



SPREP

Secretariat of the Pacific Regional
Environment Programme



10th Pacific Islands Conference

NATURE CONSERVATION AND PROTECTED AREAS

Nature Conservation Action for a Resilient Pacific

REQUEST FOR TENDERS

File: AP_6/5/8/3
Date: 27 July, 2020
To: Interested consultants
From: Sela S.Simamao, PacWastePlus Finance and Procurement Officer

Subject: Request for tenders: Development of an Asbestos and Asbestos Containing Materials Legislative Ban Policy Note for use in PacWastePlus participating countries

1. Background

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

2. Specifications: statement of requirement

- 2.1. SPREP would like to call for tenders from qualified and experienced consultants who can offer their services to develop an asbestos and asbestos containing materials legislative ban policy note for use in PacWastePlus participating countries.
- 2.2. The Terms of Reference of the consultancy are set out in Annex A.

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested suppliers must meet the following conditions:
 - Submit a detailed Curriculum Vitae detailing qualification and previous relevant experience for each proposed personnel
 - Provide at least 3 references as part of the Tender Application
 - Provide examples of past related work outputs.
 - Complete the **tender application form**– (note you are required to complete all areas in full as requested, particularly the statements to demonstrate you meet the selection criteria. **DO NOT** refer us to your CV or Technical proposal. Failure to do so will result in the application **NOT** being considered)

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant satisfies the conditions stated above and is capable of meeting the specifications and timeframes.



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Documentation must also include supporting examples to address the evaluation criteria. Describe any additional minimum content and format requirements.

- 4.2. Tender documentation should outline the interested consultant's complete proposal: methods, personnel (and their skill sets/curricula vitae), timeframes and costs.
- 4.3. Tenderers/Bidders must insist on an acknowledgement of receipt of tenders/proposals/bids.

5. Tender Clarification

- 5.1. Any clarification questions from applicants must be submitted by email to Sela Simamao on selas@sprep.org before 05 August 2020. A summary of all questions received with an associated response will be posted on the SPREP website www.sprep.org/tender by 07 August 2020.

6. Evaluation criteria

- 6.1. SPREP will select a preferred supplier on the basis of SPREP's evaluation of the extent to which the documentation demonstrates that the tenderer offers the best value for money, and that the tenderer satisfies the following criteria:
 - a) **Experience – 50%**
 - Curriculum Vitae of all project staff and their role on this project, (5%)
 - Knowledge of the governance context in the Pacific Region, and Timor-Leste, as it relates to asbestos and asbestos containing materials (15%)
 - Understanding of asbestos mineralogy and the many uses of this material in commercially manufactured products. (5%)
 - Expertise in asbestos and asbestos containing materials waste management legislation and/or regulations including the drafting, assessment and consultation on impacts and possible unintended consequences from poorly researched/framed legislative instruments, (10%)
 - Proven track record in consultation with government departments on the developing and implementation of legislative instruments, (5%)
 - Demonstrated experience in development of supporting tools that further the implementation of effective legislative instruments in the Pacific region.(10%)
 - b) **Proposed project methodology – 20%**
Detailing activities to be conducted over the term of the engagement, including detail on which team members will undertake each activity.
 - c) **Demonstration of value for money – 30%**

7. Deadline

- 7.1. **The due date for submission of the tender is: 14 August 2020, midnight (Apia, Samoa local time).**
- 7.2. Late submissions will be returned unopened to the sender.



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- 7.3 Please send all tenders clearly marked 'TENDER: Development of an Asbestos and Asbestos Containing Materials Legislative Ban Policy Note for use in PacWastePlus participating countries' to one of the following methods:

Mail: SPREP

Attention: Procurement Officer

PO Box 240

Apia, SAMOA

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

Fax: 685 20231

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

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

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

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



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TERMS OF REFERENCE

Development of an Asbestos and Asbestos Containing Materials Legislative Ban Policy Note for use in PacWastePlus participating countries

1. BACKGROUND

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

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

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

Countries participating in the PacWastePlus programme are:

Cook Islands, Democratic Republic of Timor-Leste, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu

2. EXPECTED OUTCOMES

To eliminate asbestos-related diseases, a total asbestos ban should be enforced. International conventions provide a legal framework for asbestos control and management that requires changes in national policies and practices. However, both international programs and agreements towards a total asbestos ban and national government commitments are required.

The 2017 SPREP Meeting outcome directed SPREP to work with countries and territories to ban or restrict the importation, re-use and re-sale of products and waste containing asbestos materials.

The PacWastePlus Programme seeks to engage a consultant to:

- Compile a set of principles to be applied to PWP participating countries in crafting the necessary legislation and/or regulations to ban the manufacture, use, reuse, import, transport, storage, or sale of all forms of asbestos and asbestos containing materials within the PWP participating countries.
- Develop a policy note to guide PWP participating countries to create and put into effect legislative language and regulations to ban asbestos and asbestos containing material. The Policy Note shall contain the recommended set of principles described above.

3. SCOPE OF WORK



The PacWastePlus programme is seeking to engage a suitably qualified contractor to undertake the development of a Policy Note to guide the execution of legislative/regulatory language to ban the manufacture, use, reuse, import, transport, storage or sale of all forms of asbestos and asbestos containing materials in PWP participating countries.

3.1 Mode of Delivery

3.1.1 – RESPONSIBILITIES

The contractor shall:

1. Liaise directly with SPREP to undertake the required actions.
2. Be responsible for engagement of all other necessary stakeholders and ensure other requirements are met to enable work to be undertaken.
3. Provide the following support services to ensure the efficient completion of required actions and timely submission of deliverables:
 - The provision, coordination, and effective management of appropriately qualified, experienced, and professional personnel to undertake each task.
 - Ensure appropriate and timely representation at any meetings specified or required by SPREP's Representative, particularly at the Inception Meeting for the Services, which is expected to take place within 10 days of Agreement execution.
 - Effective communication with SPREP's Representative, including the early identification of emerging risks to the successful completion of each task, possible impacts upon cost of schedule, and the submission of potential solutions to address such risks to SPREP for consideration.
 - Effective management of Contractor personnel, logistic arrangements, and related resources (e.g. Subcontractors) in accordance with the final methodology agreed with SPREP for delivery of the Services.
 - The employment of professional approaches to communication, negotiation, research, data gathering and analysis, to deliver final reports of professional quality which can be relied upon by SPREP and PWP participating countries involved to accurately inform and guide any subsequent project interventions.
4. Deliver the required actions remotely, and not require travel considering the current uncertainty around travel from the COVID-19 pandemic.

3.1.2 – REQUIRED TASKS

The required tasks and deliverables are outlined as follows:

Task 1: Analysis of legislative and regulatory asbestos and asbestos containing materials bans currently in effect internationally and their relevance for use in PWP participating countries.

The contractor shall create and submit to SPREP an analysis of current international asbestos and asbestos containing materials ban statutes and regulations. The analysis shall include a:

- General description of the methods of these asbestos bans, e.g., Customs/Quarantine bans, environmental laws, enforcement provisions etc., and how those legislative instruments were absorbed into existing governance structures,
- Recent decisions, endorsements, conference outcomes, proceedings, minutes, communiqués that discuss and/or document decisions on addressing asbestos ban issues in the Pacific Island Countries, e.g., 27th & 28th SPREP Meetings, the 18th Pacific Basin Consortium for Environment and Health International Conference-September 2019, etc., and
- Potential relevance to PWP participating countries



- Appropriate and executability within PWP participating countries, i.e., no conflict with current Multilateral Environment Agreements and Conventions,
- Enforceable in the PWP participating country context,
- Contains language that is not inconsistent with the societal and cultural norms of the Pacific region.

- **Deliverable:** Current legislative and regulatory asbestos and asbestos containing materials bans and their relevance for use in the PWP participating countries, a **Report**.

Task 2: Compile a set of principles to be applied when drafting law and/or regulations for the implementation of an asbestos and asbestos containing materials ban.

The contractor shall prepare a short summary of facts and legal points (Brief) to instruct and inform PWP participating countries on the necessary principles to be applied when drafting legislation and regulations for the implementation of an asbestos and asbestos containing material ban. The aim is to resource countries to implement bans on manufacture, use, reuse, import, transport, storage or sale of all forms of asbestos and asbestos containing materials within the Pacific Region and Timor-Leste through individual national legislation.

Deliverable:

A **Brief** [memorandum of points of fact or of law for use] that describes, defines, and explains regional principles for drafting laws and/or regulation for the implementation of an asbestos and asbestos containing materials ban in PWP participating countries.

Task 3: Develop a Policy Note (a plan of action) for use by PWP participating countries to guide legislative drafting of an asbestos and asbestos containing materials ban.

The contractor shall develop a Policy Note to guide in the development of appropriate legislative instruments for use by PWP participating countries to ban asbestos and asbestos containing materials.

The purpose of the Policy Note is to guide the country legislative drafters on the principles and the necessary outcomes or actions that should be managed, so they can develop the appropriate words and instrument that suits their national situation. Given that some PWP participating countries may only wish to implement an import ban, they may use customs legislation, or some other regulations that suits their legislative framework.

The Policy Note shall contain a discussion of all relevant legal options available to execute the asbestos and asbestos containing materials ban.

The Policy Note shall contain the recommended set of principles (Task 2) to be applied when drafting the legal framework and an initial draft of legislation for use as a guidance to the legal department of each Country.

Deliverable: Policy Note

3.1.3 - PROGRESS MEETINGS

The contractor is required to participate in the following meetings as follows:

Meeting Type	Representatives Required	Frequency	Teleconference / Site
Initial project kick-off conference	Contractor SPREP	Once	TBC



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Meeting Type	Representatives Required	Frequency	Teleconference / Site
Fortnight Progress Meetings	Contractor SPREP	Fortnightly	TBC

3.1.4 - REPORTING

The Contractor shall provide SPREP with the documents as set out in the table below:

Report type and content	Description
Report of analysis on asbestos and asbestos containing materials bans	Analysis of legislative and regulatory asbestos and asbestos containing materials bans currently in affect internationally and their relevance for use in PWP participating countries.
A Brief that articulates regional principles for drafting necessary legislative instruments to implement an asbestos and asbestos containing materials ban in the Region.	The Contractor shall prepare a short a summary of the facts and legal points (a Brief) to instruct and inform PWP participating countries thoroughly, on the necessary principles to be applied when drafting legislative instruments for the implementation of an asbestos and asbestos containing materials ban. The instruments should be designed to ban the manufacture, use, reuse, import, transport, storage, or sale of all forms of asbestos and asbestos containing materials within Pacific Island Countries.
Policy Note to guide the development of national legislation to ban asbestos and asbestos containing materials	<p>Develop a Policy Note to guide the development of legislative instruments i.e., laws, regulations, and policies, for the banning of asbestos and asbestos containing materials.</p> <p>The Policy Note shall contain a concise summary of information that shall help, and support PWP participating countries understand, and likely make decisions about, laws, regulations, and policies for the banning of asbestos and asbestos containing materials.</p> <p>The Policy Note shall include objective summaries of relevant research that suggest legal, regulatory and policy options for the banning of asbestos and asbestos containing materials.</p> <p>The Policy Note shall contain the recommend set of principles to be applied when drafting the legislative instruments for use as a guidance to the legal department of PWP participating countries.</p> <p>The Policy Note shall contain:</p> <p>Executive Summary - an overview of issues surrounding bans and specifically the banning of asbestos and asbestos containing materials, and the proposed legal, regulatory and policy actions to execute such a ban.</p> <p>Context or Scope of Problem - this section shall communicate the importance of banning asbestos and asbestos containing materials in PWP participating countries, and shall aim to persuade PWP participating countries of the necessities of these legal, regulatory and policy actions to execute such a ban. It shall also include a short</p>



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discussion of the nature and risks of differing asbestos minerals, and of the potential unique regulatory problems that may arise because of those features and others unique to asbestos, e.g., building materials containing *de minimus* amounts of asbestos, different health risks associated with different asbestos minerals, etc.

Legal, Regulatory and Policy Alternatives - this section shall explain proposed options. It shall be fair and accurate, and persuade PWP participating countries why the legal, regulatory and policy action proposed in this Note are most desirable.

Legal, Regulatory and Policy Recommendations - this section shall contain a detailed explanation of the concrete steps, e.g., phase in process [if needed], addressing current ACM in-country, dealing with any current stockpiles of ACM, etc., to be taken to execute an asbestos and asbestos containing materials ban.

Consulted or Recommended Sources: Sources used throughout this Note shall be referenced here to help guide legal, regulatory and policy discussion and recommendations.

Following the receipt of each deliverable, SPREP will endeavour to return comments and recommendations to the Contractor within 10 business days.

The Contractor will submit Final copies of each deliverable no later than 10 business days following receipt of SPREP's comments and recommendations, unless otherwise agreed upon between the Contract Managers.

The Contractor will ensure that final copies of all deliverables are submitted to SPREP no later than 1 December 2020, unless otherwise extended in writing by SPREP.

3.2 Schedule of Work

The activities are to be completed no later than **01 December, 2020** with a preference for the activities to be completed much earlier.

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

Table 2: Project Schedule

Activity	Timeline
<i>Contract Signing and Execution</i>	
1. Inception Meeting between Contractor and SPREP	Seven (7) business days from date of Contract Execution
2. Analysis of Legislative and regulatory asbestos and asbestos containing materials bans currently in effect internationally and their relevance for use in PWP participating countries	No later than thirty (30) business days from date of Contract Execution



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3. Submission of brief providing principles for drafting a legal framework to implement an asbestos and asbestos containing materials ban in PWP participating countries	No later than sixty (60) business days from date of Contract Execution
4. Submission of policy note for PWP participating country to guide in the execution of a legal framework for the banning of asbestos and asbestos containing materials.	No later than ninety (90) business days from date of Contract Execution

3.3 Budget

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

- Salary costs (hourly rate)
- All applicable taxes

Submissions must include an annotated budget listing for each task.

SPREP reserves the right to proceed with the Task(s) it deems necessary.

Submissions that exceed USD \$30,000 may not be considered.

4. 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



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