



SPREP

Secretariat of the Pacific Regional
Environment Programme

REQUEST FOR TENDERS

RFT: PWP-144-CON
File: AP_6/5/8/4
Date: 28 April, 2022
To: Interested consultants
From: PacWastePlus Finance and Procurement Officer

Subject: Request for tenders (RFT): Legislative assistance for Niue in the development of waste management legislative instruments

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 provide legislative assistance for Niue in the development of two waste management legislative instruments:
 - (i) waste management bill; and
 - (ii) sustainable financing (advance recovery fee and deposit) regulation.
- 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;

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- ii. Provide three referees relevant to this tender submission, including the most recent work completed;
 - 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*).
For the Technical and Financial proposals you may attach these separately.
 - v. Submissions 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 of the scope of works; and
 - 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*).
For the Technical and Financial proposals you may attach these separately.
 - 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** which outlines the costs involved in successfully delivering the project submitted in United States Dollars (USD) and inclusive of all associated taxes.

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- 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 pwprocurement@sprep.org before 16 May 2022. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by 18 May 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%

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Criteria	Detail	Weighting
Experience	Demonstrated experience with establishing a Sustainable Financing system (Container Deposit / Advance Recovery Fee / Product Stewardship / Waste Levy etc)	20%
	Demonstrated experience in the development and implementation of effective legislative instruments (advantageous to detail Pacific experience)	15%
	Demonstrated experience in Small Island Developing States (SIDS) presenting complex topics in simplified way (particularly via remote platform) (advantageous to detail Pacific experience)	10%
	Examples provided of past works relevant to this activity (links to output reports or products that provide insight into research approach and writing style)	5%
Methodology	Proposed project methodology noting schedule, activities, concurrent or sequential development, engagement with country representatives, etc.	40%

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.



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- 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

- 8.1. **The due date for submission of the tender is: 27 May 2022, 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-144-CON: **Legislative assistance for Niue in the development of waste management legislative instruments**'

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

Legislative Assistance for Development of two Waste Management Legislative Instruments for Niue

- Waste Management Bill - - Sustainable Financing (Advance Recovery Fee and Deposit) Regulation –

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 (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).

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, and Vanuatu.

2. INTRODUCTION TO PROJECT

Niue, like many Pacific Island Countries, is faced with the increasing issue of low-value recyclable materials filling dumpsites and building up in stockpiles. Consumer items are imported into Niue but there are currently limited financially viable options for their management and export.

Countries in the Pacific are increasingly viewing Sustainable Financing Deposit and Fee Systems (also known as Container Deposit, Advance Recovery Fees and Deposits, Buy-back schemes, Extended Producer/Importer Responsibility, Product Stewardship, Waste Levy, etc.) to provide a self-financing system to enable the collection, processing, and export of these recyclable items.

The Government of Niue has been considering a Sustainable Financing (Fee and Deposit) system for waste for many years. A Container Deposit scheme was designed in 2016, and regulations were drafted. However, this process was placed on hold due to capacity within the Government, conflicting priorities, and advice that the existing *Environment Act 2015* (the primary legislation governing waste in Niue) did not have sufficient provisions to empower the Regulation.

The Government of Niue now views a Sustainable Financing (Fee and Deposit) system as a priority. A new Recycle Transfer Station is currently under construction through Australian Department of Foreign and Trade donor investment. The Government of Niue seeks for the operation of this facility to be self-financed through an Advance Recovery Fee and Deposit system, to provide for its long-term financial sustainability and the economic viability of recycling and recovery activities in Niue.

The Niue Department of Environment has requested PacWastePlus support to provide legal assistance for the design, development, and approval of relevant legislative documents and instruments, expected



to include a stand-alone Waste Management Act and Advance Recovery Fee and Deposit Regulation. Items targeted for initial inclusion in the Advance Recovery Fee and Deposit are:

- Aluminium cans;
- PET plastic bottles;
- Whitegoods (fridges, washing machines, etc.);
- e-waste; and
- End-of-life vehicles.

A brief background details of Niue and the current progress towards an Advance Recovery Fee and Deposit is provided in the following table.

Country Details	Background to Advance Recovery Fee and Deposit
Land area = 259km ²	2015 – enactment of <i>Environment Act 2015</i> .
Population = 1,719	2016 – preliminary assessment for a Container Deposit system conducted and government consultation held, regulation drafted. Placed on hold.
Governance = self-governing state in free association with New Zealand	2021 – Recycle Transfer Station currently under construction, to be completed in 2022. 2021 – Advance Recovery Fee and Deposit Feasibility study completed, including a Situations Review and Options Analysis, Legislative Guidance Document, and Implementation Plan. Items considered in feasibility study and targeting for inclusion in a scheme are aluminium cans, PET plastic bottles, whiteware, e-waste, and end-of-life vehicles. 2021 – Multi-agency Working Group established, including agencies such as Environment, Crown Law, Customs, Finance, and the Project Management Unit, to design Advance Recovery Fee and Deposit. 2021 – Minister for Natural Resources stated commitment for an Advance Recovery Fee and Deposit.

Five Pacific countries have a scheme currently in place and eight other countries are utilising PacWastePlus support to progress with design of their own schemes.

To guide Countries during Advance Recovery Fee and Deposit design and implementation, PacWastePlus has developed a 21-step pathway to provide clarity on the steps involved, from undertaking feasibility and obtaining political support, through consultation and legislative components, to the physical and community awareness components. The pathway was endorsed by Pacific leaders at the September 2021 SPREP meeting. The pathway is attached as Appendix A below or found on the PacWastePlus website - <https://pacwasteplus.org/resources/pathway-for-a-sustainable-financing-mechanism/>

3. EXPECTED OUTCOME

The PacWastePlus programme seeks to engage a consultant to work directly with the Niue Government (Department of Environment and Crown Law Office, and other agencies in a multi-agency Working Group including Customs, Finance, and the Project Management Unit) on the development and approval of the following legal instruments:



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- (i) stand-alone Waste Management Bill to provide for coordinated management of solid waste in Niue, and which will form the basis for the implementation of a Sustainable Financing Regulation;
- (ii) an Advance Recovery Fee and Deposit Regulation (under the Solid Hazardous Waste Management Bill) to provide for sustainable financing of recovery and recycling activities; and
- (iii) Required amendments to other legal instruments to enact / provide for the operation of the Bill and Regulation.

Anticipated legislative activities will include tasks on the 21-step Pathway for Implementation of an Advance Recovery Fee and Deposit Regulation (Appendix A) until enactment of the Waste Management Bill and Advance Recovery Fee and Deposit in Niue. Specific tasks are expected to include:

- Assistance with development of documentation and information to facilitate effective Working Group, and Community / Stakeholder Consultation;
- Assistance with design of Advance Recovery Fee and Deposit System appropriate to Niue and Waste Management Bill framework;
- Policy Note for submission of the Waste Management Bill and Advance Recovery Fee and Deposit Regulation to Niue Cabinet for approval;
- Cabinet Submission Documentation and
- Legislative Drafting of the Waste Management Bill and Advance Recovery Fee and Deposit Regulation to Niue Cabinet for approval.

The timeframe for project activities is expected to match the schedule of the Niue Government as agreed at Project Inception (during the development of a specific Legislative Pathway Work Plan). The consultant is expected to provide assistance on an on-going / as-needed manner, with expected effort at approximately 50-75 days over a 6-9 month period.

4. SCOPE OF WORK

The expected delivery of this consultancy will be developed in stages and is described in the following table.

Table 1: Scope of Work

Phase	Description	Documentation SPREP will provide	Consultant Output
Inception / development of Legislative Pathway Work Plan	<p>Phase I</p> <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>Lead a kick-off meeting with the Niue Director of Environment, Crown Law, relevant members of the Niue Advance Recovery Fee and Deposit Working Group, and PacWastePlus to discuss the delivery of the project, timeframes, and roles and responsibilities for the completion of the outcomes.</p> <p>Phase II</p> <p>Analyse the 2021 Niue Advance Recovery Fee and Deposit Feasibility Study and other relevant documents, and liaise with Crown Law and Department of Environment, to determine an appropriate Legislative Pathway to provide for the design and approval of the Advance Recovery Fee and Deposit system, including:</p> <ul style="list-style-type: none"> steps for development and approval of the Waste Management Act 	<ul style="list-style-type: none"> Niue Advance Recovery Fee and Deposit Feasibility Study (Situation Review and Options Analysis, Legislative Guidance, and Implementation Plan), 2021 Niue Draft Container Deposit and Recycling Regulations (2016) Niue Waste Audit, 2021 PacWastePlus Legislative Assessment and Stocktake Niue Project Implementation Plan/GANTT chart 	<p>Inception and Kick-off Meeting</p> <p>Minutes of the inception and kick off 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 Legislative Pathway Work Plan</p> <p>Submit a draft Legislative Pathway Work Plan that complies with the stated requirements and provides a clear pathway for legislative steps required for the approval of the Waste Management Bill and Advance Recovery Fee and Deposit. Draft will be reviewed by PacWastePlus and the Niue Director of Environment.</p> <p>Final Legislative Pathway Work Plan</p> <p>Final Legislative Pathway Work Plan incorporating revisions and addressing all comments.</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<ul style="list-style-type: none"> • Steps for the development and approval of the Advance Recovery Fee and Deposit Regulation • determination of required amendments / reforms / repeals to existing legislation • Steps for the development and approval of the required amendments / reforms / repeals to existing legislation <p>The Consultant shall create and submit to PacWastePlus and the Niue Director of Environment a Work Plan to achieve the proposed Legislative Pathway for the enactment of the Advance Recovery Fee and Deposit.</p> <p>The Legislative Pathway Work Plan shall, upon execution, ensure effective delivery of services under this contract.</p> <p>The Draft Legislative Pathway Work Plan shall contain at a minimum the following:</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, and consultations. • Comprehensive risk plan to ensure effective delivery of services. • Detailed explanation of proposed costs including rates and time required for each item. • Any further details and information as PacWastePlus may reasonably require. 		

Phase	Description	Documentation SPREP will provide	Consultant Output
Working Group / Stakeholder Consultation	<p>Assist the Niue Director of Environment with facilitation and development content for consultation and engagement activities for both the Waste Management Bill and Advance Recovery Fee and Deposit Regulation, including the below:</p> <p>Working Group Meetings</p> <ul style="list-style-type: none"> • Co-host (with the Director of Environment) Working Group Meetings (as needed, minimum of 4) to determine appropriate design of the Waste Management Bill and Advance Recovery Fee and Deposit Regulation • Provide clear guidance to Working Group on actions and decisions required, and facilitate Working Group discussions to obtain agreement for design of the Waste Management Bill and Advance Recovery Fee and Deposit system <p>Community and Stakeholder Consultation</p> <ul style="list-style-type: none"> • Assist the Director of Environment with facilitation and develop presentation / documentation for community and stakeholder consultation (as needed, minimum of 2) to provide information to the Niue community and stakeholders on proposed Waste Management Bill and proposed design of the Advance Recovery Fee and Deposit • Meaningfully solicit feedback from community and respond / incorporate into legislation 	Niue Advance Recovery Fee and Deposit Feasibility Study (Legislative Guidance), 2021	<p>Draft Working Group / Stakeholder Consultation Presentation / Documentation as needed</p> <p>Prior to each Working Group / Stakeholder Consultation, assist with preparation of required documentation, including:</p> <ul style="list-style-type: none"> • meeting agenda's with clear discussion items and summary of decisions required from Working Group • presentation / materials providing clear overview of proposed Waste Management Bill and Advance Recovery Fee and Deposit <p>Documents submitted for review by Working Group and PacWastePlus prior to consultation activities.</p> <p>Final Working Group / Stakeholder Consultation Presentation / Documentation as needed</p> <p>Final consultation documentation incorporating revisions by Working Group and PacWastePlus presented at meetings</p> <p>Meeting Minutes</p> <p>Minutes of the Working Group / Stakeholder Consultation with summary of decisions and feedback from community and stakeholders to be meaningfully incorporate into system design and legislation</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>Community and Stakeholder Consultation activities to occur as needed, at a minimum to solicit community input into:</p> <ol style="list-style-type: none"> 1) design of the Waste Management framework and Advance Recovery Fee and Deposit system; and 2) draft legislation for Waste Management Bill and Advance Recovery Fee and Deposit Regulation. <p>DOE shall arrange and host Working Group and Stakeholder Consultation sessions.</p>		
<p>System Design / Legislative Design / Policy Note</p>	<p>Using results from Community and Stakeholder Consultation, coordinate with the Advance Recovery Fee and Deposit Working Group and other Niue stakeholders to finalise the design of the Waste Management framework and Advance Recovery Fee and Deposit system for Niue.</p> <p>Once designs finalised, develop Policy Note(s) for the:</p> <ul style="list-style-type: none"> • Waste Management Bill; and • Advance Recovery Fee and Deposit Regulation. <p>Policy Note(s) shall be submitted to the Niue Cabinet for approval.</p>		<p>Draft system Design and Policy Note(s) for</p> <ul style="list-style-type: none"> • Waste Management; and • Advance Recovery Fee and Deposit. <p>Draft system Design and Policy Note submitted for review by Working Group and PacWastePlus.</p> <p>Final system Design and Policy Note(s) for</p> <p>Final system Design and Policy Note(s) incorporating revisions by Working Group and PacWastePlus submitted to Niue Cabinet for approval:</p> <ul style="list-style-type: none"> • Waste Management; and • Advance Recovery Fee and Deposit.

Phase	Description	Documentation SPREP will provide	Consultant Output
<p>Cabinet Submission Documentation and Assistance</p>	<p>Assist the Niue Director of Environment and Crown Law with development of Cabinet Submission Documentation required for presentation of Waste Management and Advance Recovery Fee and Deposit Policy and Drafting Notes to Niue Cabinet.</p> <p>Assist the Niue Director of Environment and Crown Law brief the Niue Minister of Natural Resources and Director of Environment prior to submission of documentation to Cabinet.</p> <p>Assist the Niue Director of Environment and Crown Law prepare for the Cabinet meeting to present the Waste Management Bill and Advance Recovery Fee and Deposit Regulation.</p> <p>Cabinet Submission documentation and activities to occur as needed, at a minimum during:</p> <ol style="list-style-type: none"> 1) Submission of Policy Note(s) for Cabinet approval of: <ul style="list-style-type: none"> - Waste Management Bill - Advance Recovery Fee and Deposit Regulation 2) Submission of Drafting Notes for Cabinet approval of: <ul style="list-style-type: none"> - Waste Management Bill - Advance Recovery Fee and Deposit Regulation 		<p>Draft Cabinet Submission Documentation – Policy Note(s)</p> <p>Draft Cabinet Submission for presentation of Waste Management and Advance Recovery Fee and Deposit Policy Note(s) submitted for review and direction, by Working Group and PacWastePlus.</p> <p>Final Cabinet Submission Documentation – Policy Note(s)</p> <p>Final Cabinet Submission for Policy Note(s) incorporating revisions by Working Group and PacWastePlus submitted to Niue Cabinet for approval</p> <p>Draft Cabinet Submission Documentation – Drafting Notes</p> <p>Draft Cabinet Submission for presentation of Waste Management and Advance Recovery Fee and Deposit Drafting Notes submitted for review by Working Group and PacWastePlus.</p> <p>Final Cabinet Submission Documentation – Drafting Notes</p> <p>Final Cabinet Submission incorporating revisions by Working Group and PacWastePlus submitted to Niue Cabinet for approval</p>
<p>Legislative Drafting</p>	<p>Once Policy approved by Niue Cabinet, coordinate with the Advance Recovery Fee and Deposit Working Group, Crown</p>		<p>Draft Drafting Notes:</p>

Phase	Description	Documentation SPREP will provide	Consultant Output
	<p>Law Office and other Niue stakeholders to develop legislative drafting guidance for both the Waste Management Bill, and Advance Recovery Fee and Deposit Regulation</p> <p>Likely steps include</p> <ul style="list-style-type: none"> Legislative Drafting Notes for Waste Management Bill and Advance Recovery Fee and Deposit Regulation for submission to and approval by Niue Cabinet Once Drafting Notes approved, Final Waste Management Bill Advance Recovery Fee and Deposit Regulation for Crown Law to adopt 		<p>Draft Drafting Notes submitted for review by Working Group and PacWastePlus for:</p> <ul style="list-style-type: none"> Waste Management Bill; and Advance Recovery Fee and Deposit Regulation. <p>Final Drafting Notes:</p> <p>Final Drafting Notes incorporating revisions by Working Group and PacWastePlus submitted to Niue Cabinet for approval for:</p> <ul style="list-style-type: none"> Waste Management Bill; Advance Recovery Fee and Deposit Regulation. <p>Draft Final Legislation:</p> <p>Draft Final Legislation in consultation with Crown Law Office and to be submitted for review by Working Group and PacWastePlus for:</p> <ul style="list-style-type: none"> Waste Management Bill; and Advance Recovery Fee and Deposit Regulation. <p>Final Legislation:</p> <p>Final Legislation incorporating revisions by Working Group and PacWastePlus submitted to Niue Cabinet for approval submitted to Niue Cabinet:</p> <ul style="list-style-type: none"> Waste Management Bill; and Advance Recovery Fee and Deposit Regulation.

Institutional Arrangement

Due to the current uncertainty with travel arrangements due to COVID-19, this technical assistance may need to be conducted remotely and not require travel to Niue. Niue nationals and consultants based in Niue are preferred.

Consultants outside of Niue are asked to submit a quote on "optional travel" if allowed during the duration of the contract.

The successful consultant will work directly with the Niue Director of Environment who will assist with in-country components such as coordinating and hosting required Working Group meetings, consultation sessions, and other meetings.

Consultant Responsibilities

The consultant will be responsible for scheduling meetings, country representatives, and SPREP, taking minutes, and distributing draft documents for comment prior to finalising.

5. SCHEDULE OF WORK

The activities are to be completed no later than **9 months** after contract signing, with a preference for the activities to be completed much earlier matching the schedule of the Niue Government.

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 and Execution	
Inception and Kick-off Meeting	No later than two weeks from date of Contract Execution
Final Legislative Pathway Work Plan	No later than two weeks from Inception and Kick-off Meeting
Final system Design and Policy Note: -Waste Management Bill -Advance Recovery Fee and Deposit	As agreed in Final Legislative Pathway Work Plan
Drafting Notes: -Waste Management Bill -Advance Recovery Fee and Deposit Regulation	As agreed in Final Legislative Pathway Work Plan
Final Legislation: -Waste Management Bill -Advance Recovery Fee and Deposit Regulation	As agreed in Final Legislative Pathway Work Plan

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; and
- ***Optional – travel budget to Niue, should travel to Niue be feasible during contract period.***

Submissions must include an annotated budget listing for each task.

Proposals above USD 50,000 may not be considered.

SPREP reserves the right to proceed only with the Task(s) it deems necessary. SPREP also reserves the right to reject all tenders.


SPREP reserves the right to withdraw this tender at any time, reserves 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.

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. Including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud prevention & Whistleblower Protection and Gender and Social Inclusion


Appendix A - 21-step Pathway for Implementation of Advance Recovery Fee and Deposit




This initiative is supported by PacWastePlus a 30-month project funded by the European Union (EU) and implemented by the Secretariat of the Pacific Regional Environment Programme (SPREP) to sensitize and cost effectively improve regional management of waste and pollution.

Pathway to Introduce Sustainable Financing Legislation







1. Identify the need for the legislation
Confirm there is waste management funding problem.



2. Pre-feasibility
Identify what overarching purpose/outcome is sought from the introduction of sustainable financing, identify products to target, identify stakeholders, identify "parent" legislation (or need to develop), who will be "owner" of system.




3. Political Support
Undertake internal processes to ensure there is political support to investigate the introduction of sustainable financing legislation further.




4. Establish a Working Group
Bring together key stakeholders to assist in the design of the sustainable financing system. Consider including people from:


- Attorney General's Office / Crown Law
- Department of Customs
- Department of Finance
- Department of Community / Women's Affairs
- Department of Local Government
- Local Government
- Waste management industry



5. Feasibility Study
Review current situation for recycling, and "true cost" for recycling each product; consider items to include and phases of implementation; identify current/possible infrastructure, equipment, systems, contracts, etc, understand legacy waste and seed funding requirements; understand fees/deposits; identify required




6. Legislative Assessment
Determine how the sustainable financing system will fit into the existing legislative environment




7. Consultation
Develop and implement a consultation process designed to engage with stakeholders to inform them of the initial system design, and the current understanding of how the system will operate. Seek feedback and issues to improve the design and operations. Consultation is recommended with the following sectors:


- Government / stakeholders
- Community
- Private sector – Importers




8. Confirm Sustainable Finance System Design
Utilising consultation feedback, complete system design.




9. Sustainable Financing Policy
Develop the Policy that will drive the introductions of the sustainable financing system, and be the basis for cabinet submissions, and drafting guidance.




10. Legal Drafting
Utilise the Policy Note to develop Drafting notes, and undertake initial drafting of the legislative instruments. If needed develop parent legislation to enable to creation of the sustainable financing system. Where needed also complete necessary amendments for existing legislation that will interact with the sustainable financing legislation (e.g. customs, finance, criminal, etc.).



11. Consultation
Develop and implement consultation activities to test the policy and draft legislative instruments.



12. Political Support
Following the outcomes of the consultation on the Policy and Legislative Draft, confirm continued political support to introduce the system.



13. Confirm System Needs and Expenses
Utilising the design of the system, and the outcomes of the feasibility study, confirm the infrastructure and equipment needed to implement the system. If the system is to be government implemented, commence procurement, if to be delivered through a Public Private Partnership, or service contract, draft documents and seek approval to release to the market.



14. Legislative Adoption Process

Once the sustainable financing system is designed and confirmed through stakeholder consultation, the Policy is developed, the initial legislation drafted, and a clear understanding of the various infrastructure and contracts needed. Seek the formal government adoption of the legislative instruments and the approval to implement the system. Approval is needed at this point, as past here, funding is required to engage contracts, build infrastructure, purchase equipment, implement training, and commence widespread community and industry engagement and awareness of the soon to be implemented system.



15. Customs and Finance System Creation

Develop and implement any system design needs to enable customs officials to impose the system on imports; environmental compliance staff to undertake necessary industry compliance inspections; and the national finance system to ensure the sustainable financing system fund is operational, the funds are protected, and able to be accessed as needed to collect fees, pay for services, and return consumer deposits.



16. Training

Provide necessary training to government officials to implement the system (e.g. customs officials, finance officers, compliance officers, etc.).



17. Seed Funding and Legacy Waste Management

If possible secure seed funding from international donors, otherwise seed funding to manage legacy waste items will need to be generated from government investment or early commencement of charges to industry, but no provision of the consumer deposit until system funds are sufficient to manage the collection and processing of legacy waste (redeemable items that have had no deposit paid on them).



18. Community & Industry Awareness

Implement a widespread targeted awareness campaign so that consumers know about the new fee & deposit system, and how they can ensure they 'redeem' the deposits they are paying when they purchase an eligible product. Awareness campaigns should focus on the behaviour of the consumer to ensure they understand where and how to redeem their deposits.



19. System Implementation

Implement the system as designed. Ensure open and transparent processes and continue to actively engage with the general public, and waste industry on the operation and use of the system.



20. Monitoring, Evaluation & Auditing

Implement the monitoring, evaluation and auditing system to ensure the sustainable financing system is operating as expected, and that the required funding is available to ensure the waste products are diverted from landfill.



21. System Expansion & Improvement

Once the system has been operating successfully, review the system to see if improvements can be made, and determine if the system can be extended to outer island communities, or if additional problematic waste items should be added to the system.



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