

REQUEST FOR TENDERS

RFT: 2023/029
File: AP_4/12/19 ACP MEAs Phase III
Date: 19 May, 2023
To: Interested consultants
From: Karen Baird, Threatened and Migratory Species Adviser

Subject: Request for tenders (RFT): Cook Islands CITES Management Gap Analysis

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 conduct a full implementation gap analysis on CITES management processes in the Cook Islands.
- 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. 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*).
Provide examples of past related work outputs
For the Technical and Financial proposals you may attach these separately.
 - iv. 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*).
Provide examples of past related work outputs
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** – provide a 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 **29 May 2023**. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by **31 May 2023**.
- 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 – 80%

Criteria	Detail	Weighting
Experience	Extensive knowledge and experience in the Convention on International Trade in Endangered Species of Wild Fauna and Flora and its implementation, rules and procedures and requirements for Parties to meet their obligations, preferably in a Pacific context.	20
	Have undertaken assessments of CITES systems and processes at a national level before, ideally in a Pacific context.	20
	A good understanding of the special needs of small island Pacific countries.	20
Technical Proposal / Methodology	Provide a costed workplan and methodology.	20

II. Financial Score – 20%

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

- 8.1. **The due date for submission of the tender is: 09 June 2023, 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 2023/029: **Full implementation gap analysis on CITES management processes in the Cook Islands.**

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



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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

To conduct an implementation gaps analysis on CITES management processes for Cook Islands

BACKGROUND:

The Secretariat of the Pacific Regional Environment Programme (SPREP) plays a key role in supporting and assisting Members to build and develop the capacity to sustainably protect, manage and conserve their natural environment. The SPREP Strategic Plan 2017-2026 Regional Goal 2 ensures that Pacific people benefit from healthy and resilient island and ocean ecosystems. Regional Goal 4 ensures that Pacific people and their environment benefit from commitment to and best practice of environmental governance. These regional goals contribute to achieving a resilient Pacific environment sustaining our livelihoods and natural heritage in harmony with our cultures.

The above Regional Goals 2 and 4 are aligned to the European Union programme on Capacity building related to Multilateral Environmental Agreements (MEAs) in African, Caribbean and the Pacific (ACP) Countries implemented by the United Nations Environment Programme (UNEP). This is referred to as the ACP MEAs programme. Having completed two phases, the ACP MEA Programme is now in its third phase of implementation. SPREP, through the Environmental Monitoring and Governance (EMG) Programme implements the activities under the ACP MEAs Phase III and coordinates the project implementation team of technical advisers and experts from SPREP's main technical programmes: Island and Ocean Ecosystems (IOE), Waste Management and Pollution Control (WMPC) and EMG.

The third phase of the ACP MEAs Programme aims to build the capacity and support Pacific Islands Countries to fulfill their obligations under the MEAs to tackle their environmental issues they face. Further, to enhance mainstreaming and implementation of MEAs related to biodiversity and chemicals and waste: mainstream biodiversity in agriculture, management of chemicals and waste, reinforce compliance and enforcement measures, strengthen implementation of the Regional Seas Convention. One of the key areas of capacity building under the ACP MEA Phase III is to support countries in their national efforts to assess existing framework, infrastructure and institutions to sign onto, or accede to MEAs.

There are several Pacific Island Countries that have yet to become State Parties to MEAs such as the Convention on the Illegal Trade of Endangered Species (CITES) and others. The reasons and justifications vary across the region but when a Pacific country indicates an interest to explore its national capacity to determine accession to an MEA, this is where SPREP is able to support Members to conduct gaps analysis.

OBJECTIVES

SPREP is seeking the services of an expert on a short-term consultancy to conduct a full implementation gaps analysis on CITES management processes for the Cook Islands, including assessing the value to the Cook Islands of acceding to CITES. This entails an article-by-article analysis of the CITES Convention and how it applies to the Cook Islands, outlining country obligations and impacts as a non-Party and Party.

The gaps analysis is envisaged to cover existing legislative and institutional mechanisms to implement CITES obligations of the Cook Islands as a non-Party and what would need to be in place to ratify the

CITES Convention. The importance of this gaps analysis is to provide a state of play on Cook Islands’ management structures relating to permits, compliance and enforcement of international trade of fauna and flora species including importing and exporting. In addition, such a gaps analysis would build a clear understanding of CITES commitments and operational requirements, should Cook Islands decide to become a State Party.

Another key objective in the implementation gaps analysis will be to determine the costs and benefits of becoming a State Party to the CITES, where it would include an analysis of sustainability to maintain implementation including costs of compliance and enforcement measures. The cost and benefit analysis would specifically encompass, but is not limited to, as follows:

- (i) Legislative reviews so it meets CITES standards and requirements;
- (ii) Reporting on annual trading of illegal trade and trade permitted under CITES;
- (iii) Reporting on triennial implementation i.e., setting up and resourcing;
- (iv) Scoping required to determine species populations and risks to create NDFs for species in trade; and
- (v) Protection of species and the environment in the Cook Islands, in the Pacific region and beyond.
- (vi) Cost recovery options to support additional resources needed such as permit costs.
- (vii) CITES Data collection, submission and exchange systems. Assess current system in place and if this would be fit for purpose or what additional costs would be involved in upgrading, if needed, including the cost of implementing eCITES.

SCOPE OF WORKS

The scope of work will cover the following tasks:

Task	Description	Output
1. Inception meeting	Lead, coordinate an inception meeting with the SPREP IOE Team and Cook Islands National Environment Service (NES) to discuss delivery of the project, addressing all issues likely to cause delays (risk management) and ensure a common understanding of the actions and outputs.	Inception meeting report Minutes of the inception meeting with confirmed activities, agreed workplan.
2. Conduct a desktop review of existing Cook Islands legislations, regulations, bylaws, policies, plans relating to the domestic and international trade of fauna and flora species found in the Cook Islands	<ul style="list-style-type: none"> a) Identify and list all existing legislation, regulations, bylaws, policies, plans relating to domestic and international trade of Cook Islands fauna and flora species. b) Institutional analysis of what is in place across key stakeholders e.g., National Environment Services, Customs, Biosecurity, Ministry of Marine Resources (MMR), Ministry of Transport (MOT) for ports/airports 	Consolidated list of existing legislative and institutional mechanisms that would support ratification, accession or signature to CITES.
3. Conduct an analysis based on:	<ul style="list-style-type: none"> a) An article-by-article analysis of the CITES Convention and how it applies 	First draft of the analysis

<ul style="list-style-type: none"> (i) Existing gaps (ii) Cost and benefits (iii) Data exchange system; and (iv) Options 	<p>to the Cook Islands, outlining country obligations as a non-Party to the CITES Convention as well as the institutional gaps.</p> <p>b) Cost and benefits analysis for the Cook Islands to become a Party to the CITES Convention.</p>	
<p>4. Identify case studies and lessons learned from other Pacific Island Countries</p>	<p>a) Regional case studies on experiences by Pacific countries on determining national capacity and status of becoming a State Party to the CITES Convention.</p>	<p>Second draft of the analysis</p>
<p>5. Presentation of findings</p> <ul style="list-style-type: none"> (i) SPREP (ii) Cook Islands NES 	<p>Presentation of findings meeting between SPREP followed by a joint presentation to the Cook Islands NES</p>	<p>Final draft of the analysis and report</p> <p>This final draft will be presented to Cook Islands for their review and comments.</p>

KEY OUTPUTS BY THE CONSULTANT

The following are key outputs to be produced and delivered by the consultant:

1. A workplan.
2. Final draft implementation gaps analysis.
3. A report

Information for interested applicants:

1. SPREP and NES will provide technical support and guidance to the consultant as required.
2. Travel may be expected but at the consultant's expense. All meetings and consultations with Cook Islands National Environment Services (NES) will be via virtual collaboration platforms.

REMUNERATION

The budget for services provided is up to USD 10,000 based on submission and acceptance by the Threatened and Migratory Species Adviser a report of agreed deliverables and invoices.

WORK ARRANGEMENTS AND REPORTING

The consultant can work remotely or within Cook Islands and will report to Ms Karen Baird, Threatened and Migratory Species Adviser at SPREP.

TIMEFRAME

All activities are to be completed within 6 months of when the contract is signed.



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