



SPREP

Secretariat of the Pacific Regional
Environment Programme

REQUEST FOR TENDERS

RFT: 2023/013_ReAd
File: AP_3/29
Date: 23 February, 2023
To: Interested consultants
From: Semi Qamese –Project Manager PACRES

Subject: Request for tenders (RFT): Consultancy to Revise the Ministry of Environment Act 2018, Republic of Marshall Islands (Service-Based Consultancy), READ-ADVERTISEMENT

1. Background

- 1.1. The Secretariat of the Pacific Regional Environment Programme (SPREP) is an inter-governmental organisation charged with promoting cooperation among Pacific islands countries and territories to protect and improve their environment and ensure sustainable development.
- 1.2. SPREP approaches the environmental challenges faced by the Pacific guided by four simple Values. These values guide all aspects of our work:
 - We value the Environment
 - We value our People
 - We value high quality and targeted Service Delivery
 - We value Integrity
- 1.3. For more information, see: www.sprep.org.

2. Specifications: statement of requirement

- 2.1. SPREP wishes to call for tenders from qualified and experienced consultants who can offer their services to revise the Ministry of Environment Act 2018 of the Republic of Marshall Islands.
- 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://www.sprep.org/attachments/Publications/Corporate_Documents/spreporganisational-values-code-of-conduct.pdf. Including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud Prevention & Whistleblower Protection and Gender and Social Inclusion.
- 2.4. SPREP Standard Contract Terms and Conditions are non-negotiable.

3. Conditions: information for applicants

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

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- i. Must be currently based in RMI and legally entitled to work or if international consultant (based outside of RMI) must identify a local counterpart to help collate information at country level;
 - ii. Submit a detailed Curriculum vitae detailing qualification and previous relevant experience for each proposed personnel;
 - 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 proposal you may attach these separately; and
 - vi. Provide a copy of valid business registration/license.
- 3.2 Tenderers must declare any areas that may constitute conflict of interest related to this tender and sign the **conflict of interest form** provided.
- 3.3 **Tenderer is deemed ineligible due to association with exclusion criteria, including** bankruptcy, insolvency or winding up procedures, breach of obligations relating to the payment of taxes or social security contributions, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, grave professional misconduct including misrepresentation, corruption, participation in a criminal organisation, money laundering or terrorist financing, child labour and other trafficking in human beings, deficiency in capability in complying main obligations, creating a shell company, and being a shell company.
- 3.4 Tenderer must sign a declaration of **honour form** together with their application, certifying that they do not fall into any of the exclusion situations cited in 3.3 above and where applicable, that they have taken adequate measures to remedy the situation.

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant satisfies the conditions stated above and in the Terms of Reference and is capable of meeting the specifications and timeframes. Documentation must also include supporting examples to address the evaluation criteria.
- 4.2. Tender documentation should be submitted in English and outline the interested consultant's complete proposal:
- a) **SPREP Tender Application form and conflict of interest form.** (*Please note you are required to complete in full all areas requested in the Form, particularly the Statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV. Failure to do this will mean your application will **not** be considered*).
For the Technical and Financial proposals you may attach these separately.
 - b) **Honour form**
 - c) **Curriculum Vitae** of the proposed personnel to demonstrate that they have the requisite skills and experience to carry out this contract successfully.
 - d) **Technical Proposal** which contains the details to achieve the tasks outlined in the Terms of Reference.

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- e) **Financial Proposal** – complete the form provided with a detailed outline of the costs involved in successfully delivering this project submitted in United States Dollars (USD) and inclusive of all associated taxes.
- 4.3. Provide three referees relevant to this tender submission, including the most recent work completed.
- 4.4. Tenderers/bidders shall bear all costs associated with preparing and submitting a proposal, including cost relating to contract award; SPREP will, in no case, be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.
- 4.5. The tenderer/bidder might be requested to provide additional information relating to their submitted proposal, if the Tender Evaluation Committee requests further information for the purposes of tender evaluation. SPREP may shortlist one or more Tenderers and seek further information from them.
- 4.6. The submitted tender proposal must be for the entirety of the Terms of Reference and not divided into portions which a potential tenderer/bidder can provide services for.
- 4.7. The Proposal must remain valid for 90 days from date of submission.
- 4.8. Tenderers must insist on an acknowledgement of receipt of tender.

5. Tender Clarification

- 5.1. a. Any clarification questions from applicants must be submitted by email to procurement@sprep.org before **06 March 2023**. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by **08 March 2023**.
- b. The only point of contact for all matters relating to the RFT and the RFT process is the SPREP Procurement Officer.
- c. SPREP will determine what, if any, response should be given to a Tenderer question. SPREP will circulate Tenderer questions and SPREP's response to those questions to all other Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>) without disclosing the source of the questions or revealing any confidential information of a Tenderer.
- d. Tenderers should identify in their question what, if any, information in the question the Tenderer considers is confidential.
- e. If a Tenderer believes they have found a discrepancy, error, ambiguity, inconsistency or omission in this RFT or any other information given or made available by SPREP, the Tenderer should promptly notify the Procurement Officer setting out the error in sufficient detail so that SPREP may take the corrective action, if any, it considers appropriate.

6. Evaluation criteria

- 6.1. SPREP will select a preferred consultant on the basis of SPREP's evaluation of the extent to which the documentation demonstrates that the tenderer offers the best value for money, and that the tender satisfies the following criteria:

I. Technical Score – 80%

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Criteria	Detail	Weighting
Experience	A qualification from a recognised tertiary institution in a field related to environmental management, climate change and/or environmental/natural resource law	5
	A minimum 5 years' experience in reviewing policies and proven ability to conduct complex legislative and policy analysis	20
	Demonstrated high-level of skills in drafting legislation and/or policy documents and ability to deliver within the timeframe	20
	Demonstrated experience of having successfully worked in the areas of climate change and disaster risk management with government, non-government stakeholders and communities in RMI or the Pacific Region	10
	Excellent command of spoken and written English and fluency of Marshallese will be an advantage.	5
Technical Proposal / Methodology	a. recommended approach to deliver scope of work in the attached terms of reference; b. key sources/data to inform the assignment and relevant stakeholders; and c. detailed work plan clearly outlining milestones and delivery timelines.	20

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

6.2. A proposal will be rejected if it fails to achieve 70% or more in the technical criteria.

7. Variation or Termination of the Request for Tender

- 7.1
- SPREP may amend, suspend or terminate the RFT process at any time.
 - 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>).
 - 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.
 - 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

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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: 17 March 2023, midnight (Apia, Samoa local time).**
- 8.2. Late submissions will be returned unopened to the sender.
- 8.3 Please send all tenders clearly marked 'RFT 2023/013_ReAd: **Consultancy to Revise the Ministry of Environment Act 2018, Republic of Marshall Islands (Service-Based Consultancy), READVERTISEMENT**

Mail: SPREP
Attention: Procurement Officer
PO Box 240
Apia, SAMOA
Email: tenders@sprep.org (MOST PREFERRED OPTION)
Fax: 685 20231
Person: Submit by hand in the tenders' box at SPREP reception,
Vailima, Samoa.

Note: Submissions made to the incorrect portal will not be considered by SPREP. If SPREP is made aware of the error in submission prior to the deadline, the applicant will be advised to resubmit their application to the correct portal. However, if SPREP is not made aware of the error in submission until after the deadline, then the application is considered late and will be returned unopened to the sender.

SPREP reserves the right to reject any or all tenders and the lowest or any tender will not necessarily be accepted.

SPREP reserves the right to enter into negotiation with respect to one or more proposals prior to the award of a contract, split an award/awards and to consider localised award/awards between any proposers in any combination, as it may deem appropriate without prior written acceptance of the proposers.

A binding contract is in effect, once signed by both SPREP and the successful tenderer. Any contractual discussion/work carried out/goods supplied prior to a contract being signed does not constitute a binding contract.

For any complaints regarding the Secretariat's tenders please refer to the Complaints section on the SPREP website <http://www.sprep.org/accountability/complaints>

Annex A: Terms of Reference

Consultancy to revise the Ministry of Environment Act 2018: Republic of Marshall Islands

Background and Rationale

The €12 million European Union funded Intra-ACP¹ GCCA+ Pacific Adaptation to Climate Change and Resilience Building (PACRES) aims to ensure better regional and national adaptation and mitigation responses to climate change challenges facing Pacific ACP countries. It is being implemented collaboratively by the Secretariat of the Pacific Regional Environment Programme (SPREP), the Pacific Islands Forum Secretariat (PIFS), the Pacific Community (SPC) and the University of the South Pacific (USP).

PACRES is providing support for Pacific ACP countries to review and/or develop climate change strategies and policies. To that end, SPREP is supporting the Republic of the Marshall Islands (RMI) with the revision of the Ministry of Environment Act 2018 for the Climate Change Directorate.

RMI's Ministry of Environment Act, 2018 established the Climate Change Directorate, with functions including *Reporting on Mitigation & Adaptation* and *Climate Proofing*. The Act further calls for greater collaboration with other Ministries and entities in addressing climate change issues at sectoral and thematic levels.

RMI has ongoing obligations to report under the UNFCCC and the Paris Agreement and RMI's leadership in climate change issues internationally and regionally continues to be widely recognised and respected. Other activities of the Ministry include development of RMI's National Climate Change Policy (NCCP), National Adaptation Plan (NAP), the revised RMI Nationally Determined Contribution to the Paris Agreement (2019), and Energy Roadmap and ongoing work on resilience and disaster risk management.

As a result, there is a need to revise the current Environment Act to modify responsibilities of the Climate Change Directorate (CCD) and ensure that they are focused on climate change related work at both the national and international level. Furthermore, it must clarify its role as the focal point to the various MEAs and other relevant agencies. The revision of the Act will enable the CCD to work efficiently with national and international partners which will lead to the RMI meeting its adaptation and sustainable development goals.

To that end, SPREP is seeking the services of a suitably qualified consultant to revise the Ministry of Environment Act 2018 for RMI.

¹ African, Caribbean and Pacific Group of States.



Scope of Work

Revise the Ministry of Environment Act 2018 for the Republic of the Marshall Islands no later than **30 September 2023**.

The consultant will:

- 1) Collate and review all relevant national legislation (laws and regulations), policies, strategies, plans and agreements at local, national and international level that relate to the revision of the Ministry of Environment Act 2018 for RMI;
- 2) Facilitate national stakeholder consultations with the assistance of the Ministry of Environment and CC Directorate to gauge public views on revised Environment Act;
- 3) Present desk review and consultation outcomes with recommendations to Ministry of Environment and CC Directorate and relevant stakeholders;
- 4) In consultation with Ministry of Environment, CC Directorate and relevant stakeholders draft revised Environment Act;
- 5) Circulate the draft Act to stakeholders including SPREP for feedback and then revise and finalise as appropriate; and
- 6) Submit the final draft to RMI Ministry of Environment, CC Directorate and SPREP.

Technical Proposal

Interested tenderers must develop a methodology and workplan describing how they will deliver against the scope of work described above. Given ongoing travel restrictions due to COVID-19 the consultant will either:

- a. be based in RMI where they will be able to participate in stakeholder consultations for the revised Environment Act; or
- b. if internationally based (outside of RMI), the consultant **must** identify a local counterpart to help collate information at country level; and must provide a workplan and methodology explaining how stakeholder views and requirements will be captured, recorded and validated remotely, such as through virtual consultations, surveys or questionnaires.

Project Schedule

The activities are to be completed no later than **30 September 2023**. Expected project activity is detailed in Table 1 below. The tender response should detail how and when these steps will be delivered by submitting a Technical Proposal.

Table 1 Project schedule

	Activity
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1	Notification of successful consultant.
2	Contract signed.
3	Commencement meeting via Skype or telephone between successful consultant, PACRES Project Management Unit (PMU) and RMI's Climate Change Directorate.
4	Approval of work plan and methodology.
5	Collate and review all relevant national legislation (laws and regulations), policies, strategies, plans and agreements at local, national and international level that relate to the revision of the Ministry of Environment Act 2018 for RMI.
6	Facilitate national stakeholder consultations with the assistance of the Ministry of Environment and CC Directorate to gauge public views on revised Environment Act.
7	Present desk review and consultation outcomes with recommendations to Ministry of Environment and CC Directorate and relevant stakeholders.
8	In consultation with Ministry of Environment, CC Directorate and relevant stakeholders draft revised Environment Act.
9	Circulate the draft Act to stakeholders including SPREP for feedback and then revise and finalise as appropriate.
10	Submit the final draft to RMI Ministry of Environment, CC Directorate and SPREP.

Budget

The Financial Proposal to be priced based on a work plan on where, when and how the technical assistance will be conducted. The proposal should be for the **fees component only** associated with undertaking the work outlined above. Any requirements outside of the fee's component (e.g. local travel and workshops associated costs etc.) should be mentioned in the proposal but not costed at this stage.

Expertise

The Consultant is expected to have the following qualifications and expertise:

- A qualification from a recognised tertiary institution in a field related to environmental management, climate change and/or environmental/natural resource law;



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- A minimum 5 years' experience in reviewing policies and proven ability to conduct complex legislative and policy analysis;
- Demonstrated high-level of skills in drafting legislation and/or policy documents and ability to deliver within the timeframe;
- Demonstrated experience of having successfully worked in the areas of climate change and disaster risk management with government, non-government stakeholders and communities in RMI or the Pacific Region;
- Excellent command of spoken and written English and fluency of Marshallese will be an advantage.

The successful consultant must supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct https://www.sprep.org/attachments/Publications/Corporate_Documents/sprep-organisational-values-code-of-conduct.pdf. Including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud Prevention & Whistleblower Protection and Gender and Social Inclusion.

Duration

This consultancy will commence as soon as practicable and must be completed no later than **30 September 2023**.