



REQUEST FOR TENDER

File: AP_2/39
Date: 4 November, 2020
To: Interested Consultants
From: Jamie Davies, Bycatch and Integrated Ecosystem Management Initiative
Manager

Subject: Request for Tender: Consultancy to review and update policy and legislation related to crocodile management and trade in Papua New Guinea to satisfy CITES Convention requirements.

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. As part of the Pacific-European Union Marine (PEUMP) Programme, funded through the Eleventh Round of the European Development Fund (EDF 11), SPREP is the executing agency for Key Result Area 5, the By-catch and Integrated Ecosystem Management (BIEM) Initiative. The purpose of the Initiative is to reduce the by-catch of threatened species in Pacific islands' fisheries; to improve the health of coastal waters through an integrated approach to coastal management, including marine spatial planning; ecosystem-based adaptation to climate change; and to strengthen the capacity of Pacific Islands Parties to implement their obligations under the International Convention for Trade in Endangered Species (CITES). Further detail is provided in Annex 3.
- 1.4. 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 (individuals or teams) to undertake a review and update of Papua New Guinea legislation including the



draft amended Crocodile Trade (Protection) Act 1974, Crocodile Trade (Protection) Regulation 1980 and related permitting systems, standard operating procedures, fees structures and management plan.

- 2.2 The consultant will be expected to work jointly with Conservation and Environment Protection Authority (CEPA), engage with the National Fisheries Authority, liaise and consult with technical experts, relevant Ministries, SPREP's Threatened and Migratory Species Adviser and the BIEM Bycatch/CITES Coordinator. This work can be undertaken remotely, using digital means of communication if necessary.
- 2.3 The consultant will follow the PEUMP Programme Communications and Visibility Strategy and BIEM Initiative Communications and Visibility Guidance in the development and approval of all external documents and publications.
- 2.4 The Terms of Reference and the specific duties of the consultant are set out in Annex 1.

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested suppliers must meet the following conditions:
 - a. Be deemed to be independent and impartial, with no conflicts of interest;
 - b. Complete 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 or your Technical Proposal. Failure to do this will mean your application will **not** be considered); and*
 - c. Sign the conflict of interest form.

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested supplier satisfies the conditions stated above 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 outline the interested supplier's complete proposal and include:
 - a. A CV to demonstrate that they have the requisite skills and experience to carry out this contract successfully.
 - b. Provide three references relevant to this tender submission, including the most recent work completed;
 - c. Completed 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 or your Technical Proposal. Failure to do this will mean your application will **not** be considered).*
 - d. Sign the conflict of interest form.



- 4.3 Tender submission must be in United States Dollars (USD)
- 4.4 The Proposal must remain valid for 90 days from date of submission.
- 4.5 Tenderers must insist on an acknowledgement of receipt of tender.

5. Clarification

- 5.1. Any clarification questions from applicants must be submitted by email to procurement@sprep.org before 16 November 2020. A summary of all questions received with an associated response will be posted on the SPREP website <http://www.sprep.org/tender> by 18 November 2020.

6. Evaluation criteria

- 6.1. SPREP will appoint 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. Expert knowledge of the conservation and management of crocodiles and issues related to their trade under the CITES Convention. (20%)
 - b. Expert knowledge of the Papua New Guinea legal system and legislation, and experience of working with PICTs or small island developing state governments to develop policy documents, or related work. (20%)
 - c. Proven track record in project management and facilitation. (10%)
 - d. Workplan setting out the activities to be undertaken and timings of activities. (20%)
 - e. Prior delivery of effective community consultation processes and support to government authorities in the development of policy and legislation. Have an excellent command of spoken and written English. (10%)
 - f. Detailed financial proposal in US dollars. (20%)
- 6.2 Assessment of proposals will be based on the evaluation of the Technical Proposal (80%) and Financial Proposal (20%).

7. Deadline

- 7.1. **The due date for submission of the tender is: 26 November 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: **Consultancy to review and update policy and legislation related to crocodile management and trade in Papua New Guinea**' 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 tender's 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>



ANNEX 1

TERMS OF REFERENCE

CONSULTANT – Support the review and update of policy and legislation related to crocodile management and trade in Papua New Guinea.

Background and rationale

The Crocodile Trade (Protection) Act 1974¹ regulates the trade of crocodiles, including the saltwater crocodile (*Crocodylus porosus*), the New Guinea freshwater crocodile (*Crocodylus novaeguineae*), and crocodile parts in Papua New Guinea. Salt- and freshwater crocodiles have cultural and totemic value to Papua New Guinea's tribes and clans and are a part of traditional belief systems. Harvest for personal use (food and ritual) by landowners is legal.

The New Guinea freshwater crocodile is found in freshwater habitats on the island of New Guinea and Pulau Kimaam off the southwestern coast of Papua, Indonesia². The species is listed under Appendix II of CITES. Recent genetic analysis on the distinct northern and southern populations of New Guinea freshwater crocodile has led to the southern populations being described as a separate species (Hall's New Guinea crocodile, *C. halli*)³.

The Saltwater crocodile (*Crocodylus porosus*) inhabits coastal and estuarine areas. The Papua New Guinea populations, as with those in Australia and Indonesia, are listed under Appendix II of CITES. The Saltwater crocodile is also harvested and traded under the Crocodile Trade (Protection) Act legislation, and now makes up the majority of farmed crocodiles in Papua New Guinea.

Legislation regarding hunting was introduced in the late 1960s and regulated harvesting and ranching began in the 1970s and 1980s, with restrictions based on a belly width of 18-51cm. The management system put in place focused on that harvest of wild skins and eggs or small juveniles for ranches, with economic incentives in place for indigenous landowners⁴. The PNG Conservation and Environment Protection Authority (CEPA) collects data on the commercial crocodile skin trade for both wild and ranched crocodiles (saltwater and freshwater) with a total of 23,360 recorded in 2013⁵. Both export licences and non-CITES permits are issued⁶. The legislation now requires review, amendment and finalisation; including an assessment of why the document is not enacted through

¹ Crocodile Trade (Protection) Act 1974 http://www.paclii.org/pg/legis/consol_act/cta1974264/
Crocodile Trade (Protection) Regulation 1980 http://www.paclii.org/cgi-bin/sinodisp/pg/legis/consol_act/ctr1980355/ctr1980355.html?stem=&synonyms=&query=cta1974264

² Cox, J.H. (2010). New Guinea Freshwater Crocodile *Crocodylus novaeguineae*. Pp. 90-93 in Crocodiles. Status Survey and Conservation Action Plan. Third Edition, ed. by S.C. Manolis and C. Stevenson. Crocodile Specialist Group: Darwin.

https://www.iucnscg.org/365_docs/attachments/protarea/16_C-9056770a.pdf

³ Murray, Christopher M.; Russo, Peter; Zorrilla, Alexander; McMahan, Caleb D. (September 2019). "Divergent Morphology among Populations of the New Guinea Crocodile, *Crocodylus novaeguineae* (Schmidt, 1928): Diagnosis of an Independent Lineage and Description of a New Species". *Copeia*. 107 (3): 517–523.

⁴ <https://www.cbd.int/doc/world/pg/pg-nr-05-en.pdf>

⁵ Commercial crocodile skin trade for the period 2005-2014 <https://png-data.sprep.org/dataset/commercial-crocodile-skin-trade-period-2005-2014>

⁶ <https://png-data.sprep.org/dataset/crocodile-skins-export-data-2015>



National Executive Council, a review of fees/fee structures, an updated application in line with CITES requirements, review/update of national crocodile management plan and consultation with stakeholders.

Project concept

Scope and objectives

This project seeks to complete the review and update of policy and legislation relating to protected species; in particular, the draft amended Crocodile Trade (Protection) Act 1974, Crocodile Trade (Protection) Regulation 1980 and related permitting systems, standard operating procedures (SOP), fees structures and national management plan.

Approach

To review and update the policy and legislation, the following approach will be used;

- Desktop review of the current Crocodile Trade (Protection) Act 1974 and Crocodile Trade (Protection) Regulation 1980 to understand why the documents are not enacted through the National Executive Council (NEC), to include:
 - Review and amend sections for fees,
 - Review and amend the related application form to meet CITES requirements
- Draft an amended Crocodile Trade (Protection) Act, the regulation, and schedule including sections found to be missing from the first draft for NEC Submission.
- Review and make updates, where necessary to the national crocodile management plan.
- Conduct a 2-day consultation meeting with key stakeholders, noting a virtual approach may be required should travel not be permitted due to COVID19.
- Call for support letter for NEC Submission.
- Finalise the amended Crocodile Trade (Protection) Act 1976 and Crocodile Trade (Protection) Regulation and Schedule, in preparation for NEC Submission.

Services Required

SPREP is seeking the services of a consultant (individual or team) to work with CEPA to undertake the review and update of policy and legislation relating to protected species; in particular, the draft amended Crocodile Trade (Protection) Act 1974, Crocodile Trade (Protection) Regulation 1980 and related permitting systems, standard operating procedures (SOP), fees structures and management plan.

Scope of Consultancy

The role of the consultant is to undertake all activities required in accordance with the Project Approach described above.

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

Remuneration

The budget is to include all travel and out of pocket expenses incurred by the consultant.

Duration of the Consultancy

This consultancy will run over a 6-month period commencing in November 2020 and completed by May 2021.

Working arrangements

Following consultation with representatives from CEPA the final work plan will be agreed in December by SPREP's Threatened and Migratory Species Advisor and Anissa Lawrence of TierraMar who is contracted by SPREP to deliver the species conservation component of the BIEM Initiative. The work plan will include the provision of verbal progress reports through a teleconference each month and a mid-term report three months after the contract is signed.

The consultant will be expected to work from their own premises with regular (virtual) engagement with CEPA officers and with partners in Papua New Guinea.



ANNEX 2

The Pacific-European Union Marine Partnership Programme

The Pacific-European Union Marine Partnership (PEUMP) Programme addresses some of the most serious challenges faced by the region. Among these are the increasing depletion of coastal fisheries resources; the threats to marine biodiversity, including negative impacts of climate change and disasters; the uneven contribution of oceanic fisheries to national economic development; the need for improved education and training in the sector; and the need to mainstream a rights-based approach and to promote greater recognition of gender issues within the sector.

This 5-year programme started in September 2018 and is funded by the European Union (EUR 35 million) with additional targeted support from the government of Sweden (EUR 10 million). The programme provides direct assistance through regional organisations to support regional and national level activities in the Pacific.

The PEUMP Programme combines a regional and national approach, paying specific attention to actions and services delivered at country level to promote and direct positive changes for target groups, in particular women, youth and the most vulnerable groups.

The PEUMP Programme's **overall objective** is to '*Improve the economic, social and environmental benefits for 15 PACPs arising from stronger regional economic integration and the sustainable management of natural resources and the environment*'.

The **specific objective (outcome)** is to '*support sustainable management and development of fisheries for food security and economic growth, while addressing climate change resilience and conservation of marine biodiversity*'.

To address the main priority areas identified in the formulation phase, a demand-driven approach, recognising the diversity of needs and opportunities across the 15 PACP countries, the Programme adopts an integrated approach, with inter-related components implemented by several agencies, revolving around six KRAs and the Programme Management Unit based in Suva, Fiji. Four main agencies are implementing / or have been implementing the KRAs through a multisectoral approach: 1) The Pacific Community (SPC), which is the lead agency for the programme and will be responsible for its overall management, 2) the Pacific Islands Forum Fisheries Agency (FFA), 3) SPREP and 4) The University of the South Pacific (USP). In addition, the PEUMP is also partnering with Non-Government Organisations (NGOs), which include the Locally Managed Marine Areas (LMMA), Pacific Islands Tuna Industry Association (PITIA), International Union for the Conservation of Nature (IUCN) and the World Wildlife Fund (WWF).

The six KRAs are aligned with the two focal sectors of the regional roadmap – oceanic and coastal fisheries and are as follows:

Oceanic Fisheries

- KRA 1 - High quality scientific and management advice for oceanic fisheries provided and utilised at regional and national levels (SPC).
- KRA 2 – Inclusive economic benefits from sustainable tuna fishing increased through supporting competent authorities and strengthening private sector capacities to create decent employment (FFA).

Coastal Fisheries



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- KRA 3 – Sustainable management of coastal fisheries resources and ecosystems improved through better quality scientific information, legal advice, support, mentoring and empowerment at community level (SPC).

Coastal and Oceanic fisheries

- KRA 4 – IUU fishing reduced through enhanced monitoring control and surveillance of both oceanic and coastal fisheries, improved legislation, access to information, and effective marine area management (FFA).
- KRA 5 - Sustainable utilisation of the coastal and marine biodiversity promoted through improving marine special planning, increasing climate change resilience, enhancing conservation, mitigation and rehabilitation measures (SPREP).

Capacity development

- KRA 6 - Capacity built through education, training and research and development for key stakeholder groups in fisheries and marine resources management (USP).

Key Result Area 5: By-catch and Integrated Ecosystem Management

SPREP has been awarded 6.3 million Euros to implement the By-catch and Integrated Ecosystem Management (BIEM) component of the PEUMP Programme and the work is due to be completed by December 2022. BIEM activities are designed to ensure they are relevant to all south Pacific countries. However, to maximise the positive impact of the work with the funding and time available, the BIEM team will focus the majority of activities in Fiji, PNG, Solomon Islands, Tonga and Vanuatu.

SPREP and its partners are dedicated to working to assist these Pacific countries meet their priorities in the sustainable management of their coastal resources and marine biodiversity, focusing on eight integrated key result areas (KRAs) identified in Table 1.

SPREP has sub-contracted the International Union for the Conservation of Nature (IUCN) and TierraMar Consulting Pty Ltd (TierraMar) to lead the delivery of some elements of the work. The organisational responsibilities are identified in Table 1.



Table 1: The 8 integrated KRAs of the BIEM Initiative

KRA-5 Component	Geographical scope:	KRA Coordinator
5.1 Marine Spatial Planning	Solomon Islands, Fiji	IUCN
5.2 Integrated 'ridge to reef' ecosystem strategies and coastal zone management planning	Fiji, Vanuatu	SPREP
5.3 Development and integration of climate change adaptation strategies into coastal community plans	Fiji, Vanuatu	
5.4 Assessment of by-catch of endangered species and extinction risk evaluated	Regional	
5.5 Development and implementation of by-catch mitigation strategies	Fiji, Solomon Islands, Papua New Guinea, Tonga, Vanuatu	
5.6 Capacity development through research grants to citizens of the Pacific Islands	Regional	
5.7 Support for community monitoring and protection of endangered species	Fiji, Solomon Islands and Vanuatu	
5.8 Capacity development on Non-Detrimental Findings process for CITES partners	Regional - CITES partner countries	

Management and Operations

The BIEM Management Unit (MU) has been established by SPREP in Suva to provide logistical, financial, and administrative and communication support and coordinate the delivery of the eight BIEM components.

The MU also has responsibility to ensure that BIEM activities are coordinated effectively as part of the wider PEUMP Programme. The MU will work collaboratively with Programme members, Countries and other partners under the guidance of the PEUMP Programme Management Unit to achieve this.