

REQUEST FOR TENDERS

RFT: GEFIS-027
File: AP_6/5/9/3
Date: 28 July, 2026
To: Interested suppliers
From: GEF ISLANDS Pacific Project

Subject: Request for tenders (RFT): Consultancy to Strengthen National Legal and Regulatory Frameworks for Mercury Control and Phase-Out in the Pacific

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.

2. Specifications: statement of requirement

- 2.1. SPREP wishes to call for tenders from qualified and experienced Consultant/Consultancy firms to strengthen national and regulatory frameworks for Mercury Control and Phase-Out in the Pacific by establishing the following:
 - Model Legislation
 - Legislative Adaptation Toolkits
 - Legislation Drafting Instructions for Pacific Island Parties to the Minamata Convention
- 2.2. The Terms of Reference of the consultancy are set out in Annex A.
- 2.3. The successful supplier 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

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested suppliers must meet the following conditions:

- i. **Submit a detailed Curriculum Vitae:** The CV should detail the qualifications and previous relevant experience for each proposed personnel, particularly in the development of waste management strategies and capacity building for such work.
 - ii. **Provide three relevant referees:** Include contact information and details of the most recent similar work completed by the consultant, relevant to this tender.
 - 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).
 - iv. **Provide examples of past related work outputs:** Submit examples of previous work related to hazardous waste management strategy development and capacity development.
 - v. **Submit Technical and Financial proposals:** These may be attached separately to the tender application. The technical proposal should outline the methodology, work plan, and risk mitigation strategies, while the financial proposal should provide a detailed cost breakdown.
- 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 supplier 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 supplier'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 before 07 August 2026. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by 14 August 2026.
- 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 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 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	Description	Weighting
Company Experience and Expertise	Demonstrated experience in legislation analysis and policy assessment/drafting	20%
	Demonstrated experience in management of Mercury and/or Elemental Mercury	15%
	Demonstrated experience in Small Island Developing States (SIDS) presenting complex topics in simplified way	10%
	Examples provided of past works relevant to this activity (links to initiatives or products that provide insight into research approach)	10%
Methodology	Detailed methodology to deliver the required project components and provide detail to the panel the value proposed by the tenderer.	20%
	Risk Plan (with mitigation measures) that will ensure the successful delivery of the project.	5%

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: 28th August 2026, midnight (Apia, Samoa local time).**
- 8.2. Late submissions will be returned unopened to the sender.
- 8.3. Please send all tenders clearly marked **"GEFIS-027: Consultancy to strengthen national legal and regulatory frameworks for mercury control and phase-out in the Pacific"**

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 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

Consultancy to strengthen national legal and regulatory frameworks for mercury control and phase-out in the Pacific

1. BACKGROUND

The Secretariat of the Pacific Regional Environment Programme (SPREP) has received Global Environment Facility (GEF) funds from the United Nations Environment Programme (UNEP) to execute the GEF ISLANDS Pacific Child Project.

The GEF ISLANDS Programme, for Implementing Sustainable Low and Non-chemical Development in Small Island Developing States (ISLANDS) supports 33 Small Island Developing States across 6 'child' projects, that include the Atlantic Regional Project, Caribbean Child Project, Indian Ocean Child Project, Pacific Child Project, Caribbean Incubator Facility and the Additional Caribbean Regional Project.

The Pacific Child Project aims (in part) to support Pacific Island Countries (PICs) in meeting their obligations to various multilateral environmental agreements (MEAs) relating to chemicals and waste. Relevant MEAs include the Basel, Rotterdam, Stockholm, Minamata and Waigani Conventions.

Broadly, the Pacific Child Project involves 14 SPREP members. Namely: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu.

2. INTRODUCTION TO THE PROJECT

Mercury is a highly toxic element considered one of the top ten chemicals of major public health concern by the World Health Organization. It is a naturally occurring element in the earth's crust and is released slowly into the environment through volcanic activity and weathering of rocks. Human activities such as mining, fuel combustion, metal production and the intentional use of mercury in various products have led to mercury being released into the air, soil and water, endangering human health.

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury. It entered into force in August 2017 and includes a ban on new mercury mines, the phase-out of existing mines, the phase-out and phase-down of mercury use in a number of products and processes, control measures on emissions to air and on releases to land and water, and the regulation of the informal sector of artisanal and small-scale gold mining (ASGM). The Convention also addresses interim storage of mercury, its disposal once it becomes waste, mercury contamination and human health impacts.

Currently, seven PICs are Parties to the Minamata Convention on Mercury, Kiribati, Marshall Islands, Palau, Samoa, Tonga, Tuvalu, and Vanuatu. National implementation of obligations relating to the Minamata Convention is constrained by fragmented legislation, limited technical capacity, and inadequate systems for safe collection, storage, and disposal of mercury-containing waste.

This project, being implemented under the GEF ISLANDS Pacific Child Project, aims to support PICs to transition toward mercury-free health systems and safer waste management practices, while strengthening regional cooperation and alignment with global obligations.

This Terms of Reference for a *Consultancy to strengthen national legal and regulatory frameworks for mercury control and phase-out in the Pacific* seeks to engage a consultant to complete three project outputs:

1. Model Legislation
2. Legislative adaptation toolkits

3. Legislation Drafting Instructions for Pacific Island Parties to the Minamata Convention

Preference will be given to companies with experience in the drafting of legislation in Australia, New Zealand and/or Pacific Island Countries. Experience in the management of mercury and/or other Multilateral Environment Agreements on chemicals and waste is desirable.

3. EXPECTED OUTCOME

The GEF ISLANDS Project Management Unit (SPREP) seeks to engage a consultant to deliver the following for Pacific Island Countries to assist in the protection of human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. Expected outcomes are detailed in Table 1 below:

Table 1: Expected outcomes

Outcome	Description
Develop Model Legislation on Mercury in alignment with the Minamata Convention, and supporting materials to assist Pacific Island Minamata Convention Parties.	Options to be explored should include, but not be limited to: - Protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds; - Implement obligations under the Minamata Convention on Mercury; - Regulate the import, export, manufacture, sale, distribution, storage, transport, use, and disposal of mercury and mercury-added products; - Promote mercury-free alternatives and environmentally sound waste management. Designed to be adaptable to national circumstances, the Model Legislation will serve as a practical template that countries can customize to strengthen their domestic legal frameworks to protect human health and the environment, and meet Minamata Convention obligations.
Undertake detailed legislative assessment for the seven Pacific Island Minamata Convention Parties to support the region to incorporate model legislation into national frameworks.	This must, at a minimum, address the following: - Reviewing existing legal and institutional frameworks; - Identifying legislative gaps and implementation needs; - Customising and mapping model mercury legislation into national laws and regulations; and - Strengthening institutional capacity for implementation, compliance, monitoring, and enforcement. The support will help countries align domestic legislation with the requirements of the Minamata Convention while considering national legal systems, institutional arrangements, and implementation capacities. The activity will strengthen the enabling environment for mercury management by supporting the development of enforceable legal provisions, enhancing institutional coordination, and building the capacity of government agencies responsible for implementation, monitoring, and enforcement.

4. SCOPE OF WORK

This consultancy will be delivered in phases as outlined in Table 2:

Table 2: Phases of the Scope of Work

Phase	Description	Documentation SPREP will provide	Supplier Output
Inception	Lead an inception meeting with the GEF ISLANDS Project Management Unit (SPREP) to discuss project deliverables, risks and associated risk mitigation measures, and ensure a common understanding of the actions and required outputs. The Contractor shall create and submit to SPREP a Work Plan that shall upon execution ensure effective delivery of services under this contract. The Draft Work Plan shall contain at a minimum: - Proposed time schedule and sequence of events that the Contractor shall use to meet the contract deliverables. - General description of the methods which the Contractor proposes to adopt for executing the contract - Comprehensive risk management plan to ensure effective delivery of services. - Any further details and information as SPREP may reasonably require.	Regional Action Plan on Mercury Phase Out Country Mercury Initial Assessment Reports	Inception meeting Minutes of the inception meeting with confirmation of activities, and any adjustments to the scope of work as agreed by meeting participants prior to commencement of any activities. Draft Work Plan The Draft Work Plan shall be delivered to SPREP for consideration and comment. The Workplan should provide confirmation of process and timing for the various stages of works described in this table (Table 2). The Workplan should also include details of the proposed methodology to be used to complete the necessary tasks. Final Work Plan Final Work Plan incorporating revisions and addressing all comments by reviewers on the draft work plan. Work

Phase	Description	Documentation SPREP will provide	Supplier Output
			Plan is considered final once approved by SPREP.
Model Legislation	The consultant will draft Model Legislation on Mercury that will provide a comprehensive legal framework to assist Pacific Island Countries in implementing their obligations under the Minamata Convention on Mercury. The Model Legislation on Mercury should include, but not be limited to, provisions that: a. Protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds (Article 1 of the Minamata Convention); b. Implement relevant obligations under the Minamata Convention on Mercury such as: i. Prohibitions on mercury mining (Article 3). ii. Data collection on mercury stocks (Article 3). iii. Import and export restrictions on mercury and mercury compounds (Article 3). iv. Restrictions on mercury-added products (Article 4, Annex A). v. Controls on mercury use (Articles 4, 5 and 7). vi. Emissions to air (Article 8) vii. Releases to land and water (Article 9) viii. Storage and transport, waste classification and disposal requirements, including environmentally sound waste management (Articles 10 and 11). ix. Contaminated sites (Article 12) x. Enforcement and compliance mechanisms, including reporting	Nil	Draft Model Legislation The Model Legislation on Mercury will provide a comprehensive legal framework to assist countries in implementing their obligations under the Minamata Convention on Mercury. Final Model Legislation Final Model Legislation on Mercury incorporating revisions and addressing all comments by reviewers on the draft Model Legislation. Model Legislation is considered final once approved by SPREP.

Phase	Description	Documentation SPREP will provide	Supplier Output
	xi. Regulate the import, export, manufacture, sale, distribution, storage, transport, use, and disposal of mercury and mercury-added products xii. Promote mercury-free alternatives c. Future proof the legislation to enable automatic uptake of treaty amendments. The model legislation will also define the roles and responsibilities of relevant government agencies, provide powers for inspection and enforcement, and support public awareness, information sharing, and stakeholder engagement.		
Legislative adaptation toolkits	The consultant will deliver Legislative adaptation toolkits for Pacific Island Countries. The Toolkits are to include: a. Bespoke guidance for countries on utilising/incorporating the Model Legislation. b. A Legislative Impact Statement and Cost Benefit Analysis Guideline. This will highlight the high level qualitative (and where possible quantitative) summary of expected benefits of adopting legislative Control. This is to be in the form of a draft Policy Paper or Briefing Paper to support national consideration of mercury-related regulatory frameworks. c. A Roadmap for adoption of Model Legislation in Pacific Island Countries. This should include an analysis of where any existing domestic regulatory instruments in PICs could readily adopt relevant components of the model legislation. The Roadmap	Regional Action Plan on Mercury Phase Out Country Mercury Initial Assessments	Draft Legislative adaptation toolkits for Pacific Island Countries The Legislative adaptation toolkits will assist countries in implementing their obligations under the Minamata Convention, and in protecting human health and the environment from mercury pollution. Final Legislative adaptation toolkits for Pacific Island Countries Final Legislative adaptation toolkits for Pacific Island Countries incorporating revisions and addressing all comments by reviewers on the

Phase	Description	Documentation SPREP will provide	Supplier Output
	should also include any policy, regulatory and institutional recommendations to support compliance with the Minamata Convention, d. A summary of mercury use, trade, storage, emissions and waste management practices within the country, identification of priority sectors and products containing mercury, and recommendations for phased reduction and elimination measures. e. An outline of practical actions, timelines, stakeholder responsibilities, and capacity-building needs to support the country's transition towards mercury-free alternatives and sustainable mercury management practices. The Toolkits are to factor in, and where appropriate align with, requirements of the Minamata Convention, the Pacific Regional Mercury Action Plan (2026-2030), and individual country Minamata Initial Assessments.		draft Toolkits. Toolkits are considered final once approved by SPREP.
Legislation Drafting Instructions for Pacific Island Parties to the Minamata Convention	The consultant will develop legislation Drafting Instructions for the 7 Pacific Island Countries who are Party to the Minamata Convention: Kiribati, Marshall Islands, Palau, Samoa, Tonga, Tuvalu, and Vanuatu. The consultant will work with representatives from each of the listed countries to review, adapt and prepare Drafting Instructions to incorporate the Model Legislation for Mercury into their national frameworks. The Drafting Instructions task includes: a. A legislative gap analysis report for each of the seven PICs who are Party to the Minamata Convention. This must include: i. A review of existing legal and institutional mechanisms in each country. ii. A summary of regulatory and/or policy implementation needs. b. Legislation Drafting Instructions.	Details of relevant country contacts	Draft country-specific Drafting Instructions for 7 Pacific Island Countries The 7 sets of Drafting Instructions shall be delivered to SPREP for consideration and comment. Final country-specific Drafting Instructions for 7 Pacific Island Countries Final Drafting Instructions incorporating revisions and addressing all comments by reviewers. The 7 sets of Draft-

Phase	Description	Documentation SPREP will provide	Supplier Output
	c. An implementation action plan to support Minamata Convention Parties to integrate the model legislation into national frameworks.		ing Instructions will be considered final once approved by SPREP.
Facilitation of webinar on utilising the Model Legislation Guideline	Upon completion of the model legislation and country-specific recommendations, the consultant will facilitate a regional webinar for Pacific Island Minamata Convention Parties to present the key provisions of the model legislation, share lessons learned from the legislative review process, and provide guidance on adapting and incorporating the model provisions into national legal frameworks. The webinar will provide an opportunity for participating countries to discuss common challenges, exchange experiences, seek clarification on legal and implementation issues, and identify next steps for strengthening mercury management in line with the Minamata Convention.	Details of Participating country and Participants.	Webinar Concept Note The Concept Note is considered final once approved by SPREP prior to implementation. Webinar recording Subject to agreement from webinar attendees, a recording of the Webinar is to be provided to SPREP to use for future capacity building needs, as required.
Final Reports	Consultant will submit final copies of all deliverables which adequately address all of SPREP and the country comments prior to the end of the contract.		Final Reports Reports are accepted by SPREP and Pacific Island Minamata Parties

Service Provider Responsibilities

The consultant will be responsible for ensuring that meetings with relevant stakeholders, GEF ISLANDS PMU are recorded and shared with SPREP. Weekly progress meeting with SPREP is deemed necessary.

5. SCHEDULE OF WORK

The activities are to be completed no later than 21 weeks from Agreement signing date with a preference for the activities to be completed much earlier.

The scope of work is detailed in Table 2. It is expected that tenderers will meet the scope of works in accordance with the Project Schedule in Table 3.

Table 3: Project Schedule

<i>Project schedule following contract execution</i>	
1. Inception Meeting and Workplan	No later than Two (2) weeks after signing of contract
2. Model Legislation	No later than Five (5) weeks after signing of Contract
3. Legislative Adaptation Tool Kit	No Later than Eight (8) weeks after signing of Contract
4. Legislation Drafting Instruction for Pacific Island Parties to the Minamata Convention	No Later than Eighteen (18) weeks after signing of Contract
5. Facilitation of webinar on utilising the Model Legislation Guideline	No Later than Twenty (20) weeks after signing of Contract
6. Final Reports	No Later than Twenty one (21) Weeks after signing of Contract

6. BUDGET

Quotes 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

SPREP reserves the right to withdraw this activity at any time, reserves the right to accept or reject any or all quotes and to waive any formal defects or irregularities in the quotes, when deemed to be in the interest of SPREP.

7. 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, including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud prevention & Whistle-blower Protection and Gender and Social Inclusion Policy.

https://www.sprep.org/attachments/Publications/Corporate_Documents/sprep-organisational-values-code-of-conduct.pdf