a) **SPREP Tender Application form and conflict of interest form.** (*Please note you are required to complete in full all areas requested in the Form, particularly the Statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV. Failure to do this will mean your application will **not** be considered*).
  - b) **Honour form**
  - c) **Curriculum Vitae** of the proposed personnel to demonstrate that they have the requisite skills and experience to carry out this contract successfully.
  - d) **Technical Proposal** which contains the details to achieve the tasks outlined in the Terms of Reference.
  - e) **Financial Proposal** –detailed outline of the costs involved in successfully delivering this project submitted in United States Dollars (USD) and inclusive of all associated taxes.
- 4.3. Provide three referees relevant to this tender submission, including the most recent work completed.



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

- 4.4. Tenderers/bidders shall bear all costs associated with preparing and submitting a proposal, including cost relating to contract award; SPREP will, in no case, be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.
- 4.5. The tenderer/bidder might be requested to provide additional information relating to their submitted proposal, if the Tender Evaluation Committee requests further information for the purposes of tender evaluation. SPREP may shortlist one or more Tenderers and seek further information from them.
- 4.6. The submitted tender proposal must be for the entirety of the Terms of Reference and not divided into portions which a potential tenderer/bidder can provide services for.
- 4.7. The Proposal must remain valid for 90 days from date of submission.
- 4.8. Tenderers must insist on an acknowledgement of receipt of tender.

## 5. Tender Clarification

- 5.1. a. Any clarification questions from applicants must be submitted by email to [procurement@sprep.org](mailto:procurement@sprep.org) before 15 April 2022. A summary of all questions received complete with an associated response posted on the SPREP website [www.sprep.org/tender](http://www.sprep.org/tender) by 20 April 2022.
- b. **The only point of contact for all matters relating to the RFT and the RFT process is the SPREP Procurement Officer.**
- c. **SPREP will determine what, if any, response should be given to a Tenderer question. SPREP will circulate Tenderer questions and SPREP's response to those questions to all other Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>) without disclosing the source of the questions or revealing any confidential information of a Tenderer.**
- d. **Tenderers should identify in their question what, if any, information in the question the Tenderer considers is confidential.**
- e. **If a Tenderer believes they have found a discrepancy, error, ambiguity, inconsistency or omission in this RFT or any other information given or made available by SPREP, the Tenderer should promptly notify the Procurement Officer setting out the error in sufficient detail so that SPREP may take the corrective action, if any, it considers appropriate.**

## 6. Evaluation criteria

- 6.1. SPREP will select a preferred consultant 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 tender satisfies the following criteria:
- 6.2. A proposal will be rejected if it fails to achieve 70% or more in the technical criteria and its accompanying financial proposal shall not be evaluated.



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

## I. Technical Score – 90%

Criteria	Detail	Weighting
<b>Qualification &amp; Experience</b>	Understanding of asbestos mineralogy and the many uses of this material in commercially manufactured products	5%
	Proven track record in consultation with government departments on the developing and implementation of legislative instruments and codes of practice.	10%
	Demonstrated experience in development of supporting tools that further the implementation of effective legislative instruments and codes of practice in the Pacific region	10%
<b>Knowledge &amp; Methodology</b>	Expertise in asbestos and asbestos containing materials waste management policy, regulation, and legislation, specifically <ul style="list-style-type: none"> <li>• Drafting of these instruments in pacific island countries,</li> <li>• Assessment on impacts and possible unintended consequences from poorly researched/framed documents,</li> <li>• Understanding issues of worker health and safety in relation to asbestos abatement work,</li> <li>• Customs and quarantine systems in pacific island countries as it relates to import controls on hazardous substances.</li> </ul>	30%
	Proposed project methodology detailing activities to be conducted over the term of the engagement, including detail on which team members will undertake each activity	35%
<b>Financial</b>	Demonstration of value for money	10%

## II. Financial Score -10%

The following formula shall be used to calculate the financial score for ONLY the proposals which score 70% or more in the technical criteria:

$$\text{Financial Score} = a \times \frac{b}{c}$$

Where:

a = maximum number of points allocated for the Financial Score

b = Lowest bid amount

c = Total bidding amount of the proposal

### 7. Variation or Termination of the Request for Tender

- 7.1 a. SPREP may amend, suspend or terminate the RFT process at any time.
- b. In the event that SPREP amends the RFT or the conditions of tender, it will inform potential Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>).
- c. Tenderers are responsible to regularly check the SPREP website Tenders page for any updates and downloading the relevant RFT documentation and addendum for the RFT if it is interested in providing a Tender Response.
- d. If SPREP determines that none of the Tenders submitted represents value for money, that it is otherwise in the public interest or SPREP's interest to do so, SPREP may terminate this



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

**RFT process at any time. In such cases SPREP will cancel the tender, issue a cancellation notice and inform unsuccessful bidders accordingly.**

## 8. Deadline

- 8.1. **The due date for submission of the tender is: 29 April, midnight (Apia, Samoa local time).**
- 8.2. Late submissions will be returned unopened to the sender.
- 8.3 **Please send all tenders clearly marked 'RFT PWP-124-CON: Development of Asbestos containing material (ACM) legislative ban language, and an Asbestos Code of Practice for Tonga**

Mail: SPREP

Attention: Procurement Officer  
PO Box 240  
Apia, SAMOA

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

Fax: 685 20231

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

Note: Submissions made to the incorrect portal will not be considered by SPREP. If SPREP is made aware of the error in submission prior to the deadline, the applicant will be advised to resubmit their application to the correct portal. However, if SPREP is not made aware of the error in submission until after the deadline, then the application is considered late and will be returned unopened to the sender.

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

SPREP reserves the right to enter into negotiation with respect to one or more proposals prior to the award of a contract, split an award/awards and to consider localised award/awards between any proposers in any combination, as it may deem appropriate without prior written acceptance of the proposers.

**A binding contract is in effect, once signed by both SPREP and the successful tenderer. Any contractual discussion/work carried out/goods supplied prior to a contract being signed does not constitute a binding contract.**

**For any complaints regarding the Secretariat's tenders please refer to the Complaints section on the SPREP website <http://www.sprep.org/accountability/complaints>**



**Annex A**  
**TERMS OF REFERENCE**

**Development of Asbestos Containing Materials (ACM) Legislative Ban language, and an Asbestos Code of Practice for Tonga**

**1. BACKGROUND**

The Secretariat of the Pacific Regional Environment Program (SPREP) is working with the European Union's Delegation to the Pacific, and 14 Pacific Island Countries and Timor-Leste to undertake the PacWastePlus Program (the Project) 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 program 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).

**2. INTRODUCTION TO PROJECT**

PacWastePlus is investing in projects that support positive waste management and environment outcomes for businesses, community groups and social enterprises. PacWastePlus is assisting member countries in implementing legislation that enables best practice in waste management.

Tonga's Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications (MEIDECC) has determined the need to implement a total asbestos ban. The PacWastePlus programme is seeking to engage a suitably qualified consultant to undertake the development of a legislation or regulation to ban the manufacture, use, reuse, import, transport, storage, or sale of all forms of asbestos and asbestos containing materials in Tonga, and to update/revise the current Tonga Asbestos Code of Practice.

**3. EXPECTED OUTCOME**

The following are expected to be delivered:

1. Analysis of existing national policies and legislations pertaining to asbestos and asbestos contaminated materials (ACM) in Tonga using the *Tonga Waste Legislation Review: National Options Paper and Stock-take, Paper and Stock-take*, other SPREP documents as well as in-country consultations to understand the country's current legislative framework and help Tonga resolve whether a standalone asbestos ban legislation [statute] is appropriate, or if regulation under current legislation is sufficient.
2. Develop the asbestos and ACM ban legislation/regulation for Tonga, based on the findings from the analysis.
3. Create and or update/revise the current Tongan Asbestos Code of Practice.

#### 4. SCOPE OF WORK

The activity is expected to be developed under several stages, as described in the following table.

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>The Contractor shall create and submit to SPREP a Work Plan that shall upon execution ensure effective delivery of services under this contract.</p> <p>Work Plan shall contain, at a minimum:</p> <ul style="list-style-type: none"> <li>• The proposed time schedule and sequence of events that the Contractor shall use to meet the contract deliverables, including preparation stages, drafting and review, and consultations.</li> <li>• Details of how the project will manage any disruptions with contact with Tongan Government staff due to COVID-19 or natural disaster impacts</li> <li>• A risk plan to guide the effective delivery of services.</li> </ul>	Tonga GANTT chart of legislative process	<p><b>Inception meeting</b></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><b>Work Plan</b></p> <p>The consultants shall deliver for SPREP comment and approval a final workplan addressing the necessary criteria and issues.</p>
Research on suitable legal framework for an ACM ban	<p>Analysis of existing national policy and legislation to inform the suitable legal framework for the ACM ban.</p> <p>The contractor shall prepare an analysis of whether a standalone asbestos ban statute is appropriate, or a regulation under existing legislation will be sufficient.</p> <p>The analysis shall include:</p> <ul style="list-style-type: none"> <li>• Review of current Tonga legislation to ascertain whether the existing legislation is sufficient to allow for decrees or regulation to execute a ban.</li> <li>• Recommendation based on the evaluation conducted above to provide the best advice to Tonga</li> </ul>	<p><i>Tonga Waste Legislation Review: National Options Paper and Stock-take,</i></p> <p>Contact information for country staff to inform this work</p>	<p><b>Report of Recommendations for a Suitable Legal Framework for an ACM ban in Tonga</b></p> <p>Report of recommendations to Tonga of the appropriate way to execute an Asbestos and ACM ban</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>on the appropriate way to execute this ban, e.g., through a legislative act, revised regulations, Ministerial Decree/Order, etc.</p>		
<p>Development of ACM ban Statute or Regulation for Tonga</p>	<p>Development of the ACM Ban legislation or regulation.</p> <p>The Contractor shall consult closely with SPREP, Tonga's Department of Environment, and the government legal office responsible for drafting legislation/regulations in Tonga (that is, Attorney General's Office) on the development of this draft legislation or regulation as appropriate. The contractor shall develop the legislation/regulation to ban the manufacture, use, reuse, import, transport, storage, or sale of all forms of asbestos and asbestos containing materials in Tonga.</p> <p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. <i>The draft language will need to be vetted and approved by DOE and the Attorney General's Office before any national consultation takes place.</i></li> <li>2. <i>The consultant is not required to undertake any consultation activities on behalf of the government of Tonga.]</i></li> </ol>	<p>Nil</p>	<p><b>Final Report of draft ACM Ban Legislation/Regulation</b></p> <p>Report containing draft of the legislation or regulation.</p> <p>A draft of the legislation or regulation shall be provided by SPREP to the DoE and the Attorney General's Office.</p>
<p>Tongan Asbestos Code of Practice</p>	<p>Create or update/revise the current Tongan Asbestos Code of Practice (Code) to guide the management, control and, if needed, safe remove of asbestos and ACM.</p> <p>The Code shall contain a concise summary of information that shall help, and support Tonga to understand, and make informed decisions about the management, control and, if needed, safe removal of asbestos and ACM.</p> <p>The draft Code shall be reflective of the guidance provided in the SPREP guidance documents and shall include, but not be limited to, the following sections and topics:</p> <ul style="list-style-type: none"> <li>• Health and safety duties in relation to managing and controlling asbestos and ACM.</li> </ul>	<p><i>Template Pacific Asbestos Management Code of Practice Guidance (SPREP 2022)</i></p>	<p><b>Draft Tongan Asbestos Code of Practice</b></p> <p>The consultant shall deliver to SPREP for review and comment a draft Asbestos management Code of Practice that addresses the criteria and responds to the needs and requests of the Tongan government as noted during the development of the Code.</p> <p><b>Tongan Asbestos Code of Practice (final)</b></p>



Phase	Description	Documentation SPREP will provide	Consultant Output
	<ul style="list-style-type: none"> <li>• Managing risks associated with asbestos and ACM, that includes but is not limited to identifying asbestos or ACM, arranging a sample to identify asbestos, assessing the risk of exposure, etc.</li> <li>• Asbestos documentation/register, that includes but is not limited to creating an asbestos register, etc.</li> <li>• Asbestos management plan, that includes but is not limited to the identification of the asbestos or ACM (e.g. a reference or link to the asbestos register and location of signs and labels), decisions and reasons about management of asbestos such as safe work procedures and control measures, procedures for dealing with incidents or emergencies in relation to asbestos or ACM, etc.</li> <li>• Managing other asbestos-related risks, that includes but is not limited to contaminated sites, demolition and refurbishment work, asbestos-related work, transporting and disposing of asbestos or ACM, etc.</li> <li>• Asbestos Disposal Plans, that includes but are not limited to the identification of appropriate, safe, and implementable disposal options for ACM on Tonga.</li> </ul>		<p>The consultant shall deliver to SPREP a final Code that incorporates all revisions and addressed all comments by reviewers.</p>



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

## Institutional Arrangement

It is expected this activity will be undertaken remotely, and there will be no travel involved. If needed, introductions to in-country stakeholders can be arranged by SPREP.

## Contractor Responsibilities

The Contractor will be responsible for scheduling meetings with stakeholders, and SPREP, taking minutes, and distributing these for comment prior to finalising.

## 5. Schedule of Work

The activities are to be completed no later than December 31, 2022, with a preference for the activities to be completed much earlier.

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

Activity/Deliverable	Timeline
<b>Contract Signing</b>	
Work Plan	No later than two (2) weeks from date of Contract Execution
Report of recommendations for a suitable legal framework for an ACM ban in Tonga	No later than six (6) weeks from date of Contract Execution
Final report of draft ACM ban legislation/regulation	No later than two (2) weeks from submission to the Department of Environment and Attorney General's Office of draft final ACM ban legislation/regulation for review
Draft Tongan Asbestos Code of Practice	No later than eight (8) weeks from date of Contract Execution
Tongan Asbestos Code of Practice (final)	No later than two (2) weeks from submission of final SPREP comments on draft.

## 6. Budget

Submissions are required to itemize all financial elements of their proposal in **USD**, this should be in an annotated budget listing for each task including, but not limited to, the following:

- Salary costs (hourly rate)
- All applicable taxes

Items	Costs (hourly rates including all applicable taxes)	Number of hours	Total cost
Project Management (Work Plan)			
Report of recommendations for a suitable legal			



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

framework for an ACM ban in Tonga			
Final report of draft ACM ban legislation/regulation			
Asbestos Code of Practice,			

Maximum budget for this activity is USD 66,000 – proposals that exceed this limit will not be considered.

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

## 7. Other Information

The successful consultant will be provided with any relevant project documentation.

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