

REQUEST FOR TENDERS

RFT: PWP-251-CON
File: AP_6/5/8/4
Date: 5 July, 2023
To: Interested consultants
From: PacWastePlus Finance and Procurement Officer

Subject: Request for tenders (RFT): Development of an advance recovery deposit & fee legislation for Tonga

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 technical assistance to support the development of an Advanced Recovery Deposit & Fee Legislation for Tonga.
- 2.2. The Terms of Reference for 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 pwprocurement@sprep.org before 5 July 2023. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by 6 July 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	Demonstrated experience with establishing a Sustainable Financing system (Container Deposit / Advance Disposal Fee / Advance Recovery Fee / Waste Levy etc)	20%
	Demonstrated experience conducting research and feasibility studies (focus on both company, and officers to deliver the works)	5%
	Demonstrated experience providing legal guidance to government departments	10%

	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.	30%

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: 13 July 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 '**PWP-251-CON: Development of an advance recovery deposit & fee legislation for Tonga**'

Mail: SPREP



Sustainable, transformative and resilient for a Blue Pacific

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

Technical Assistance to Support the Development of an Advance Recovery Deposit & Fee Legislation For Tonga

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 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).

2. INTRODUCTION TO PROJECT

Pacific Island Countries (PIC) are faced with the increasing issue of stockpiles of low-value recyclable materials. These items are imported to the islands but are faced with limited viable options for their recycling in-country or exporting to recycling markets due to:

- Differing (or non-existent) laws and policies that address waste and pollution
- Geographic spread and isolation within and between countries
- Large quantities of imported material and packaging due to limited local manufacture and production
- Limited options to dispose of waste
- Disproportionate amounts of waste produced by tourism
- Economic constraints, including economies of scale (as the small size of PICs can limit options for economical recycling operations)
- Challenges associated with exporting items for recycling such as expensive transportation, lack of backloading/reverse logistics agreements and difficulty in securing and retaining markets for post-consumer materials¹.

As such, low-value recyclable items often get disposed in overflowing landfills, unlined dumps, and vacant land, posing a potential hazard to human health and the environment.

Sustainable financing systems such as Advance Recovery Deposit & Fee legislation is seen by countries in the Pacific as a solution for long-term management of these low-value recyclable materials by providing financial security for the recovery, dismantling, sorting, packing and shipment of materials to recovery and recycling markets.

¹ Environmental Investigation Agency 2020 - Plastic Pollution Prevention in Pacific Island Countries: Gap analysis of current legislation, policies and plans

Advance Recovery Deposit & Fee legislation is building on from the success of Container Deposit / Waste Levy systems currently operating in five Pacific countries. In addition to beverage containers, Advance Recovery Fee and Deposit systems allow for the inclusion of other problematic items – such as vehicles, whiteware, solar batteries, etc.

Tonga seeks support to obtain required information and legislative assistance to develop and implement an Advance Recovery Deposit & Fee system.

Background to Tonga

Tonga is an archipelago of islands, located in the Polynesia region of the South Pacific. Tonga comprises of 36 inhabited islands (171 islands in total) over five administrative divisions, covering a land area of 749km² and ocean area (exclusive economic zone) of approximately 700,000km². The capital of Tonga is Nuku'alofa (on the island of Tongatapu), home to 23% of the 100,651 population².

Tonga has a small, open island economy and is the last constitutional monarchy among the Pacific Island countries. Agricultural exports, including fish, squash, vanilla beans, and yams, make up two-thirds of total exports. Tourism is the second-largest contributor to GDP following remittances from overseas Tongans. Tonga imports a high proportion of its food, mainly from New Zealand².

There is a large variability in the management of waste in Tonga. The islands of Tongatapu and Vava'u receive rubbish collection services provided by the Tonga Waste Authority Limited. Due to the lack of waste collection services provided to the other islands and rural areas, practices of backyard burying and burning is prevalent.

3. EXPECTED OUTCOME

On behalf of the Government of Tonga, the PacWastePlus programme seeks to engage a consultant to undertake a Feasibility Review and complete an Options Analysis to support the development of an Advance Recovery Deposit & Fee (ARFD) legislation.

The Feasibility Review / Options Analysis process will deliver a report that provides a high-level understanding of options to consider under, but not limited to, the following key components:

- a. What **items may be recommended for inclusion** in an Advance Recovery Fee / Deposit system in Tonga (i.e., beverage containers, e-waste, EOL vehicles, etc)?
- b. What is the **current management/recycling** process of each item in Tonga?
- c. What is the **annual importation** of each recommended item into Tonga and the expected lifespan, to determine likely 'availability' of product each year as an input into an ARFD system?
- d. What is the estimated **current volume** of each recommended item currently in Tonga (in-use, stockpiles, litter) and therefore expected volume of 'legacy waste' that will need to be managed at commencement of the scheme?
- e. What are the opportunities for **future management/recycling** (export or in-country recycling) of recommended items and understanding of infrastructure/operational requirements?
- f. What are **financial considerations** required for the management/recycling of each item in Tonga – income (expected recycle throughput) and expenses?
- g. Using estimated throughput and expenses associated with managing/recycling each item, what are the recommended starting '**deposit** and '**fee**' (i.e., handling/admin) fee for each recommended item in Tonga?

² World Bank 2022; <https://data.worldbank.org/country/TO>

- h. What are the options for **system operation** for each item in Tonga (i.e., private sector, public sector, Managing Agency, Public Private Partnership (PPP)). Detail associated expenditure, operational requirements, legal implications for each option considered. Options should include consideration of **redemption centres / collection depots** for the buy-back of each item from the community in Tonga, considering transportation requirements, facilities and land area to accept, and process, etc.
- i. What are the options for **system administration** in Tonga?
- j. How would a proposed ARFD system link with or overlap with **existing or proposed waste levy or plastic initiatives**.
- k. What are the options for a proposed Advance Recovery Deposit & Fee scheme to fit into the existing legal environment in Tonga, including guidance on what **legislation/reforms** will be necessary to be established, modified, or repealed. Particular consideration recommended for the legislative environment to provide for an **ARFD Fund**.
- l. What are the **key principles** to be included in Advance Recovery Deposit & Fee legislation for Tonga?
- m. What is the **path forward and next steps** for Tonga to follow to implement their Advance Recovery Deposit & Fee legislation?

4. SCOPE OF WORK

4.1 Mode of Delivery

4.1.1: Responsibilities

The following responsibilities will be managed as part of the project:

Consultant	SPREP	Tonga
<ul style="list-style-type: none"> • Liaise directly with SPREP and Country Representative to undertake the required actions • Be responsible for engagement of all necessary stakeholders and ensure all requirements are met to enable work to be undertaken • Deliver the required actions remotely • Present (in-person or remotely) at two Country Working Group Meetings, #1 - within two weeks of Inception Meeting and #2 - in last two weeks of assignment 	<ul style="list-style-type: none"> • Supply relevant background information – Waste Audit data, assessment of Legislative Frameworks Governing Waste Management, existing relevant legislation (CDL/Waste Levy) currently operating in Pacific and brief overview analysis • Conduct regular virtual meetings with the consultant • Coordinate travel to Tonga (if required) 	<ul style="list-style-type: none"> • Assign a dedicated officer to work with the consultant to complete any in-country components • Supply relevant background information • Conduct regular virtual meetings with the consultant • Assist consultant with coordination of relevant departments (Customs, Attorney General, Finance) • Arrange and host two Contract / Working Group Meetings (#1 - within two weeks of Inception Meeting and #2 - in last two weeks of assignment)

4.1.2: Required Tasks

This engagement seeks an appropriately qualified consultant to conduct the following activities.

- (i) Presentation at two Contract / Working Group Meetings (commencement & closure)
- (ii) Development of a Research Plan
- (iii) Development of a Feasibility Study and Options Analysis
- (iv) Development of Legislative Guidance
- (v) Development of an Implementation Plan / pathway forward

Required tasks and deliverables are outlined as follows:

Task	Description of task	Deliverable
Task1 Presentation at Working Group Meet- ings	<p>Presentation at a minimum of two Contract / Working Group Meetings shall be completed Tonga:</p> <ul style="list-style-type: none"> - #1 - within two weeks of project Inception Meeting prior to the finalisation of the Research Plan - #2 - in last two weeks of assignment prior to the finaliza- tion of the final Implementation Plan <p>The Country Representative shall arrange and host these meet- ings. Attendees shall be relevant government ministries such as, for example: Customs, Finance, Attorney General Office, Community and Women’s Affairs, Outer Islands, etc. Private Sector and Community Group representation shall at recom- mendation of Country Representative.</p> <p>The purpose of the first meeting will be to give an overview of the purpose of the study, benefit of ARFD systems, brief over- view of ARFD and case study of other countries (conducted by SPREP) and brainstorm/information gathering session. The Re- search Plan shall be finalised after this meeting.</p> <p>The purpose of the second meeting will be to give an overview of the findings of the study, answering questions presented at the initial meeting and providing options for system implementa- tion. The Implementation Plan shall be finalised after this meet- ing.</p>	<p>Agenda, Presentation and Minutes of Discussion at Working Group Meet- ings</p> <p>Confirmation of items to be included in the draft research plan and spec- ific questions to be ad- dressed by project.</p>
Task 2 Research Plan	<p>A separate research plan shall be completed reflecting the out- come of the Working Group Meeting #1, and local situation and context of that country.</p> <p>The plan should explain the overall strategy, methodology, and analyses to be used to successfully accomplish the project ob- jectives.</p> <p>The plan should be structured to, at a minimum, answer the key questions presented in Section 3.</p>	<p>Approved re- search plan</p>

Task	Description of task	Deliverable
<p>Task 3</p> <p>Report – Feasibility Review and Options Analysis</p>	<p>Undertake a review of all available data and conduct further data gathering, analysis and interviews as necessary to provide answers, options and recommendations for relevant key questions presented in Section 3.</p> <p>The Feasibility Review part of the Report should give a clear understanding of the current situation for recycling – generally providing the guidance provided by, but not limited to, bullet points a - d in Section 3.</p> <p>The Options Analysis part of the Report should clearly present options for Tonga to consider for key components of an Advance Recovery Fee / Deposit Legislation – generally providing the guidance provided by, but not limited to, bullet points e - j in Section 3.</p>	<p>Report - Feasibility Review and Options Analysis</p>
<p>Task 4</p> <p>Legislative Guidance</p>	<p>Undertake a review of the legislative environment and assess current or proposed CDL system (if any exist) to provide recommendation/options on:</p> <ul style="list-style-type: none"> - how the establishment of an ARFD legislation and an ARFD Fund could fit into the existing legal environment - guidance on what legislation/reforms will be necessary to be established, modified, or repealed. <p>The legislative guidance will also provide an understanding of the key principles to be included in Advance Recovery Deposit & Fee legislation, for example:</p> <ol style="list-style-type: none"> a. financing mechanism and who is responsible b. controls and situation that will allow refunds c. offences d. system management structure e. partnerships f. auditing / reporting g. Special Fund establishment and 'ring fencing' h. seed funding i. outer islands 	<p>Legislative Guidance</p>
<p>Task 5</p> <p>Implementation Plan / way forward</p>	<p>From the findings of the Feasibility Review/Options Analysis and Legislative Guidance, the consultant is expected to provide an Implementation Plan, detailing required steps and decisions until implementation of the Advance Recovery Fee / Deposit.</p> <p>The Implementation Plan should provide Tonga with a clear path forward and understanding of next steps to follow to implement their Advance Recovery Fee / Deposit legislation</p> <p>The Implementation Plan should provide detail such as:</p> <ul style="list-style-type: none"> • key questions remaining • key decisions to make • steps to follow • indicative timing • estimated budget 	<p>Implementation Plan</p>

Project Schedule

The study will be completed no later than 18 weeks from Contract Execution.

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

Project Schedule

Activity	Timeline
<i>Notification of Successful Consultant & Contract Signing</i>	
Introductory Teleconference Meeting between stakeholders - Inception Meeting	Within 2 weeks of Contract Execution
Presentation at Contract / Working Group Meeting	Within 4 weeks of Contract Execution
Submission of Workplan and Work arrangements	5 weeks from Contract Execution
Approval of Workplan and Work arrangements	6 weeks from Contract Execution
Submission of Feasibility Review and Options Analysis	9 weeks from Contract Execution
Approval of Feasibility Review and Options Analysis	11 weeks from Contract Execution
Submission of Legislative Guidance	11 weeks from Contract Execution
Approval of Legislative Guidance	13 weeks from Contract Execution
Presentation at Contract / Working Group Meeting	15 weeks from Contract Execution
Submission of Implementation Plan	16 weeks from Contract Execution
Approval of Implementation Plan	18 weeks from Contract Execution

5.1 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

Submissions must include an annotated budget listing for each task.

Submissions above USD 30,000 may not be considered.

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



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6. 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

