

# REQUEST FOR TENDERS

RFT: 2025/060  
File: AP\_4/12/19  
Date: 19 August, 2025  
To: Interested consultants  
From: Kathleen Taituave-Afereti, Legal Services and Governing Bodies Department

**Subject: Request for Tenders (RFT): Review of Fiji's National Legislation to support its Accession to the Basel and Rotterdam Conventions**

## 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](http://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 Review Fiji's National Legislation to support its Accession to the Basel and Rotterdam Conventions.
- 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://library.sprep.org/sites/default/files/sprep-organisational-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. The Contract for Services template is provided in the Annex.

## 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. Must meet local registration requirements where the consultant is based.
- 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.
  - f) Where relevant provide:
    - i. Business registration/license (For Entities/ Individual consultant's as per relevant national legislations)
    - ii. Tax Identification Number (TIN) Letter (If applicable for Individual consultant's as per relevant national legislations)

- 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](mailto:procurement@sprep.org) before 01 September 2025. A summary of all questions received complete with an associated response posted on the SPREP website [www.sprep.org/tender](http://www.sprep.org/tender) by 03 September 2025.
- 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
<b>Qualifications and Educational Background</b>	Must have a Bachelor of Laws as a minimum qualification. A Master's level degree will be an advantage.	<b>20</b>
<b>Relevant Experience</b>	At least 10 years' legal practice and holds a valid practicing certificate or license	<b>10</b>
	Demonstrated experience in legislative drafting and legal reforms in a Pacific Island Country that is evidenced by a full list of laws which he or she has drafted or reviewed	<b>15</b>
	Have some knowledge of multilateral environmental agreements such as Basel, Rotterdam and Stockholm Conventions	<b>15</b>
<b>Technical Proposal/Methodology</b>	Provide a Workplan for the Deliverables Outlined in the Terms of Reference	<b>20</b>

## 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: 12 September 2025, 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 2025/060: **Review of Fiji's National Legislation to Support its Accession to the Basel and Rotterdam Conventions**

Mail: SPREP

Attention: Procurement Officer

PO Box 240

Apia, SAMOA

Email: [tenders@sprep.org](mailto: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**

### **Review of Fiji's National Legislation to support its Accession to the Basel and Rotterdam Conventions**

#### **1. Background**

To align with international multilateral environmental agreements and in recognising the importance of strengthening its legal and institutional frameworks for the environmentally sound management of hazardous wastes and chemicals, Fiji is committed to accede to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. To support this process and in preparation for accession, a comprehensive legal review is necessary to assess the compatibility of Fiji's existing legal and regulatory framework with requirements under both Conventions.

The Department of Environment under the Ministry of Environment and Climate Change in Fiji is the primary regulatory body responsible for environmental protection, regulation of waste management activities, coordination of national efforts on chemicals and hazardous wastes. It administers the Environment Management Act 2005 (EM Act) is the principal legislation for the protection of natural resources, control and management of developments, waste management and pollution control. It also serves as focal point to other waste management multilateral environmental agreements such as the Stockholm Convention which Fiji and the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region.

The Department of Environment will oversee, manage and lead on Fiji's obligations under the Basel and Rotterdam Conventions upon accession and will play a central role in meeting its international obligations, coordinating with other government ministries, private entities, stakeholders and communities.

The Secretariat of the Pacific Regional Environment Programme (SPREP) with the European Union (EU), United Nations Environment Programme (UNEP) and the Organisation of African, Caribbean and Pacific States (OACPS), collaborate to implement the European Union's programme titled the "Capacity building related to Multilateral Environmental Agreements (MEAs) in the African, Caribbean and Pacific (ACP) States" known as the ACP MEAs Phase III Project.

One of the key activities of the ACP MEAs Phase III project is to develop regulatory frameworks to domesticate and implement the obligations of MEAs such as the biodiversity, waste and chemical MEAs. In this regard, the review of Fiji's national legislation to ensure compatibility and readiness to accede to the Basel and Rotterdam Conventions is aligned to the core objectives of the ACP MEAs Phase III. It is further aligned to the Regional Goal 4 of the SPREP Strategic Plan 2017-2026: Pacific people and their environment benefit from commitment to and best practice of environmental governance.

#### **Objectives**

SPREP is seeking consultancy services to undertake a legislative review of Fiji's relevant national legislation to ensure compatibility and readiness to accede to the Basel and Rotterdam Conventions. The review aims to make recommendations on necessary legal reforms to support Fiji's readiness to accede to the obligations of the Basel and Rotterdam Conventions.

The legal consultancy will provide a legal review of relevant national laws and regulations in Fiji that relate to the scope and mandates of the Basel and Rotterdam Conventions and make recommendations on necessary legal reforms that is needed to ensure Fiji's compliance with its international obligations.



The legal review will inform any legal amendments or development of new laws and regulations to support the Department of Environment in administering its functions and responsibilities in managing hazardous waste, chemicals and pesticides. This will further support any institutional changes in Government for the effective implementation of legislation and to strengthen coordination across different key ministries such as the Ministry of Agriculture and Fiji Revenue and Customs Services office. It will enhance inter-agency coordination through clearer legal mandates and defined responsibilities.

### 3. Scope of Services

- a) Analyse relevant existing environmental, waste management, public health, customs and trade related laws and regulations including but not limited to:
  - Environmental Management Act 2005
  - Environment Management (EIA Process) Regulations 2007
  - Environment Management (Waste Disposal and Recycling) Regulation 2007
  - Environment Management (Exempt Plastic Bags) Regulation 2021
  - Environment Management (Polystyrene Products Exemptions) Regulations 2021
  - Litter Act 2008
  - Litter Offence (Fixed Penalty Notice) Regulations 2018
  - Endangered and Protected Species Act 2002
  - Endangered and Protected Species Regulations 2003
  - Ozone Depleting Substances Act 1998 and its amendments 2020
  - Ozone Depleting Substances Regulations 2010
- b) Conduct a legal review of Fiji's national legislation against the key obligations and scope of the Basel and Rotterdam Conventions;
- c) Identify any legal and institutional gaps, overlaps and challenges in implementing the two Conventions and administering any proposed legislation or regulation;
- d) Recommend legislative amendments or new laws required for compliance and in meeting obligations under the Basel and Rotterdam Conventions; and
- e) Provide drafting instructions or advice for the legal drafting of any proposed Acts and regulations.

Task	Description	Deliverables
<b>1. Inception Meeting</b>	Lead, coordinate an inception meeting with the Legal Services and Governing Bodies Department to discuss the delivery of the consultancy, the Workplan and list of documents for review	<b>Inception meeting report:</b> Minutes of the inception meeting with confirmed activities, agreed workplan
<b>2. Stocktaking and Consultation</b>	<p>Carry out a comprehensive stock take of the existing national legislation and regulations that implements the Basel and Rotterdam Conventions in Pacific Island Countries (PICs).</p> <p>Consult the Department of Environment and relevant government ministries and stakeholders on their current legal mandates, roles, procedures and processes that relate to the scope of the Basel and Rotterdam Conventions</p>	Draft Review Report

<b>3. Final Report</b>	The final report to incorporate the findings from the stock take, consultations and recommendations	Final report with Recommendations and Drafting Instructions
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### 3. Deliverables and Timeframes

Deliverable	Timeframe
<b>1. Inception Report</b> - Workplan and list of documents for review	1 week from signing of contract
<b>2. First Draft Review Report</b>	Within 2 weeks
<b>3. Consultation where necessary with the Department of Environment of Fiji.</b>	Within 2 weeks
<b>4. Final Review Report with Recommendations</b> and Drafting Instructions	Within 3 weeks

### 4. Duration of Consultancy Service

The duration of the consultancy is expected to take 8 weeks from the date of signing.

### 5. Work Arrangements

The Consultant is not expected to be in Fiji however there may be online meetings with the Department of Environment of Fiji and the Environmental Law and Policy Officer at SPREP to ensure effective delivery of this assignment.