

REQUEST FOR TENDERS

RFT: PWP-127-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): Create a Nauru Asbestos Code of Practice and provide awareness seminar material for local Nauru regulators.

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.

2. Specifications: statement of requirement

- 2.1. SPREP wishes to call for tenders from qualified and experienced consultants who can offer their services to create a Nauru Asbestos Code of Practice and provide awareness seminar materials for local Nauru regulators
- 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. 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;



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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.
- 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 before 8 April 2022. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by 13 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.



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I. Technical Score – 90%

Criteria	Detail	Weighting
Qualification & Experience	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%
Knowledge & Methodology	Expertise in asbestos and asbestos containing materials waste management policy, regulation, and legislation, specifically <ul style="list-style-type: none"> • Drafting of these instruments in pacific island countries, • Assessment on impacts and possible unintended consequences from poorly researched/framed documents, • Understanding issues of worker health and safety in relation to asbestos abatement work, • Customs and quarantine systems in pacific island countries as it relates to import controls on hazardous substances. 	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%
Financial	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



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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: 22 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-127-CON: Create a Nauru Code of Practice and provide awareness seminar material for local Nauru regulators'**

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.

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

Create a Nauru Asbestos Code of Practice and provide awareness seminar materials for local Nauru regulators

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.

Nauru has determined the need to implement a total asbestos ban and is undertaking the development of legislation/regulation to ban the manufacture, use, reuse, import, transport, storage, or sale of all forms of asbestos and asbestos containing materials in Nauru. In tandem with those efforts this project is to create a Nauru Asbestos Code of Practice and undertake awareness training for local Nauru regulators.

3. EXPECTED OUTCOME

The following are expected to be delivered:

1. Develop an Asbestos Code of Practice (COP) for Nauru's consideration and formal adoption.
2. Provide seminar materials sufficient for understanding the Nauru Asbestos Code of Practice once adopted.

4. SCOPE OF WORK

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

Phase	Description	Documentation SPREP provides	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>The Draft Work Plan shall contain at a minimum a:</p> <ul style="list-style-type: none"> Proposed time schedule and sequence of events that the Contractor shall use to meet the contract deliverables, including preparation stages, drafting and review, training, site works, disposal, site closure and consultations. General description of the methods which the Contractor proposes to adopt for executing the contract Approach to be adopted for operator training appropriate for the Pacific Island context. Comprehensive risk plan to ensure effective delivery of services. Any further details and information as SPREP may reasonably require. 	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>Draft Work Plan</p> <p>The Draft Work Plan shall be delivered to SPREP for its consideration and comment.</p> <p>Final Work Plan</p> <p>Final work plan incorporating revisions and addressing all comments by reviewers on the draft work plan</p>
Draft NAURU Asbestos Management Code of Practice (COP)	<p>Develop a Nauru Asbestos Code of Practice 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 Nauru to understand, and make informed decisions about the management, control and, if needed, safe removal of asbestos and ACM.</p>	Template Pacific Asbestos Management Code of Practice (SPREP 2022)	<p>Draft Nauru Asbestos Code of Practice</p> <p>The draft Code shall be delivered ensuring it addresses all the necessary content required.</p> <p>Nauru Asbestos Code of Practice (final)</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"> • Health and safety duties in relation to managing and controlling asbestos and ACM. • 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. • Asbestos documentation/register, that includes but is not limited to creating an asbestos register, etc. • 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. • 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. • Asbestos disposal plan, that includes but are not limited to the identification of appropriate, safe, and implementable disposal options for ACM on Nauru. 		<p>The final Code shall guide the management, control and, if needed, safe remove of asbestos and ACM addressing any comments provided from the review activity. It shall have incorporated all revisions and addressed all comments by reviewers on the draft Code.</p>
<p>ACM COP Awareness Seminar training materials</p>	<p>The Contractor shall deliver suitable awareness seminar materials consisting of a Power Point presentation of not more than two- hours duration to enable an understanding and familiarity with the Nauru ACM COP.</p>	<p>Nil</p>	<p>Draft Nauru Code of Practice Seminar materials</p> <p>The draft seminar materials shall be delivered to SPREP for review and comment, ensuring they addresses all the necessary content required.</p>

Final Nauru Code of Practice Seminar materials

The final seminar materials shall be delivered to SPREP and shall have incorporated all revisions and addressed all comments by reviewers on the draft materials.



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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
Contract Signing	
Draft Work Plan	No later than two (2) weeks from date of Contract Execution
Final Work Plan	No later than two (2) weeks after receipt of final SPREP comments on the draft work plan
Draft Nauru Asbestos Code of Practice	No later than ten (10) weeks from date of Contract Execution
Final Nauru Asbestos Code of Practice	No later than two (2) weeks after receipt of final SPREP comments on the draft code of practice
ACM Code of Practice Seminar Materials	No later than two (2) weeks from approval of Final Nauru Asbestos Code of Practice

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)			
Asbestos Code of Practice Creation and finalisation			



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Code of Practice Seminar Materials Development			
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Maximum budget for this activity is USD 30,000 – 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