

REQUEST FOR TENDERS

RFT: 2021/025
File: AP_2/18/17
Date: 13 April 2021
To: Interested Consultants
From: Dominic Sadler, Invasive Species Coordinator

Subject: Request for tenders: **Updating existing and developing biosecurity legislation for Wallis and Futuna - READVERTISEMENT.**

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 would like to call for tenders from qualified and experienced companies, who can offer their services to update existing legislation and develop biosecurity legislation for Wallis and Futuna.

2.2. The successful applicant will need to provide a technical and financial proposal in response to the expectations of the Terms of Reference (TOR) in Annex 1.

2.3. The scope and nature of the work to be conducted is described in the TOR in Annex 1.

3. Conditions : information aux candidates

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

- i. Submit details of qualification and previous relevant experience (provide at least 3 references)
- ii. Complete the **tender application form** – *(please note you are required to complete all areas in full as requested on 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 result in the application **not** being considered).*
- iii. Sign the Conflict of Interest form provided.
- iv. Must be fluent in both written and spoken French
- v. The successful consultant must supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct.

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: methods, personnel (and their skill sets/curricula vitae), timeframes and costs.
- 4.3. Provide three referees relevant to this tender submission, including the most recent work completed.
- 4.4. A Technical Proposal which contains the details to achieve the tasks outlined in the Term of Reference (Annex A).
- 4.5. Tender submission must be in Euro (EUR) and Pacific Franc (XPF).
- 4.6. The Proposal must remain valid for 90 days from date of submission.
- 4.7. Tenderers/Bidders must insist on an acknowledgement of receipt of tenders/proposals/bids.

5. Tender Clarification

- 5.1. Any clarification questions from applicants must be submitted by email to procurement@sprep.org before 21 April 2021. A summary of all questions received with an associated response will be posted on the SPREP website www.sprep.org/tender by 23 April 2021.

6. Evaluation criteria

- 6.1. SPREP, in association with Wallis and Futuna's Environment Service (STE) and Wallis and Futuna's Veterinary Food and Phytosanitary Office (BIVAP) 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 tenderer satisfies the following criteria:
 - i. The candidates experience in the field environmental public policies and legislation review (20%)
 - ii. Demonstrated experience in engaging with local authorities and communities, communication and reporting across diverse audiences in a multicultural and multi-disciplinary environment in any municipality in the Pacific region. Including proven experience in facilitating and guiding consultative processes. (10%)
 - iii. The team's profile, proposed materials and availability on site (10%)
 - iv. Detailed technical proposal – refer 8.1 of TOR (30%)
 - v. Taking PROTEGE Social and Environmental charter into account - refer 8.1 TOR (10%)
 - vi. Financial proposal – refer 8.2 of TOR (20%)

7. Deadline

- 7.1. **The due date for submission of the tender is: 27 April 2021, midnight (local time, Apia Samoa)**
- 7.2. Late submissions will be returned unopened to the sender.
- 7.3. Please send all tenders clearly marked 'RFT 2021/025_ReAd: **Update of existing legislation and development of a biosecurity legislation for Wallis and Futuna - Readvertisement** 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 tenders 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 Biosecurity Wallis and Futuna

Object : Update of existing legislation and development of a biosecurity legislation for Wallis and Futuna

1. Context

1.1. PROTEGE project

PROTEGE aims to promote sustainable and resilient economic development in the face of climate change in the French Overseas Territories. It uses integrated and sustainable renewable resource management and the enhancement of ecosystem resilience and protection. The project is funded by the European Union's 11 Development Fund (EDF). One of the project's component objectives is invasive species management, which is coordinated by SPREP based in Apia-Samoa, in partnership with SPC based in Noumea- New Caledonia.

The invasive species component follows two main outcomes:

- Implementation of eradication and invasive species management on priority sites in the OCTs
- Implementation of monitoring and management of invasive species in terrestrial ecosystems.

In Wallis and Futuna, one of the identified priorities is to enhance biosecurity at national borders.

1.2. Institutional, legal and strategic context in Wallis and Futuna

1.2.1. Constitutional and administrative status

The islands of Wallis and Futuna have a special status as Overseas Collectivities (COM) which allows them to maintain their traditional institutions while maintaining three historical customary authorities (three kingdoms, one in Wallis and two in Futuna). Its current status can be summarised as follows:

- the representative of State (status of Prefect) is called the Senior Administrator of the territory;
- The territory has a special status of internal autonomy with legislative speciality;
- biodiversity conservation is a local territorial competence;
- the territory has its own legal corpus in terms of environmental law and can take measures to regulate introduction of species.

The Chief Administrator chairs the territorial council composed of the three traditional chiefs (ex-officio members) and three members appointed by him. The Territorial Assembly, comprising 20 councillors (13 for Wallis and 7 for Futuna) and is elected for 5 years by universal suffrage and includes a Commission on Environmental Issues which has wide powers of consultation.

1.2.2. Institutional coordination

The Territorial Environment Service (STE), set up in 1997, coordinates and implements public action in terms of protection, management and restoration of the environment, water monitoring, pollution prevention, research, training and information. It identifies the elements

necessary for the development of coherent environmental policies, is responsible for drawing up an inventory of the characteristics of the Territory's environment and species, particularly those that are particularly sensitive or exposed, and ensures the long-term monitoring of the state of natural ecosystems. It coordinates the management of IASs (lists, authorisations, control, etc.).

The Directorate for Agriculture Services (DSA) is responsible for phytosanitary protection and animal health. Within the DSA, the Bureau of Veterinary, Food and Plant Health Inspection is responsible for border inspection (airport and port) while the Plant Protection Section is in charge of pest control on plants in the territory.

Territorial partners, including customary institutions and professional organisations with direct or indirect environmental competences, are involved in the preparation and decision-making process, as well as in information, consultation, awareness-raising and monitoring operations.

1.3. Biosecurity in Wallis and Futuna

1.3.1. Geography

The islands of Wallis and Futuna are located in the South Pacific, northeast of Fiji and west of Samoa. Wallis on the one hand, Futuna and Alofi on the other.

Wallis consists of one main island, Uvea, with a surface area of 77.9 km² and 16 main volcanic and coral or sandy islets within its 220km² lagoon. To the south-west of Wallis, Futuna and Alofi are two mountainous islands with very indented coastlines and difficult access by sea. Futuna (46.3 km²) is an island without a lagoon, with a rugged relief. The neighbouring island, Alofi (17.8 km²), is uninhabited and is separated from Futuna by a 1.8 km wide strait.

The population on Wallis and Futuna is about 11 558 inhabitants, including 8 333 inhabitants on Wallis according to the latest census of 2018 (INSEE). The capital or chief town of the territory is Mata'Utu.

1.3.2. Invasion pathways in Wallis and Futuna

- **Maritime transport**

In Wallis, boats can dock at the port of Mata'Utu for merchandise or at Halalo for butane and oil delivery. In 2018, the total number of ship dockings was 39 (IEOM, 2018). This includes the berthing of 18 container ships, 11 oil tankers, 5 gas tankers, two 2 ocean liners and 3 French Navy ships.

The goods transported come mainly from metropolitan France, Singapore, New Caledonia, Fiji, New Zealand and Australia.

In Futuna, the port of Leava receives a container ship from Wallis about once every three weeks (IEOM, 2018).

- **Air transport**

Wallis airport receives three international flights a week during the high season and two in low season from the only airline serving the country (Aircalin), from Noumea, with or without a stopover in Fiji. In 2018, there were 276 aircraft movements and 132 tonnes of freight transported (IEOM, 2018).

Inter-island traffic between Wallis and Futuna represents about 10 flights a week (fluctuating according to weather conditions). There were 1,382 aircraft movements between Wallis and Futuna in 2018 and more than 28 tonnes of freight transported. There are no biosecurity checks on departure or arrival for these flights, which can carry up to 15 passengers and their luggage (IEOM, 2018).

- **Private yachts**

About thirty foreign yachts a year sail to Wallis or Futuna. Yachts and sailing boats are only partially or rarely inspected upon arrival in the Territory, due to the lack of a harbor master's office in Wallis and Futuna. They can potentially land food and animals from other countries without any prior control, especially on the islets.

In terms of inter-island transfers, light boats regularly cross the straight between Futuna and Alofi. These boats are likely to transport invasive species (rats, ants, etc.) from Futuna to Alofi, which is currently the least affected by invasive alien species. The transport of materials, tools, food...is not controlled. Similarly, the boats used to go to the islets on Wallis are likely to carry invasive species. When they arrive from neighbouring countries, sailboats can also carry pests from one island to another.

1.3.3. Biosecurity legislation

Border biosecurity is the first line of defence for biodiversity and the primary sector and is part of the territorial strategy on invasive alien species in Wallis and Futuna. It thus contributes to resilience to climate change by protecting the quality of ecosystem services.

In Wallis and Futuna there are three types of regulation related to biosecurity: phytosanitary and zoosanitary regulation, under BIVAP, human public health regulation under several services (BIVAP, Health Agency, AED) and environmental regulation under the Territorial Environment Service.

Phytosanitary and zoo-sanitary regulations (BIVAP competence)

The zoo-sanitary regulations are enforced by BIVAP in accordance with the provisions of decree n° 2001-066 of 7 February 200. Its objective is to avoid:

- the introduction of animal diseases due to deliberate transport of live animals
- the introduction of animal diseases due to animal products or products of animal origin;
- to avoid the introduction of animal diseases due to animal feed.

The aim of the phyto-sanitary regulations (phytosanitary decree dating from 1995) is to prevent the introduction of plant diseases due to voluntary transport of plants, parts of plants, soil and wood. Within the framework of the phytosanitary regulations, all plants imported into the territory are subject to a sanitary control on importation and to the requirement of phytosanitary certificates guaranteeing the healthiness of the products.

Human public health regulations

Human public health regulations (BIVAP, ADS, AED competence) prevent the introduction of human diseases:

- in the case of diseases transmitted by live animals or animal products (zoonoses, e.g. rabies, brucellosis, etc.);
- the introduction of unhealthy animals (BIVAP) or plant based (AED) foodstuffs;
- the introduction of feedstuffs for production animals having a harmful effect on the food chain (shared BIVAP - AED).

Environmental regulations for conservation purposes

The Territorial Environment Code (2006) includes a general framework and sector-based regulations, which take into account the national texts applicable to the territory and the obligations arising from international conventions signed by France. It defines modern principles of environmental prevention as a basis for action, including the principle of preventing nuisances at source for reasons of efficiency and economy (art. E. 112-3), the

polluter-pays principle (art. E. 113) and the precautionary approach (art. E. 114). The regulations drawn up by the territorial environment service are compiled in an environment code approved in 2006.

Chapter 3 concerns invasive or potentially invasive alien species. It includes the relevant definitions in line with the IUCN (2000) definitions:

- Alien species: a species, subspecies, or lower taxon introduced outside its past or present region, or any part, gamete, seed, egg, or propagule of that species capable of surviving and subsequently reproducing.
- Invasive alien species: an alien species whose introduction, establishment and spread threatens native ecosystems, habitats or species with negative environmental and/or economic and/or health consequences.

Over the last 30 years, 150 known plants have been introduced (Meyer, 2007), some becoming invasive, others having become naturalized (Territorial Environment Service, 2015). Many plants were also imported for their ornamental qualities at a time when legislation was being sparsely enforced. Today these plants are commonly found in Wallis gardens. Potentially invasive ornamental plants are still regularly imported by private individuals wishing to enhance their gardens. Animal species, of which 164 species have been introduced, 97 of which are invasive, such as the chestnut-breasted Munia, introduced voluntarily in the 1990s, or a new species of wasp introduced to Futuna in 2008 via construction machinery.

To counter these introductions, a list of invasive or harmful alien species in Wallis and Futuna was approved by the Territorial Assembly of Wallis and Futuna in 2016 and drawn up by the Head of the Territory (Order n°2016-407 of 6 September 2016). This list has two categories:

- Class 1: species whose introduction, installation or propagation on the Territory would constitute a threat to the species already present, the ecosystems, or even to the economic and sanitary balance;
- Class 2: species whose presence on the Territory may constitute an economic, social or environmental interest, but whose introduction, or even exploitation, must be strictly studied and supervised and subject to prior administrative authorisation based on an in-depth assessment of the consequences of the introduction.

This list includes 52 class 1 species and 23 class 2 species. However, it only concerns species already present in the territory and is therefore only useful to penalise the voluntary or involuntary propagation of these species within the territory itself (Service Territorial de l'Environnement, 2015). An additional list should be drawn up including the species most at risk, which are currently absent from the territory for the application of any regulatory measures, particularly to limit the risks of introduction from outside the territory.

The provisions of the Code are applicable to the possession, trade and transport of listed species. The risk of transfer between islands is taken into account in the Environmental Code and measures must be developed to minimise the risk of transferring potentially invasive species from the Island of Wallis to the islets, to Futuna and Alofi.

Through its status as a French collectivity, Wallis and Futuna is also involved internationally in the protection of species threatened with extinction by the CITES convention. The International Plant Protection Convention (IPPC) was adopted in 1951 and deposited with the Food and Agriculture Organization of the United Nations (FAO). Its aim is to protect native, cultivated or wild plants by preventing the introduction of any invasive plant species.

2. Objective of this tender

The territory of Wallis and Futuna has old and incomplete veterinary and phytosanitary regulations and environmental regulations that do not take into account new invasive species. All the regulations applying to imports (voluntary) and introductions (involuntary or illegal) need to be brought together in a coherent manner and areas where the various issues come together need to be studied. This should enable those in charge to determine the human and material resources and regulations to be implemented according to the risks involved.

A summary of the regulations found in Pacific countries and the DROM COMs will have to be drawn up for this purpose, provided that the regulatory references relating to the EU, which remains an important trading partner of Wallis and Futuna, are also included.

At the territorial level, it is therefore necessary to amend certain regulatory texts (environmental code, deliberation of the territorial assembly on phytosanitary controls), or even to draw up new ones.

The strengthening of regulations should thus allow for better supervision of the territory's biosecurity systems and, in particular, increased surveillance against undesirable species at the entrance to the territory or even between islands (surveillance of possible entry routes).

3. Project description

The objective of the project is to enable the authorities of Wallis and Futuna to have efficient biosecurity regulation, adapted to the local context and meeting the requirements and international standards recognised at regional, national, European and international level in order to prevent new invasions by animal and plant species.

3.1. Services

The services should include 4 phases :

- Phase 1: Inventory of Wallis and Futuna regulations, regulations in place in the other Pacific countries, the DROM-COMs and the EU

- Desktop study and bibliography

The service provider will collect all the information necessary to carry out the desktop study from the competent bodies in Wallis and Futuna (STE, BIVAP, customs, etc.) and other Pacific countries, DROM-COM and metropolitan France.

The aim of this part of the study is to gather all the data and existing documents and to carry out an analysis of the current operation of biosecurity in Wallis and Futuna.

The service provider will collect all the information necessary to analyse the regulations and biosecurity systems currently in place in”

- Wallis and Futuna
- In the Pacific Region
- In the DROM-COM
- In France (EU regulations)

- Phase 2: Comparison of different regulations

The service provider will compare the different regulations and carry out an analysis of the advantages and disadvantages of the different types of regulation.

For requests for voluntary introduction, the service provider will compare the advantages and disadvantages of an open positive list and a negative list (quarantine organism) to limit AISs.

The provider will also develop an updated list of most at risk invasive and potentially invasive alien species, taking into account those present in other Pacific countries with sea and/or air links to WF.

- Phase 3: Consultation with stakeholders and importers and survey of imported products and their country of origin

The service provider will carry out a cost/benefit analysis or any other analysis allowing to examine each import channel in order to have a regulatory and technical framework for monitoring of the accepted risk.

The modified regulations must prevent new invasions by animal and plant species and protect the territory but also as far as possible avoid barriers to the import of certain products or their origin.

To ensure that the strengthening biosecurity does not hinder the economic development of the Territory, it is important to consult all stakeholders involved with the importation of products into the Territory.

- Phase 4: Make proposals for regulatory changes adapted to Wallis and Futuna

On the basis of the results from the previous phases, the service provider will make recommendations for regulations applicable to Wallis and Futuna :

- Develop a supplementary list of the most at-risk species not present in the territory for the application of any regulatory measures, in particular to limit the risks of introduction from outside the territory.
- Develop recommendations for the integration of ballast water in Wallis and Futuna based on the international regulatory framework.
- Complete the regulations with a "Introduction Pathway" section (e.g. to better regulate the landing of pets for sailing boats).
- Study the advantages and disadvantages of a black list (currently in place) and a white list on Wallis and Futuna.
- Analyse the possibility of adding an "inter-island biosecurity" component to the regulations in order to protect Futuna from the introduction of new invasive alien species.
- Assess the cost-benefit ratio of setting up an Early Detection-Rapid Response system.
- Develop recommendations for updating the phytosanitary and zoo-sanitary regulations.

The regulation review should also make them more readable and understandable for both BIVAP and STE officers and the general public.

4. Expected deliverables

Phase 1 :

- Summary report on :
 - o The phytosanitary (1995), zoo-sanitary and environmental regulations of Wallis and Futuna
 - o The different regulations related to biosecurity in the countries of the South Pacific region, the DROM-COMs and metropolitan France (EU regulations).

Phase 2

- Comparative analysis of the different regulations, of advantages and disadvantages of the different types of regulations and possibility of implementation on Wallis and Futuna.
- Proposals for a list of invasive and potentially invasive alien species presenting the highest risk for Wallis and Futuna.

Phase 3

- Report consultation meetings with stakeholders.
- Report on imported products and their countries of origin.

- Cost/benefit analysis report or any other analysis that allows to examine each import sector.

Phase 4

- Proposals for changes to the regulations adapted to Wallis and Futuna.
- Fact sheets on invasive alien species whose introduction must be avoided at all costs.

5. Calendar

The services must be completed by the end of October 2021

6. Project governance

SPREP is the contract manager. All exchanges should include STE (Marie Monrolin) and BIVAP (Clément Pérez) as well as the Territorial Coordinator PROTEGE (François Fao). The deliverables will be approved by PROE in association with STE and BIVAP.

7. Candidates obligations

The candidate must

- have previous experience in policy and legislation review
- be able to work in both French and English

8. Bids and evaluation

The candidate's bid shall consists of a technical offer and a financial offer, the details of which are set out below.

The analysis of the offers is carried out within one month from the end of the deadline for submission of offers.

The weighting of each successful bid will be given a score per point.

8.1. Requirements for the technical proposal

The technical proposal must include the following elements:

- **Technical and professional capacities:** the candidate shall demonstrate their technical and professional capacities, taking into account the following criteria:
 - ✓ Human resources (the candidate's references and achievements, competences in relation to the fields and themes addressed, presentation of team members and their knowledge of environmental policies ;
 - ✓ Material resources (description of the resources allocated to each team member).
- **Implementation methods** (action plan, implementation schedule with phasing and team availability, etc.) ;
- **Monitoring methods** (operations summary documents, checklist of analyses and expected and/or obtained results, etc.).
- **The candidate's Corporate Social Responsibility (CSR) approach:** the applicant will set out their approach which will take into account PROTEGE's CSR intervention framework provided in the appendix.

Actions are provided as examples below:

- ✓ Optimising air travel in order to limit GHG emissions;
- ✓ Avoid or reduce the use of plastic during the entire service;

- ✓ Promote the social and cultural inclusion of local communities.

NB: The applicant may attach any additional elements and information related to the project such as: additional technical proposals, observations, remarks, etc.

8.2. Requirements for the financial proposal

The candidate will show each item of expenditure precisely, in relation to their technical proposal, in order to assess the relevance of the funding to the project and the expected results.

Price is not the only criterion for awarding this contract (see table of weighting of selection criteria).

The most advantageous price offer means the lowest price. However, the quality/price ratio is important, i.e. the costing of resources must be commensurate with the smooth implementation of the operations.

It is emphasised that any proposal for a variable price offer will be rejected.

8.3. Evaluation of technical and financial offers

The analysis criteria are noted as follows (see table below):

- **Technical offer = 80 points**
 - ✓ 40 points for "Technical and professional capacities".
 - ✓ 30 points for "Methodology for carrying out and monitoring operations".
 - ✓ 10 points for "The candidate's CSR approach".
- **Financial offer = 20 points**

The final score will be equal to the sum of the scores for each criterion.

For price, the candidate with the lowest price (excluding inappropriate, irregular, unacceptable or abnormally low bids) is awarded 20 points and the following formula is applied to calculate the N score of the other candidates:

$$N = 20 \times \frac{\text{Lowest price}}{\text{Candidates price}}$$

	Criteria	Sub-criteria	Weight
Technical proposal (80 points)	Technical capacity	Candidates experience in policy review	10
		Demonstrated experience in engaging with local authorities and communities, communication and reporting across diverse audiences in a multicultural and multi-disciplinary environment in any municipality in the Pacific region. Including proven experience in facilitating and guiding consultative processes. (10%)	10
		Candidate's or team's profile, materials and availability	10

		Knowledge of biosecurity	10
	Methodology	Quality of the technical proposal	30
	Candidate's CSR	CSR approach in line with PROTEGE CSR Framework	10
Financial proposal (20 points)	PRIX (rapport quality/prix)		20
			TOTAL100