

CLARIFICATION QUESTIONS

RFT: 2023-008
File: AP_3/28/2
Date: 02 March 2023
To: Interested Service Providers
Contact: Maraea S. Pogi (maraeap@sprep.org)

Subject: Request for tenders: Contracted Legal Adviser as a consultant to undertake maritime legal analysis, provide advice, undertake legal drafting, and support implementation of international and national maritime legal instruments under the Pacific Islands Regional Marine Oil Spill Contingency Plan (PacPlan)

Question 1:

In Annex A: Terms of Reference, Section 3.4, Budget, there is a statement that “The consultant or contractor will be contracted on a full-time basis.” Is it possible for the consultant to be retained on a less than full time basis whereby the consultant would be committed to the project overall for 50 – 75% of a full time commitment with the understanding that the consultant would need to be committed full time to the project for significant periods during the contract period (as required by SPREP) and with the consultant to also be available on call at all times during the contract period.

Response:

No, the position will be full time, with the incumbent being committed to a programme expected to fill the entire time, and being available for other maritime legal functions, should these become necessary.

Question 2:

Is there any budgetary guidance available for the role?

Response:

As per clause 6.2 of the tender document, scores will be awarded accordingly based on financial proposal submitted. The financial proposal is therefore competitive, and every bidder is to propose costs as applicable to the scope of work in the Terms of Reference.

Question 3:

Annex A:
Section 3

Section 3 of Annex A refers to a stocktake of required international conventions and treaties (not just Maritime), and national domestic law.

Is the scope of work limited to all IMO conventions that relate to marine pollution or liability, does it include all international instruments

listed in Tables 1 and 2 of the PACPLAN 2019 (which includes some non-IMO conventions)?

Response:

Yes. Reference to PacPlan 2019 crucial.

Question 4:

Annex A: Item 3.3(ii) Are there existing reports that set out the lessons and learnings from each country regarding marine pollution, or will this information be gathered in meetings and interviews?

Response:

Yes, but not all countries have any. You will be largely guided by ability of local, SPREP, and other officials to find those that exist.

Question 5:

Annex A: Section 3 Section 3 of Annex A refers to collaboration and consultation with relevant maritime and legislative officials. Are meetings expected to be in person or virtual?

Response:

Virtual, unless travel is required. These are not always simple places to access and remain in person.

Question 6:

Annex A: Section 3.2 In order to facilitate access to necessary information to inform the advice:

1. will an online data sharing platform/data room be set up and managed by SPREP (populated with information relevant to the various conventions and domestic laws for each PIC) or should provision of such a platform/data room be included in the scope of works; and
2. will data sharing between the PICs be unrestricted or do certain protocols need to be put in place to manage this.

Response:

1. Yes expected, but still in design stage. If not, then alternative can be offered.
2. Data sharing will be between legal advisers and each PIC agency, and SPREP. No public sharing or cross-country sharing without SPREP managing.

Question 7:

Annex A: Section 3.2	<p>Noting the priority PICs listed in section 3.2(iii) and the timeframes set out in section 3.3(iii):</p> <ol style="list-style-type: none">1. should it be assumed that analysis for Tuvalu, Nauru and Kiribati is not intended to commence until after the draft reports for PNG, Solomon Islands and Vanuatu have been submitted (by 15 November 2023);2. or should it be assumed that the analysis for all six PICs is to progress in parallel from the date of appointment, with reporting to be delivered in two tranches.
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Response:

All countries can start together or in tranches, to manage workload and learnings. Delivery dates can be negotiated of a better way of managing all outcomes can be offered.

Question 8:

Item 4.8 and 5.1(b)	<p>We note that tenderers must insist on an acknowledgement of receipt of tender. Could you please confirm that procurement@sprep.org is the appropriate email to confirm acknowledgement of receipt of tender.</p>
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Response:

When a proposal is submitted to tenders@sprep.org you should receive an auto-response acknowledging receipt of your proposal. If you do not receive one then please send an email to tenders@sprep.org