



# SPREP

Secretariat of the Pacific Regional  
Environment Programme

## REQUEST FOR TENDERS

RFT: PWP-125-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 an Asbestos containing material (ACM) legislative ban, and an updated/revised Asbestos Code of Practice for Papua New Guinea**

### 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 updated/revised Asbestos Code of Practice for Papua New Guinea.
- 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;



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- iii. Provide examples of past related work outputs;
  - 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.



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- 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 18 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 22 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.

### 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%



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	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

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

### 8. Deadline



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- 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-125-CON: Development of an Asbestos containing material (ACM) legislative ban, and an updated/revised asbestos Code of Practice for Papua New Guinea'**

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 an Asbestos Containing Materials Legislative Ban, and an updated/revised Asbestos Code of Practice for Papua New Guinea (PNG)**

**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.

In PNG the Conservation and Environment Protection Authority (CEPA) has determined the need to implement a total asbestos ban. The PacWastePlus program is seeking to engage a suitably qualified consultant to undertake the development of legislation or regulation to ban the manufacture, use, reuse, import, transport, storage, or sale of all forms of asbestos and asbestos containing materials in PNG, and to create a PNG Asbestos Management Code of Practice.

**3. EXPECTED OUTCOME**

The PacWastePlus Programme seeks to engage a consultant to deliver the following:

1. Analysis of existing national policies and legislations pertaining to asbestos and asbestos contaminated materials (ACM) in PNG through both a desktop review, and country consultation, to understand the country's current legislative framework to advise whether a standalone asbestos ban legislation [statute] is appropriate, or if regulation under current legislation is sufficient.
2. Develop asbestos and ACM ban legislation/regulation language for PNG, based on the findings from the analysis.
3. Develop a PNG Asbestos Code of Practice and provide a seminar to government officers on the newly developed Code and asbestos removal abatement work (handling and disposal) consistent with the new Code.

#### 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>Minutes of the inception meeting shall contain confirmation of activities, and scope of work to be developed and agreed by meeting participants prior to commencement of any activities.</p> <p>The Consultant 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 a</p> <ul style="list-style-type: none"> <li>• proposed time schedule and sequence of events that the Consultant shall use to meet the contract deliverables, including preparation stages, drafting and review, and consultation.</li> <li>• contingency plan if travel to PNG and within PNG is continued to be interrupted by COVID-19, weather events, or natural disasters.</li> <li>• options or potential solutions that will be taken to ensure effective delivery of services under this contract.</li> </ul>	Nil	<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>Detailed work plan (Comprehensive plan on how work will be undertaken, information sources, and time frame to implement). The work plan should describe activities (including a timeline) and clearly identify any tasks or responsibilities of SPREP necessary to ensure project success. A risk and contingency plan should also be included.</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
<p>Research on suitable legal framework for an ACM ban</p>	<p>Analysis of existing national policy and legislation to inform the suitable legal framework for the Asbestos and ACM ban.</p> <p>The consultant shall submit to SPREP a short analysis of whether a standalone asbestos ban statute is appropriate, or a regulation under existing legislation will be sufficient.</p> <p>Report of recommendations to PNG of the appropriate way to execute an ACM ban. The recommendations shall be supported by an analysis and shall at a minimum include the following:</p> <ul style="list-style-type: none"> <li>• A review of current PNG legislation to ascertain whether the existing legislation, e.g., Customs Act, etc., are sufficient to allow for decrees or regulation to execute the ban.</li> <li>• Discussion on the appropriate way to execute this ban in PNG, e.g., through a legislative act, revised regulations, Ministerial Decree/Order, etc.</li> </ul>	<p><i>PNG Waste Legislation Review: National Options Paper and Stock-take,</i></p> <p>Contact information for in-country staff to inform this work</p>	<p><b>Research Report</b></p> <p>Report on the research, and justification for advising the PNG government on the most appropriate legislative approach for the management of asbestos (standalone legislation, or use of existing instruments). Detailed reasoning should be included in the report, as this will be used by CEPA to seek internal approval for the next stage of works.</p>
<p>Development of ACM ban Statute or Regulation language for use by PNG to execute a ban on ACM</p>	<p>The Consultant shall consult closely with SPREP, PNG's Conservation and Environment Protection Authority (CEPA) and the government legal office responsible for drafting legislation/regulations in PNG (Department of Justice and Attorney General of PNG) on the development of draft legislation and/or regulation as appropriate.</p> <p>The consultant shall develop legislation/regulatory language to ban the manufacture, use, reuse, import, transport, storage or sale of all forms of asbestos and asbestos containing materials in PNG.</p>		<p><b>Report of draft ACM Ban Legislation/Regulation language</b></p> <p>Report containing draft of the legislation or regulation language. The report shall appropriately reflect any consultations undertaken by CEPA and be drafted such that it can be easily utilised by these departments to progress through the PNG legal system.</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>A draft of the legislation or regulation language shall be provided by SPREP to the PNG's Conservation and Environment Protection Authority (CEPA) and the government legal office responsible for drafting legislation/regulations in PNG (Department of Justice and Attorney General of PNG)) for review. The draft will be approved by CEPA and the Office of the Attorney General of PNG before any national consultation takes place and the final report is completed, which will include the approved draft.</p> <p>The consultant is not required to undertake any public consultation activities on behalf of PNG.</p>		
<p>Draft PNG Asbestos Code of Practice</p>	<p>Create a PNG 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 PNG to understand, and make informed decisions about the management, control and, if needed, safe removal and disposal of asbestos and ACM.</p> <p>The draft Code shall be reflective of the guidance provided in the SPREP guidance documents and shall contain but not be limited to the following sections and topics:</p> <ol style="list-style-type: none"> <li>a. Health and safety duties in relation to managing and controlling asbestos and ACM.</li> </ol>	<p><i>Asbestos Code of Practice Guidance for PICT. (SPREP 2022)</i></p>	<p><b>Draft PNG Asbestos Code of Practice</b></p> <p>Provision of a Draft Code for review by both SPREP and CEPA to provide comment and guidance to ensure the final Code is fit for purpose.</p> <p><b>PNG Asbestos Code of Practice (final)</b></p> <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>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<ul style="list-style-type: none"> <li>b. 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>c. Asbestos documentation/register, that includes but is not limited to creating an asbestos register, etc.</li> <li>d. 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>e. 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>f. Asbestos Disposal Plans, that includes but are not limited to the identification of appropriate, safe and implementable disposal options for ACM on PNG.</li> </ul>		
<b>Seminar on the new ACM Code of Practice</b>	Develop and then provide two (2) virtual seminars (presentation) to government officers on the newly developed Code and asbestos removal abatement work (handling and disposal) consistent with the new Code.		<b>Draft PP Presentation</b>  Developed PowerPoint presentation on the created ACM Code of Practice. The presentation will be no more than one (1) hour in length and provide a synopsis of the critical components of the ACOP.

Phase	Description	Documentation SPREP will provide	Consultant Output
			<p><b>Final PP Presentation</b></p> <p>The ACOP PP presentation (final) shall have incorporated all revisions and addressed all comments by reviewers on the draft PP presentation.</p> <p><b>Two (2) one-hour Virtual Seminars (including recording)</b></p> <p>The Consultant shall present the ACOP presentation virtually, twice (2) to government officials chosen by CEPA.</p> <p>One of the presentations shall be recorded for future use.</p>



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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 Papua New Guinea stakeholders can be made.

## **Contractor Responsibilities**

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

The consultant is required to execute and participate in the following Progress meetings:

## **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.

<b>Activity/Deliverable</b>	<b>Timeline</b>
Work Plan	No later than two (2) weeks from date of Contract Execution
Research report on suitable legal framework for an ACM ban	No later than six (6) weeks from date of Contract Execution
Report of draft legislation/regulation language for an ACM Ban in PNG	No later than eight (8) weeks from date of Contract Execution and two (2) weeks after submission and approval by the CEPA and the Office of the Auditor-General of PNG of the draft language
Draft PNG Asbestos Code of Practice	No later than eight (8) weeks from date of Contract Execution
PNG Asbestos Code of Practice (final)	No later than two (2) weeks from submission of final SPREP comments on the draft Code of Practice
Draft PP Presentation	No later than two (2) weeks from completion of the PNG Code of Practice
Final PP Presentation	No later than two (2) weeks from submission of final SPREP comments on the draft presentation of the PNG Code of Practice
Two (2) one-hour Virtual Seminars (including recording)	No later than December 31, 2022

## **6. 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

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A resilient Pacific environment sustaining our livelihoods and natural heritage in harmony with our cultures.



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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:

Items	Costs (hourly rates including all applicable taxes)	Number of hours	Total cost
Project Management (Work Plan)			
Research report on suitable legal framework for an ACM ban.			
Report of draft Legislation/Regulation language for an ACM Ban in PNG			
Asbestos Code of Practice, both draft and final			
PP presentation, draft and final, and Seminars			
ACM Action Plan, draft and final			

Maximum budget for this activity is USD 100,000 – 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)