

# REQUEST FOR TENDERS

RFT: 2024/011 (previously advertised as RFT 2023/008)  
File: AP\_6/9/14/1  
Date: 28 March, 2024  
To: Interested consultants  
From: Paul Irving, PacPlan Resilience Project Officer

**Subject: Request for tenders (RFT): Policy Advice, Legal Analysis Policy Recommendations, READVERTISEMENT**

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## 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 legal consultants who can offer their services to undertake maritime legal analysis, provide advice, undertake legal drafting, and support implementation of international and national maritime legal instruments under the Pacific Islands Regional Marine Oil Spill Contingency Plan (PacPlan).
- 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.

## 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. High level of written and spoken English;

- iii. Provide three referees relevant to this tender submission, including the most recent work completed;
  - iv. Provide examples of past related work outputs;
  - v. 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*).  
*For the Technical and Financial proposals you may attach these separately.*
  - vi. Must meet local registration requirements
- 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) **SPREP-AFD declaration of honour**
  - 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, including workplan, schedule of activities and other items as deemed necessary by the applicant.
  - 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 Proposal must remain valid for 90 days from date of submission.
- 4.7. 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 10 April 2024. 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 12 April 2024.
- 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%

Criterion	Detail	Weighting
Experience	The consultant / firm should have:	

i.	Appropriate legal qualifications, and at least 5 years' direct, practical experience in working in international and domestic maritime law, including international maritime conventions.	30%
ii.	A professional understanding of the implications of IMO Conventions and amendments on a State's international obligations and in the development and implementation of a State's maritime laws.	20%
iii.	Professional experience and/or qualifications in legal drafting.	10%
iv.	Professional experience and/or qualifications in policy development, regulatory, compliance and/or prosecutorial activities for a state maritime agency.	10%
v.	Professional experience and/or qualifications in the development, implementation and operation of a State National Marine Oil Spill Contingency Plan	10%

## 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: 25 April 2024, 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 2024/011 - **Policy Advice, Legal Analysis Policy Recommendations** .

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

#### Policy Advice, Legal Analysis Policy Recommendations

**Undertake maritime policy and maritime legal analysis, provide advice, and provide legislative drafting support, across five countries, under the Pacific Islands Regional Marine Oil Spill Contingency Plan (PacPlan).**

## 1. BACKGROUND

The Secretariat is the administrator of a project funded by the Australian Department of Foreign Affairs and Trade (DFAT) to improve Maritime Oil and Chemical Spill Response capability and resilience within Vanuatu, Solomons Islands, Nauru, Tuvalu and Kiribati, and across the regional more generally.

The overall objective of the PacPlan Project is to:

*“... to support Pacific Island countries to improve their response capabilities and preparedness to respond to oil spill disasters, in accordance with commitments under the regionally agreed Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN).”*

Outcome 1: Pacific Island Countries reduce their financial risks in the event of oil spills through direct access to ship owners and their insurers, and an avenue to seek compensation through IMO conventions.

- Output 1.1: PICs accede to relevant international and regional conventions that will strengthen their ability to enforce and seek redress from polluters.
- Output 1.2: PICs have domestic legislation (and systems) in place to give effect to their obligations under international liability conventions, allowing them to pursue compensation against polluters and enable access to international liability funds.
- Output 1.3 Develop/update model legislation to satisfy requirements for international conventions and enable compensation claims from polluters (such as the adoption of the regional model Marine Pollution Prevention Act)

To support these outputs, we are seeking one or more suitable qualified maritime policy and law contractors to deliver these outputs.

### Output 1.1 Conventions

We wish to offer the five primary countries within the project (Kiribati, Nauru, Solomon Islands, Tuvalu, Vanuatu) the opportunity to add to the treaties and conventions they have acceded to and ratified. These include the regional and international conventions, that address maritime incidents, emergencies, and response, and in particular, oil spill response, liability, and compensation. Also included are those conventions addressing waste management and transport.

We are using the stated objectives and outcomes of the project – assist us to set priority tasks. These are variously to: “reduce their financial risks in the event of oil spills, to strengthen [a country’s] ability to enforce and seek redress from polluters, and to pursue compensation against polluters and enable access to international liability funds.”

Risk profiles and credible scenarios are fundamental in determining whether there is likely to be a benefit from any given intervention, such as the FUND, which is focused on tankers of crude and heavy oil compensation, which does not currently seem to be an issue for most PacPlan states, that have no refining capacity, no oil production sector, no onshore need of residual persistent fuels, no shipping requiring heavy oils as fuels (mostly refined products nowadays). Remoteness and logistics

also play a role in determining the relative value of which conventions to give priority to for any given country and across the PacPlan members.

**Priority One (P1)** – makes them full and functioning members of the regional incident and spill preparedness, planning, response and recovery (PPRR) framework known as PacPlan. Members get support from other members and from their metropolitan support country. But without insurance and compensatory fund arrangements available to the member country, metropolitans may be increasingly averse to committing response time, personnel and resources where there is a low likelihood of cost recovery, due to the PacPlan member failing to prepare. (e.g NOUMEA)

**Priority Two (P2)** – provides for financial recovery mechanisms (insurance etc.) from the maritime transport industry directly for costs or response and recovery from impacts. These give PacPlan member countries and their metropolitan support countries greater certainty and confidence of a cost recovery. Otherwise, they are simply cross-subsidizing the costs the spiller is legitimately liable for. (e.g., INTERVENTION and HNS Protocol, WRECK, BASEL).

**Priority Three (P3)** – provides for international support and cooperation in all aspects of PPRR, for a member country. This has the strong potential to increase the catchment of technical and other support to PacPlan members well beyond the boundaries of the current PacPlan membership. (e.g. OPRC, BASEL).

**Priority Four (P4)** – provides for the PacPlan member to be able to have additional powers to prevent damage or costs, or respond to or clean up an incident, including new substances, cargoes, with liability clearly on the spill or creator of the incident. (e.g. OPRC-HNS Protocol, SALVAGE, LONDON and Protocol).

The countries yet to accede and ratify each of these conventions are listed in brackets for each.

Tabel One provides a comprehensive overview of all relevant conventions.

#### **Regional Conventions relating to marine pollution.**

- Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (the Noumea Convention) 1986 (Kiribati, Solomon Islands) (P1)
- Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region 1990 (Noumea Emergencies Protocol 1990) (Kiribati, Solomon Islands) (P1)

#### **International Conventions relating to prevention of marine pollution.**

- Nairobi International Convention on the Removal of Wrecks, 2007 (WRECK) (Kiribati, Nauru, Solomon Islands, Tuvalu, Vanuatu) (*Australian exemplary RIS and analysis*) (P2)
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION) 1969. (Kiribati, Nauru, Solomon Islands, Vanuatu) (P2)
- International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990 (Kiribati, Nauru, Solomon Islands, Tuvalu). (P3)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) 1992 (Tuvalu) (*Note this provides for the removal, even through insurance funding, of oily and hazardous wastes including oils, to countries outside the WAIGANI members*). (P3)
- Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (HNS Protocol) (Kiribati, Nauru, Solomon Islands, Tuvalu) (P4)
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (LONDON) 1972 (Tuvalu) (P4)
- London HNS Protocol 1996 (LONDON PROTOCOL 1996) (Kiribati, Nauru, Solomon Islands, Tuvalu) (P4)

- Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other Than Oil, 1973 (Kiribati, Nauru, Solomon Islands, Vanuatu) (P4)
- 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992) (Nauru, Solomon Islands) (*Note: this relates to tanker spills of crude/heavy oils only, so do any of our countries have the risk profile?*) (P4)
- 2003 Protocol establishing an International Oil Pollution Compensation Supplementary Fund (Kiribati, Solomon Islands, Tuvalu, Vanuatu) (*Note: this relates to tanker spills crude/heavy oils only, so do any of our countries have the risk profile?*) (P4)
- International Convention on Salvage (SALVAGE) 1989 (Nauru, Solomon Islands, Tuvalu) (P4)

The task requires, for each convention highlighted in Table One and listed above, drafting standard generic Ministerial-level briefing papers, Regulatory Impact Assessments, and draft Cabinet submissions. These will address the background to the convention, its connection with other international maritime law, the benefits and obligations associated with its adoption and ratification into national legislation. Where there are options, with perhaps competing conventions, one regional and one international, such as the Waigani or Basel conventions on waste transportation, both will be offered with a comparative analysis of the coverage, benefits and limitations of each.

These 13 generic papers (or combined) may then be used and adapted for each country, to guide their further policy development.

The policy task is completed once a draft Cabinet paper is ready for internal government consultation, prior to submission to Cabinet.

This contract does not include the need to work with the countries through the ratification process. However, that could be a legitimate contract extension, should a country want to undertake that option, within the life of this project (before 29 May 2025).

**Conventions and Protocol updates by Country:** (In order of SPREP perceived priority. See statement above regarding priorities.)

#### **Kiribati**

- NOUMEA Convention and EMERGENCIES Protocol (or OPRC) (P1)
- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (*preferred in addition to NOUMEA*) (P3)
- OPRC-HNS Protocol (P4)
- LONDON HNS Protocol (P4)
- SUPPLEMENTARY (FUND) Protocol (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Kiribati waters*) (P4)

#### **Nauru**

- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (P3)
- OPRC-HNS Protocol (P4)
- LONDON HNS Protocol (P4)
- SALVAGE (P4)
- FUND Protocol (*Nauru already has SUPPLEMENTARY – so is there a credible risk profile of tankers of crude/heavy oils likely to spill in Nauru waters*) (P4)

#### **Solomon Islands**

- NOUMEA Convention and EMERGENCIES Protocol (or OPRC) (P1)
- INTERVENTION and HNS Protocol (P2)





- WRECK (P2)
- OPRC (*preferred in addition to NOUMEA*) (P3)
- OPRC-HNS Protocol (P4)
- LONDON HNS Protocol (P4)
- SALVAGE (P4)
- FUND and SUPPLEMENTARY (FUND) Protocols (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Solomon Is. waters?*) (P4)

#### **Tuvalu**

- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (*preferred in addition to NOUMEA*) (P3)
- BASEL (*for confident international waste management*) (P3)
- OPRC-HNS Protocol (P4)
- SALVAGE (P4)
- LONDON DUMPING FUND and SUPPLEMENTARY (FUND) Protocols (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Tuvalu waters?*) (P4)

#### **Vanuatu**

- WRECK (P2)
- SUPPLEMENTARY (FUND) Protocol (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Vanuatu waters?*) (P4)

**Table One – Regional and International Maritime and Waste Treaty and Convention Status**

	Treaty Status (as at 1 March 2024)	Kiribati	Nauru	Sol Is	Tuvalu	Vanuatu	PNG
<b>ref</b>	<b>Regional Maritime Conventions</b>						
1	Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (NOUMEA CONVENTION) 1986		Acceded		Acceded	Acceded	
2	Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region 1990 (EMERGENCIES Protocol)		Acceded		Acceded	Acceded	
3	Proposed Protocol on oil pollution preparedness, response and cooperation in the Pacific region (2008)	Wider options with OPRC accession (ref 8)					
4	Proposed Protocol on hazardous and noxious substances pollution, Preparedness, response and cooperation in the Pacific region (Noumea Protocol on HNS Pollution Preparedness, 2008)	Wider options with OPRC/HNS accession (ref 9).					
5	Protocol for the Prevention of Pollution of the South Pacific Region by Dumping 1990, (Noumea Dumping Protocol 1990)		Acceded	Acceded			Acceded
6	Proposed Amendment to the Noumea Dumping Protocol 2008.						
	<b>International Maritime Conventions</b>						
7	MARPOL 73/78	Acceded	Acceded	Acceded	Acceded	Acceded	Acceded
8	International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC)	Wider option than Noumea (ref 2/3)				Acceded	Acceded
9	Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol)	Wider option than Noumea (ref 2/3)				Acceded	Acceded
10	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (LONDON DUMPING)	Acceded	Acceded	Acceded	Option with Noumea (refs 5/6)	Acceded	Acceded
11	London Protocol 1996 (LONDON Protocol)	Option with Noumea (refs 5/6)				Acceded	
12	UNCLOS 84	Acceded	Acceded	Acceded	Acceded	Acceded	Acceded
13	International Convention Relating to Intervention on the High Sea in Cases of Oil Pollution Casualties, 1969 (INTERVENTION)					Acceded	
14	Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other Than Oil, 1973 (INTERVENTION Protocol)					Acceded	
15	CLC 1992 ( <i>tankers and persistent oils only</i> )	Acceded	Acceded	Acceded	Acceded	Acceded	Acceded
16	1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) 1992	Acceded			Acceded	Acceded	Acceded
17	2003 Protocol establishing an International Oil Pollution Compensation SUPPLEMENTARY Fund to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 2003) 1992		Acceded				
18	BUNKERS, 2001	Acceded	Acceded	Acceded	Acceded	Acceded	Acceded
19	International Convention on Salvage (SALVAGE) 1989	Acceded				Acceded	
20	The Nairobi International Convention on the Removal of Wrecks (WRECK), 2007.						
	<b>Regional Waste Conventions</b>						
21	Waigani 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 (2001)	Acceded	Acceded	Acceded	Acceded	See ref 22	Acceded
	<b>International Waste Conventions</b>						
22	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992	Acceded	Signed	Acceded	Wider options than regional Waigani	Acceded	

### Output 1.2 Domestic Legislation

We also wish to offer those same five countries the opportunity to review, update, and amend their national domestic legislation (both maritime and resources management, such as Fisheries or Environment) to reflect accession and ratification of the conventions, and any relevant changes in context, that might benefit their local legislation.

This will involve, for each country, conducting a review and analysis of their relevant legislation, against SPREP's Model Marine Pollution Act (which itself will be under review and update), and any relevant new requirements, related to, among other things, compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

This will likely involve supporting maritime agencies to write briefing and policy papers (including Regulatory Impact Assessments) to agencies and Cabinet regarding any necessary or desirable legislative amendments, as well as offering legislative drafting advice on any amendments agreed.

The task concludes with delivery of the policy papers for Cabinet decisions. It specifically does not include writing actual legislative drafting instructions for legislative amendments. The policy decision papers should include information about what amendments will be required and assess the amount and duration of any legislative drafting process required.

However, that depending on time and project funds availability, it could be a legitimate contract extension, should a country want to undertake legislative amendments, within the life of this project (before 29 May 2025).

### Output 1.3: Model Legislation

We also wish to review and amend the current (2014/17) version of the SPREP/SPC regional model Marine Pollution Prevention Legislation. It needs to reflect changes in international law, and caselaw. It also needs to reflect changes in expectations, responsibilities and obligations.

SPREP will also support this with advice using our model National Marine Oil Spill Contingency Plan (NatPlan) and the RETOS™ assessment approach to identify elements and support elements that require legislative mandate, (and so should be included within the model legalisation), as opposed to policy mandate or administrative delivery within a NatPlan or associated systems and doctrine.

For example, the legislation should require a person be appointed to lead an incident response. Policy should require that person be suitably qualified for the role to ensure competency. Administrative support could provide a means for the person to gain qualifications. So, identifying where Policy and Administrative support are required to implement a statutory obligation will be relevant to the task, but delivery will be undertaken by the SPREP Project Officer and country NatPlan staff.

Another element of this review of the model legislation will be the advice of the legal advisor whether the new material should be provided as drafting ready instructions, rather than pre-drafted legislative clauses, since the statutory styles of the countries vary so much around the Pacific. This would aid the delivery under the tasks of output 1.2 (National Legislative Reviews)

## **2. PURPOSE**

The purpose of the consultancy is to provide legal support to improve the national domestic capability within each of the five countries, to assist them prepare for, plan for, respond to and recover from marine oil spills and other maritime incidents, through ratification of the relevant international conventions, enacting suitable domestic maritime legislation and regulations, developing policy, creating administration, and implementing operational capability. This will be done in close collaboration with each country, through the national maritime agency and their equivalent of an Attorney General's Office.

### 3. SCOPE OF WORK

#### 3.1 Tasks

There are 11 tasks to be completed in this contract. Each can be bid for separately. Tasks can be grouped as part of bid, where expertise or knowledge can show more efficient delivery.

**Task One.** (reference Output 1.3) Review and amend the regional model Marine Pollution Prevention Act. This will include providing advice on what generic drafting instruction may look like, and identifying elements for which statutory authority is required, to provide mandate for or support policy and/or administrative implementation. This task will provide information for Tasks seven to eleven below on review of national domestic legislation.

**Task Two** (reference Output 1.1) produce generic policy and briefing papers for each of the 13 Conventions listed in section 1. Above and highlighted in Table One. These would include:

- An initial briefing paper on the country's overall convention status, seeking agreement to proceed with a process to analyse and promote accession and ratification to those not yet completed.
- For each Convention, a generic background and context analysis.
- For each convention, a regulatory impact statement (RIS) report, addressing the benefits and obligations. The RIS could follow a generic approach and structure as each will likely be required to be tailored to each country's specific requirements, but should be a high-level summary of the problem being addressed, and the options and their associated risks, costs and benefits. It can't address country specific community or sector consultation undertaken (this would be left to each country to complete), but should be able to address the proposed arrangements for implementation (through maritime or similar legislative amendment) and review. (Australian exemplary 2020 RIS on WRECK Convention for Australia)
- A draft generic Cabinet Submission for each Convention, where the various elements of each of the preceding report(s) can be added, ready for government agency and/or ministerial level consultation (whatever approach may apply in each of the five countries).

**Task Three** (reference Output 1.1) provide **Vanuatu** with an assessment of their Convention status, including those addressing maritime incident management, marine pollution preparedness and response, and insurance, liability, and compensation. Generate a report on status, identify the benefits (and obligations) of ratification of those conventions not yet ratified and make recommendations for further ratification.

- WRECK (P2)
- SUPPLEMENTARY (FUND) Protocol (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Vanuatu waters?*) (P4)

The contract should include draft policy papers to agencies or Cabinet regarding convention ratification benefits and obligations, and on the processes of accession and ratification.

The task does not include supporting the country through the process of ratification. However, that could be a legitimate contract extension, should a country want to undertake that option, within the life of this project (before 1 June 2025).

**Task Four** (reference Output 1.1) provide **Solomon Islands** with an assessment of their Convention status, including those addressing maritime incident management, marine pollution preparedness and response, and insurance, liability, and compensation. Generate a report on status, identify the

benefits (and obligations) of ratification of those conventions not yet ratified and make recommendations for further ratification.

- NOUMEA Convention and EMERGENCIES Protocol (or OPRC) (P1)
- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (*preferred in addition to NOUMEA*) (P3)
- OPRC-HNS Protocol (P4)
- LONDON HNS Protocol (P4)
- SALVAGE (P4)
- FUND and SUPPLEMENTARY (FUND) Protocols (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Solomon Is. waters?*) (P4)

The contract should include draft policy papers to agencies or Cabinet regarding convention ratification benefits and obligations, and on the processes of accession and ratification.

The task does not include supporting the country through the process of ratification. However, that could be a legitimate contract extension, should a country want to undertake that option, within the life of this project (before 1 June 2025).

**Task Five** (reference Output 1.1) provide **Tuvalu** with an assessment of their Convention status, including those addressing maritime incident management, marine pollution preparedness and response, and insurance, liability, and compensation. Generate a report on status, identify the benefits (and obligations) of ratification of those conventions not yet ratified and make recommendations for further ratification.

- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (*preferred in addition to NOUMEA*) (P3)
- BASEL (for confident international waste management) (P3)
- OPRC-HNS Protocol (P4)
- SALVAGE (P4)
- LONDON DUMPING FUND and SUPPLEMENTARY (FUND) Protocols (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Tuvalu waters?*) (P4)

The contract should include draft policy papers to agencies or Cabinet regarding convention ratification benefits and obligations, and on the processes of accession and ratification.

The task does not include supporting the country through the process of ratification. However, that could be a legitimate contract extension, should a country want to undertake that option, within the life of this project (before 1 June 2025).

**Task Six** (reference Output 1.1) provide **Kiribati** with an assessment of their Convention status, including those addressing maritime incident management, marine pollution preparedness and response, and insurance, liability, and compensation. Generate a report on status, identify the benefits (and obligations) of ratification of those conventions not yet ratified and make recommendations for further ratification.

- NOUMEA Convention and EMERGENCIES Protocol (or OPRC) (P1)
- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (*preferred in addition to NOUMEA*) (P3)
- OPRC-HNS Protocol (P4)
- LONDON HNS Protocol (P4)
- SUPPLEMENTARY (FUND) Protocol (*is there a credible risk profile of tankers of crude/heavy oils likely to spill in Kiribati waters?*) (P4)

The contract should include draft policy papers to agencies or Cabinet regarding convention ratification benefits and obligations, and on the processes of accession and ratification.

The task does not include supporting the country through the process of ratification. However, that could be a legitimate contract extension, should a country want to undertake that option, within the life of this project (before 1 June 2025).

**Task Seven** (reference Output 1.1) provide **Nauru** with an assessment of their Convention status, including those addressing maritime incident management, marine pollution preparedness and response, and insurance, liability, and compensation. Generate a report on status, identify the benefits (and obligations) of ratification of those conventions not yet ratified and make recommendations for further ratification.

- INTERVENTION and HNS Protocol (P2)
- WRECK (P2)
- OPRC (P3)
- OPRC-HNS Protocol (P4)
- LONDON HNS Protocol (P4)
- SALVAGE (P4)
- FUND Protocol (*Nauru already has SUPPLEMENTARY – so is there a credible risk profile of tankers of crude/heavy oils likely to spill in Nauru waters*) (P4)

The contract should include draft policy papers to agencies or Cabinet regarding convention ratification benefits and obligations, and on the processes of accession and ratification.

The task does not include supporting the country through the process of ratification. However, that could be a legitimate contract extension, should a country want to undertake that option, within the life of this project (before 1 June 2025).

**Task Eight** (reference Output 1.2) provide **Vanuatu** with an assessment of their national domestic maritime legislation status, using the revised regional model Marine Pollution Prevention Act, from Task One, and the questions and advice from the RETOS™ approach provided by SPREP. And identifying any relevant new requirements, in particular related to compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

Where there are implications for possible references to or possible amendments to legislation, addressing support from other support or resources management agencies (such as disaster management, immigration, fisheries or environment), this should be part of the overall report.

The contract should include draft policy papers to agencies or Cabinet regarding any identified necessary or desirable legislative amendments. Should detailed legislative drafting instructions be required, this will be considered a task extension to both project time and duration, as these are an unknown, until Cabinet decisions are made.

However, that depending on time and project funds availability, it could be a legitimate contract extension, should a country want to undertake legislative amendments, within the life of this project (before 1 June 2025).

**Task Nine** (reference Output 1.2) provide **Solomon Islands** with an assessment of their national domestic maritime legislation status, using the revised regional model Marine Pollution Prevention Act, from Task One, and the questions and advice from the RETOS™ approach provided by SPREP. And identifying any relevant new requirements, in particular related to compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

Where there are implications for possible references to or possible amendments to legislation, addressing support from other support or resources management agencies (such as disaster management, immigration, fisheries or environment), this should be part of the overall report.

The contract should include draft policy papers to agencies or Cabinet regarding any identified necessary or desirable legislative amendments. Should detailed legislative drafting instructions be required, this will be considered a task extension to both project time and duration, as these are an unknown, until Cabinet decisions are made.

However, that depending on time and project funds availability, it could be a legitimate contract extension, should a country want to undertake legislative amendments, within the life of this project (before 1 June 2025).

**Task Ten** (reference Output 1.2) provide **Tuvalu** with an assessment of their national domestic maritime legislation status, using the revised regional model Marine Pollution Prevention Act, from Task One, and the questions and advice from the RETOS™ approach provided by SPREP. And identifying any relevant new requirements, in particular related to compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

Where there are implications for possible references to or possible amendments to legislation, addressing support from other support or resources management agencies (such as disaster management, immigration, fisheries or environment), this should be part of the overall report.

The contract should include draft policy papers to agencies or Cabinet regarding any identified necessary or desirable legislative amendments. Should detailed legislative drafting instructions be required, this will be considered a task extension to both project time and duration, as these are an unknown, until Cabinet decisions are made.

However, that depending on time and project funds availability, it could be a legitimate contract extension, should a country want to undertake legislative amendments, within the life of this project (before 1 June 2025).

**Task Eleven** (reference Output 1.2) provide **Kiribati** with an assessment of their national domestic maritime legislation status, using the revised regional model Marine Pollution Prevention Act, from Task One, and the questions and advice from the RETOS™ approach provided by SPREP. And identifying any relevant new requirements, in particular related to compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

Where there are implications for possible references to or possible amendments to legislation, addressing support from other support or resources management agencies (such as disaster management, immigration, fisheries or environment), this should be part of the overall report.

The contract should include draft policy papers to agencies or Cabinet regarding any identified necessary or desirable legislative amendments. Should detailed legislative drafting instructions be required, this will be considered a task extension to both project time and duration, as these are an unknown, until Cabinet decisions are made.

However, that depending on time and project funds availability, it could be a legitimate contract extension, should a country want to undertake legislative amendments, within the life of this project (before 1 June 2025).

**Task Twelve** (reference Output 1.2) provide **Nauru** with an assessment of their national domestic maritime legislation status, using the revised regional model Marine Pollution Prevention Act, from Task One, and the questions and advice from the RETOS™ approach provided by SPREP. And identifying any relevant new requirements, in particular related to compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

Where there are implications for possible references to or possible amendments to legislation, addressing support from other support or resources management agencies (such as disaster management, immigration, fisheries or environment), this should be part of the overall report.

The contract should include draft policy papers to agencies or Cabinet regarding any identified necessary or desirable legislative amendments. Should detailed legislative drafting instructions be required, this will be considered a task extension to both project time and duration, as these are an unknown, until Cabinet decisions are made.

However, that depending on time and project funds availability, it could be a legitimate contract extension, should a country want to undertake legislative amendments, within the life of this project (before 1 June 2025).

### **3.2 Matrix or Grouped task offerings may be acceptable.**

Contractors can choose to offer services to deliver any one, some, or all of the tasks. Country tasks can be consolidated (i.e. convention and legislative reviews for one country) for efficiency and cost effectiveness. However, SPREP preference is for Tasks One, and some or all of Tasks Eight to Twelve to be done by the same contractor, and is for Task Two and Tasks Three to Seven to be done by the same contractor.

### **3.3 Project Dependencies, Schedule, Milestones and Deliverables**

*Note: all dates are dependent on contract signing date and contractor proposals and negotiations.*

#### **Dependencies:**

Tasks Three to Seven (country conventions policy tasks) rely on the successful completion of Task Two (generic convention policy work). Tasks Eight to Twelve (country legislation reviews) rely on the successful completion of Task One (review and amend the regional model Marine Pollution Prevention Act)

#### **Duration and milestones:**

The project will start with the appointment of the successful contractor for each, with an expected delivery time for each task as discussed below. (see 3.3 Australian Policy Processes for an example of the role of officials versus contractors).

**Task One** – The review of the model legislation should take no more than three months from contact signing. SPREP Project staff will be available to assist with input and context information during this time. This task requires no travel.

This task must be completed within three months of contract signing (preferably by end of August 2024) to provide generic legislation support for in-country gap analyses in Tasks Eight to Twelve.

**Milestone One** is contract signing.

**Milestone Two** is completion of the draft Analysis and Recommendations for Amendment Report.

**Milestone Three** is completion of the Draft Amended Model Legislation.

**Milestone Four** is the completed Model Legislation. And an analysis on what's been changed, why, and what hasn't been changed, and why not.

**Task Two** – Development of a set of generic policy analyses, briefings and submissions, for the 13 Conventions that countries have not yet signed up for. This will provide a set of material for mix and match rapid development of country-specific policy material. This review and generation of material should take no more than two months to complete from contact signing. SPREP Project



staff will be available to assist with input and context information during this time. This task requires no travel.

This task must be completed within three months of contract signing (preferably by mid-August 2024) to provide policy and document support to Tasks Three to Seven.

**Milestone One** is contract signing.

**Milestone Two** is completion of the draft Analysis of the Conventions, noting context, relationships with other conventions, benefits of ratification, including addressing the risk to countries of being unable to recover financially or in other ways from a spill and response where insurance or recompense is withheld or ignored, and the process for accession and ratification.

**Milestone Three** is completion of the draft RIS for each convention, recognising that the section of consultation needs to be left to a basic a set of instructions on how local government and sector consultation might occur.

**Milestone Four** is completion of the draft generic Cabinet Submission, for each Convention, outlining the proposal, the benefits and implications, with sections for local officials to complete regarding consultation and recommendations.

**At this point** the contractor's role in the task is completed. When addressing each country's need in Tasks 3-7 below, should an agency want to seek support or advice from the contractor to assist them to take the paper through their normal Cabinet-level processes (inter-agency consultation, and revision?), and through the post-decision ratification processes. This will be considered a contract extension, subject to agreement with SPREP.

**Tasks Three to Seven** – the Convention reviews should take no more than 3 months per country. An initial analysis report of the Conventions ratified and those required within three weeks of the contract signing, and the final report and draft policy papers for the conventions required within the six weeks. Ideally, these tasks could be done in parallel, as the content of the draft policy papers are likely to be similar across all five countries, depending on which conventions are needed. Political agreement of the countries to ratify the conventions is not required by the project. These tasks require no travel.

All five tasks must be completed by 2 December 2024.

**Milestone One** is contract signing.

**Milestone Two** is completion of the Initial Analysis Report on what conventions the country has ratified, and how they have been actioned in the relevant domestic legislation, and which haven't (gaps), and are required, and why.

**Officials Consultation** – this is when the Initial Analysis Report is handed to local maritime administration officials for them to undertake local consultation on the recommendations for convention ratification.

**Milestone Three** is completion of the draft Report (for internal agency consultation) on recommendations for further ratifications, with an analysis of the benefits (and obligations) of ratification of those outstanding conventions, with a draft policy paper recommending ratification, what the implications of doing so or not) are, and the ratification process to be followed, if government agrees.

**Officials Consultation** – this is when the draft work is handed to local officials for them to undertake local agency and political consultation on the report recommendations for convention ratification.

**Milestone Four** is the completed task report, providing the agency all the information on what to recommend, and what to put in their policy paper.

**At this point** the contractor's role in the task is completed, however, the agency could seek further advice from the contractor to assist them to take the paper through their normal Cabinet-level processes (inter-agency consultation, and revision?), and through the post-decision ratification processes. This will be considered a contract extension, subject to agreement with SPREP.

**Tasks Eight to Twelve** – the domestic legislation reviews will preferably require the output from Task One, the Review and Amendments to the regional model Marine Pollution Prevention Act. However, this is likely to be iterative process. Nonetheless once the recommended amendments to the Model legislation are known, the analysis of each country legislation becomes simpler and more consistent. The draft Legislative Gap Analysis report should be completed within the first eight weeks (by the end of October 2024). Draft policy papers on recommended amendments should be completed by within three months. Departmental consultation and completion of the policy recommendation papers are the responsibility of the relevant local department or agency, and if not completed within the expected project and/or budget, will become the full responsibility for the local agency to complete and lodge. These tasks likely require one trip per country, to meet the local experts and agree a means, process and timeframe for the review.

All five tasks must be completed by 10 February 2025.

**Milestone One** is contract signing.

**Milestone Two** is a mid-term progress report towards completion of the draft Legislative Gap Analysis Report on the state of the country's maritime legislation addressing pollution preparedness, planning, response and recovery. It should identify any relevant new requirements, in particular related to planning, compliance, forensics and evidence, prosecution, insurance and indemnity, and cost recovery and compensation.

**Milestone Three** is completion of the draft Legislative Gap Analysis Report, ready for intra-agency official consultation. It should note gaps and likely additions to address these.

**Officials Consultation** – this is when the draft Legislative Gap Analysis Report is handed to local officials for them to undertake local agency and political consultation on the report recommendations for legislative amendment.

**Milestone Four** is the revised and so final Legislative Gap Analysis Report, addressing the comments and critique of internal review. It should be accompanied by a draft policy decision (Ministerial or Cabinet level) paper outlining the gaps, the risks, the needs, the implications, the processes and the legislative drafting required for recommended changes.

**At this point** the contractor's role in the task is completed, however, the agency could seek further advice from the contractor to assist them to take the paper through their normal Cabinet-level processes (inter-agency consultation, and revision), and through the post-decision legislative drafting and consultation processes. This will be considered a contract extension, subject to agreement with SPREP.

### 3.4 Risk Management

Policy and legislative analysis processes evolve over their life from the known and certain, to the unknown and uncertain. The analytical phases are generally within the control of the analyst to manage, as they rely on subject matter, context and expertise. However, once the analysis has been concluded and recommendations made, the policy process, content, timing and duration becomes more uncertain, as it transfers from the technical to the political. There is much uncertainty about when this occurs.

There is an assumption here that the government decision-making processes in each country follow a similar process to that in Australia. This is important for potential contractors and agencies to understand. SPREP not funding contractors to undertake the normal processes of government. And SPREP is not funding contractors to infinitely await the machinations of government processes. Once a final report has been delivered, for each task, with recommendations and processes described, and after input into the drafting and consultation (possible revision) of a policy paper seeking change, the

contractors' tasks and obligations are complete. Any further work to implement any decision of government is at the discretion of SPREP and the contractor. And there are funding and time limits to any further work.

A generic policy processes.

- i. First, an analysis of the issue is undertaken and a draft report prepared by the contractor.
- ii. Second, the contractor's draft report is circulated within the agency for internal technical consultation, commentary, critique, and change, as needed, led by agency officials, and with contractor support, if needed. (*An exemplary 2020 RIS for the Australian Accession to the WRECK Convention*)
- iii. Third, all feedback goes to the contractor who revises the report for final delivery.
- iv. Fourth, and this can be happening in parallel with step three, a Ministerial or Cabinet-level policy decision paper, with recommendations, is being prepared by officials, with contractor input on technical issues.
- v. Fifth, this policy paper is circulated by officials to other agencies across government (and perhaps other stakeholders) for their information and/or consultation or feedback. Contractors may assist with clarifying their technical content (analysis and recommendations), if able.
- vi. Sixth, officials revise their policy paper for submission to Minister or Cabinet.

Refer to the task descriptions and milestones (in 32.2. above).

So, for the sake of clarity, this project states the following to all potential bidders.

- a. Contractors will deliver their analysis and recommendations for change to the relevant clients (SPREP for Tasks One and Two, and the relevant maritime agency officials for the other tasks) in a final report making recommendations for change, that have been consulted on with relevant officials in the receiving agencies prior to final completion.
- b. Should the contractor deliver a draft report or recommendations to the maritime administration with an expectation of them leading local officials and/or political consultation, and no responses are forthcoming by the end of the agreed consultation period, the contractor, in consultation with the administration officials, can assume that their report is now ready for finalising.
- c. Contractors are not responsible for delivery of final policy decision documents for agency, Ministerial or Cabinet decision. That rests with the agency officials. Contractors should assist, where possible and practical, officials to get technical details correct, in their policy paper for decision.
- d. Contractors are not responsible for the normal policy consultation processes within a jurisdiction, that are used to test policy proposals for change. That rests solely with the agency officials. Should clarification or change be required at the end of that process, prior to the paper being finalised for decision, the relevant agency can seek contractor and SPREP support, which may mean a contract extension, depending on time and budget availability.

### **3.5 Budget**

The contractor will be contracted on a full-time basis. For each task, there are clear delivery milestones. Payments will be made upon submission of monthly progress reports, and in accordance with an agreed workplan and schedule of payments.

The Contractor will be responsible for:

- a) payment of applicable taxes, superannuation and the like;
- b) all insurance cover such as medical, travel and professional liability.

Where possible, digital or virtual meetings are to be held to minimise travel costs and environmental impacts. All PacPlan country maritime administration agencies have access to digital and virtual meeting capabilities.

Any costs associated with travel from the contractor's home base to SPREP in Samoa or to the participating countries will be separately provided for under the PacPlan Resilience Project, with a preference for SPREP to arrange travel and pay allowances.

**Note**, bids exceeding the indicated values will not be considered:

<b>Tasks</b>	<b>Bid value (\$AUD)</b>	<b>\$USD (@0.65)</b>
<b>Task One.</b> (reference Output 1.3) Review and amend the regional model Marine Pollution Prevention to support Tasks Eight to Twelve.	\$25,000	\$16,250
<b>Task Two</b> (reference Output 1.1) Review and produce both generic and specific policy analysis, briefing and submission material to support Tasks Three to Seven.	\$15,000	\$9,750
<b>Tasks Three to Six</b> (reference Output 1.1) provide [each country] with analysis, advice and policy recommendations for further convention ratification.	\$10,000 (each country)	\$6,500
<b>Task Seven</b> (Vanuatu Conventions) (reference Output 1.1) provide Vanuatu with analysis, advice and policy recommendations for their further convention ratification.	\$7,000	\$4,550
<b>Task Eight to Twelve</b> (reference Output 1.2) provide [each country] with an assessment of their national domestic maritime legislation status, and make recommendations for amendments,	\$20,000 (each country)	\$13,000
The <b>combined value</b> of the contract (all tasks, without extensions) will be no greater than:	\$187,000	\$121,550

## 4. OTHER INFORMATION

### 4.1 Expertise required

Generic model Pacific marine pollution legislation: (Task One)

- Be familiar with the SPREP/SPC generic *Model Marine Pollution Prevention Act* that many of the countries have used to develop their maritime and marine pollution legislation.
- Be able to identify and report on the powers, obligations, authorities, roles and responsibilities it enables, and any gaps due to prevention, planning, response or recovery policy, practice or conventions, and identify any inconsistencies and omissions.
- Be able to aid in drafting suitable instructions or clauses to amend the model legislation.

International Conventions: (Tasks Two to Seven)

- Be familiar with and report on the *Pacific Islands Regional Marine Oil Spill Contingency Plan (PacPlan)*, and the obligations and expectations of the parties, including Member countries, and in particular those arising from the agreed goals, objectives, roles and responsibilities. This analysis will inform the expectations components of the country reports.

- e. Be able to provide policy advice about which further conventions a country would benefit from ratifying, why and how, including benefits, obligations, processes, constraints and costs, to Agency head, Ministerial or Cabinet level, as required.

The specific country domestic legislation: (Tasks Eight to Twelve)

- a. Be familiar with each country's list of ratified conventions and analyse and report on how these have been implemented in domestic law, identifying any omission and inconsistencies in the domestic legislation.
- b. Be able to offer policy and legislative amendment advice on gaps or other issues arising from the review of the domestic legislation.
- c. Be able to aid in drafting suitable instructions for new or amended clauses for their domestic legislation.

#### 4.2 Documentation

The successful contractor will be provided with all relevant and appropriate documents to complete the work.

All work must be done in consultation with the relevant officials in the countries identified for each task. SPREP will provide relevant contacts and introductions as necessary.

#### 4.3 Key Country Contacts

Key initial contacts for this work in each country will be:

<b>Kiribati</b>	Captain Ruoikabuti Tioon, Director, Marine Division, Ministry of Information, Communication & Transport. (+686) 73055552, e: <a href="mailto:dom@mict.gov.ki">dom@mict.gov.ki</a>
<b>Nauru</b>	Adalane Ika, Director of Maritime Services, Maritime and Regulatory Division, Nauru Maritime and Port Authority, (+674) 5573089 e: <a href="mailto:director-maritime@nauruport.com">director-maritime@nauruport.com</a>
<b>Solomon Islands:</b>	Thierry Nervale, Director, Solomon Islands Maritime Authority, (+677) 7569473, e: <a href="mailto:thierry.nervale@sima.gov.sb">thierry.nervale@sima.gov.sb</a>
<b>Tuvalu</b>	Captain Taasi Pitoi, Director, marine Division, Ministry of Communication and Transport. (+688) 900017 e: <a href="mailto:tpitoi@gov.tv">tpitoi@gov.tv</a> and <a href="mailto:taasi.pitoi@gmail.com">taasi.pitoi@gmail.com</a>
<b>Vanuatu:</b>	Less John Napuati, Commissioner of Maritime, Vanuatu Maritime Safety Authority. (+678) 7366238, e: <a href="mailto:lnapuati@vmsa.vu">lnapuati@vmsa.vu</a>

Each country maritime agency will be expected to assist with a stocktake of required international conventions and treaties (not just maritime), and the stocktake and assessment of their national domestic law (not just maritime – should include legislation that can support a response, or support impact assessment, or support resource recovery (e.g. rehabilitation). How and when this may occur will be left to the contractor to negotiate and arrange with the countries and agencies concerned.

#### 4.4 Reporting

The contractor will report to the Project Officer, PacPlan Resilience Project. As this is a multi-country and multi-agency project very dependent on the goodwill and support of the countries and agencies and staff involved, the PacPlan Resilience Project Officer will also provide introductions to and make connections with all other relevant agencies and parties, to facilitate the successful work of the contractor.

This will be a largely contractor-driven project. Draft reporting and peer-review will be expected during the project to ensure quality.

The successful contractor must supply the services to the extent possible, in compliance with SPREP's Values and Code of Conduct, which are available through the website link:

[sprep-organisational-values-code-of-conduct.pdf](#)

and including SPREP's policies on Child Protection, Environmental and Social Safeguards, Fraud Prevention and Whistle-blower Protection, and Gender and Social Inclusion.

These can be found on the SPREP Website.

<https://www.sprep.org/>