



SPREP

Secretariat of the Pacific Regional Environment Programme



10th Pacific Islands Conference

NATURE CONSERVATION AND PROTECTED AREAS

Nature Conservation Action for a Resilient Pacific

REQUEST FOR TENDERS

RFT: 2021/PWP-058-CON
File: AP_6/5/8/3
Date: 11 January, 2021
To: Interested consultants
From: PacWastePlus Finance and Procurement Officer

Subject: Request for tenders: Technical Assistance to support the development of an Advanced Recovery Deposit & Fee Legislation for Kiribati, Nauru, Niue, Solomon Islands and Vanuatu

1. Background

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

2. Specifications: statement of requirement

- 2.1. SPREP would like to call for tenders from qualified and experienced consultants who can offer their services to provide technical assistance to support the development of an Advanced Recovery Deposit & Fee Legislation for Kiribati, Nauru, Niue, Solomon Islands and Vanuatu
- 2.2. The Terms of Reference of the consultancy are set out in Annex A.

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested consultants MUST meet the following conditions:
 - Complete the **tender application form**— (note you are required to complete all areas in full as requested, particularly the statements to demonstrate you meet the selection criteria. **DO NOT** refer us to your CV or Technical proposal. Failure to do so will result in the application **NOT** being considered);
 - Submit full Technical Proposal and Methodology in addition to completing the tender application form;
 - Provide examples of relevant past related work outputs;
 - Submit a detailed Curriculum Vitae detailing qualification and previous relevant experience for each proposed personnel; and
 - Provide three references relevant to this tender submission, including the most recent work completed;



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- Complete and submit the Conflict of Interest form

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant 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. Describe any additional minimum content and format requirements.
- 4.2. Tender documentation should outline the interested consultant's complete proposal: methods, personnel (and their skill sets/curricula vitae), timeframes and costs.
- 4.3. Tenderers/Bidders must insist on an acknowledgement of receipt of tenders/proposals/bids.

5. Tender Clarification

- 5.1. Any clarification questions from consultants must be submitted by email to pwp.procurement@sprep.org by 25 January 2020. A summary of all questions received with an associated response will be posted on the SPREP website www.sprep.org/tender by 29 January 2021.

6. Evaluation criteria

- 6.1. SPREP will select a preferred consultant based on 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:

Criteria	Detail	Weighting
Experience	Demonstrated experience with establishing a Sustainable Financing system (Container Deposit / Advance Disposal Fee / Advance Recovery Fee / Waste Levy etc)	20%
	Demonstrated experience conducting research and feasibility studies (focus on both company, and officers to deliver the works)	5%
	Demonstrated experience providing legal guidance to government departments	10%
	Demonstrated experience in Small Island Developing States (SIDS) presenting complex topics in simplified way (particularly via remote platform) (advantageous to detail Pacific experience)	10%
Methodology	Examples provided of past works relevant to this activity (links to output reports or products that provide insight into research approach and writing style)	5%
	Proposed project methodology noting schedule, activities, concurrent or sequential development, engagement with country representatives, etc.	40%
Value for money	SPREP will assess the tenders based on value for money considering (but not limited to) cost, experience of staff, hours invested, product scope and depth, etc.	10%



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7. Deadline

- 7.1. **The due date for submission of the tender is: 10 February 2021, midnight (Apia, Samoa local time).**
- 7.2. Late submissions will be returned unopened to the sender.
- 7.3 Please send all tenders clearly marked 'TENDER: Technical Assistance to support the development of an Advanced Recovery Deposit & Fee Legislation for Kiribati, Nauru, Niue, Solomon Islands and Vanuatu' 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>



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TERMS OF REFERENCE

Technical Assistance to Support the Development of an Advance Recovery Deposit & Fee Legislation for:
Kiribati
Nauru
Niue
Solomon Islands
Vanuatu

1. BACKGROUND TO PACWASTEPLUS

The Secretariat of the Pacific Regional Environment Programme (SPREP) is working with the European Union's Delegation to the Pacific, and 14 Pacific Island Countries and Timor-Leste to undertake the PacWastePlus Project, which seeks to improve and enhance waste management activities and the capacity of governments, industry and communities to manage waste to reduce the impact on human health and the environment.

PacWaste Plus seeks to generate improved economic, social, health and environmental benefits for Pacific Island Countries arising from stronger regional economic integration and the sustainable management of natural resources and the environment. The programme activities will be designed to assist Countries to ensure the safe and sustainable management of waste with due regard for the conservation of biodiversity, reduction of marine litter, health and well-being of Pacific island communities, and climate change mitigation and adaptation requirements.

Activities for PacWastePlus will focus on targeted priority waste streams which are: hazardous wastes (specifically **asbestos**, **E-waste** and **healthcare waste**); solid wastes (specifically **recyclables**, **organic waste**, **disaster waste** and **bulky waste**); and related aspects of **wastewater** (water impacted by solid waste).

2. INTRODUCTION TO PROJECT

A number of Pacific Island Countries (PIC) are faced with the increasing issue of stockpiles of low-value recyclable materials. These items are imported to the islands but are faced with limited viable options for their recycling in-country or exporting to recycling markets due to:

- Differing (or non-existent) laws and policies that address waste and pollution
- Geographic spread and isolation within and between countries
- Large quantities of imported material and packaging due to limited local manufacture and production
- Limited options to dispose of waste
- Disproportionate amounts of waste produced by tourism
- Economic constraints, including economies of scale (as the small size of PICs can limit options for economical recycling operations)
- Challenges associated with exporting items for recycling such as expensive transportation, lack of backloading/reverse logistics agreements and difficulty in securing and retaining markets for post-consumer materials¹.

¹ Environmental Investigation Agency 2020 - Plastic Pollution Prevention in Pacific Island Countries: Gap analysis of current legislation, policies and plans



As such, the items often get disposed in overflowing landfills, unlined dumps and vacant land, posing a potential hazard to human health and the environment.

Sustainable financing systems such as Advance Recovery Deposit & Fee legislation is seen by countries in the Pacific as a solution for long-term management of these low-value recyclable materials by providing financial security for the recovery, dismantling, sorting, packing and shipment of materials to recovery and recycling markets.

Advance Recovery Deposit & Fee legislation is building on from the success of Container Deposit / Waste Levy systems currently operating in five Pacific countries. In addition to beverage containers, Advance Recovery Fee and Deposit systems allow for the inclusion of other problematic items – such as vehicles, whiteware, solar batteries, etc.

Kiribati, Nauru, Niue, the Solomon Islands, and Vanuatu seek to obtain required information and legislative assistance to develop and implement their Advance Recovery Deposit & Fee system.

Details on the context and desired activity for each country follows.

Country	Country details and project context
Kiribati	<p>Kiribati is made up of 20 small, inhabited islands over an oceanic area of approximately 3.5 million km² (one of the largest in the world). The capital and main government centre is located on South Tarawa, home to almost half of its total population of 118,744.</p> <p>Kiribati has adopted a range of laws to regulate waste management in the country. The <i>Environment Act (amended in 2007)</i> and supporting regulations are key pieces of legislation governing waste management. Kiribati does not have a specific Waste Management Act</p> <p>Kiribati has an existing container deposit scheme, the <i>Kaoki Maange</i>, operating in South Tarawa through the <i>Special Fund (Waste Materials Recovery) Act 2004</i>. The system is operated under contract by a private sector business and provides a recycling system for aluminium cans, PET bottles and lead-acid batteries. The <i>Special Fund (Waste Material Recovery) Act 2004</i> allows for a deposit to be levied at the point of import, with consumers able to obtain a refund when returning containers for recycling.</p> <p>Kiribati has identified expansion to the <i>Kaoki Maange</i> scheme to include bulky waste such as vehicle, e-waste, bulky wastes as a priority in their Waste Strategy.</p>
Nauru	<p>Nauru is a single coral island located in the Micronesia region of the Pacific. It covers a land area of 21km², (the smallest island nation in the Pacific), and has a population of 10,293</p> <p>Nauru does not currently have legislation for general environmental protection or for waste management. However, a draft <i>Environment Management Bill 2020</i> (possibly to be changed to the <i>Environment Management and Climate Change Bill</i>) is expected to be finalised and submitted to Parliament early in 2021. New bills on public health, quarantine restrictions and a proposed container deposit scheme are also planned.</p> <p>Nauru has recently commissioned a recycle transfer station but has yet to confirm process for household recyclable collection from the 14 districts. Nauru</p>



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Country	Country details and project context
	<p>is also investigating the design of a national recycling collection system, as it does not currently have systems in place to collect or process e-waste, vehicles and other bulky waste.</p> <p>Nauru has identified the desire to understand how an Advance Recovery Deposit & Fee system could assist waste management in the country.</p>
Niue	<p>Niue is a single coral island located in the Polynesia region of the Pacific. It has a land area of 259km² and has a population of 1,719. Niue is a self-governing state in free association with New Zealand, and New Zealand conducts most diplomatic relations on its behalf.</p> <p>Waste management in Niue is primarily governed under the <i>Environment Act 2015</i> (and supporting regulations). This Act does not provide for container deposit or Advance Recovery Fee and Deposit scheme.</p> <p>Niue has adopted measures for recycling and re-use and has a recycle transfer station to be constructed in 2021.</p> <p>Niue has previously undertaken preliminary assessment and consultation for a container deposit system and would like to review this possibility to determine how such a system may be employed to assist with funding recovery operations.</p>
Solomon Islands	<p>The Solomon Islands is made up of 347 inhabited islands covering a land area of 30,407 km² and oceanic area of approximately 1,340,000 km². The capital of Solomon Islands is Honiara, home to 13% of the 680,806 population.</p> <p>The Solomon Islands <i>Environment Act 1998</i> has broad provisions relating to environmental impact assessment and development controls but no provision for container deposit scheme or Advance Recovery Fee and Deposit</p> <p>Waste management in practice is largely implemented at a local municipal level pursuant to the <i>Honiara City Council Act</i> and <i>Provincial Government Act 1997</i>.</p> <p>The Solomon Islands is keen to understand how an Advance Recovery Deposit & Fee system could assist waste management in the country.</p>
Vanuatu	<p>Vanuatu is made up of 65 inhabited islands over six provinces, covering a land area of 12,189 km² and oceanic area of approximately 680,000 km². The capital of Vanuatu is Port Vila, home to 19% of the 272,459 population.</p> <p>Vanuatu has a dedicated <i>Waste Management Act 2014</i>. Under this Act, Vanuatu has adopted regulations and orders relating to the control of single-use plastics, littering and licensing of waste operators</p> <p>There are existing powers in the <i>Waste Management Act 2014</i> to institute advance deposit or disposal fees.</p> <p>Vanuatu is in the planning stage for establishing a container deposit scheme, a pre-feasibility study has been undertaken and a Working Group established. To date, the Private Sector have been driving the initiative. Currently it is contemplated that the scheme would cover beverage containers in the short term, with the intention to add further items if the system proves to be economically self-sustaining.</p> <p>Given the current interest and progress in development of this process, Vanuatu is keen to understand possible products to include in the scheme, and appropriate regulatory structure to manage the scheme once established.</p>



3. EXPECTED OUTCOMES

On behalf of Kiribati, Nauru, Niue, the Solomon Islands, and Vanuatu, the PacWastePlus programme seeks to engage a Consultant to complete an Options Analysis / Implementation Plan for **each of the five countries** (five studies in total) to support the development of an Advance Recovery Deposit & Fee Legislation.

The Options Analysis / Implementation Plan process for each country will deliver a report that provides a high-level understanding of options to consider under, but not limited to, the following key components:

- a. What **items are recommended** to be included in / added to an Advance Recovery Fee / Deposit system (i.e., beverage containers, e-waste, EOL vehicles, etc)?
- b. What is the estimated **current volume** of each recommended item in each island (stockpiles, litter) and therefore expected volume of 'legacy waste' that will need to be managed at commencement of the scheme?
- c. What is the **annual importation** of each product and the expected lifespan, to determine likely 'availability' of product each year as an input into the system?
- d. What is the **current management/recycling** process of each item?
- e. What are the opportunities for **future management/recycling** (export or in-country recycling) and understanding of infrastructure/operational requirements?
- f. What are **financial implications/modelling** for the management/recycling of each item – income (expected recycle throughput) and expenses?
- g. Using estimated throughput and expenses associated with managing/recycling each item, what is the recommended **starting 'deposit' and 'fee'** (i.e., handling/admin) fee for each item?
- h. What are the options for **system operation** for each item in each country (i.e., private sector, public sector, combination, Public Private Partnership (PPP)). Detail associated expenditure, operational requirements, legal implications for each option considered. Options should include consideration of **redemption centres / collection depots** for the buy-back of each item from the community in each country, considering transportation requirements, facilities and land area to accept, and process, etc.
- i. What are the options for **system administration**?
- j. **Assessment** of current system, or proposed systems (if any exist).
- k. Provide legislative guidance on how the establishment of an Advance Recovery Deposit & Fee legislation could fit into the existing legal environment, including guidance on what **legislation/reforms** will be necessary to be established, modified, or repealed.
- l. What are the **key principles** to be included in Advance Recovery Deposit & Fee legislation?
- m. What is the **path forward and next steps** for countries to follow to implement their Advance Recovery Deposit & Fee legislation?

Due to the current uncertainty with travel arrangements due to COVID-19, this technical assistance is requested to be remote and not require travel (or if possible, be based in one of the participating countries). The successful consultant will have a dedicated officer to work with to complete in-country components.



4. SCOPE OF WORK

4.1 Mode of Delivery

4.1.1: Responsibilities

The following responsibilities will be managed as part of the project

Consultant	SPREP	Each Country
<ul style="list-style-type: none">• Liaise directly with SPREP and Country Representatives to undertake the required actions• Be responsible for engagement of all necessary stakeholders and ensure all requirements are met to enable work to be undertaken• Deliver the required actions remotely• Remotely present at two Country Working Group Meetings, #1 - within two weeks of Inception Meeting and #2 - in last two weeks of assignment	<ul style="list-style-type: none">• Supply relevant background information – Waste Audit data for each country, assessment of Legislative Frameworks Governing Waste Management for each country, existing relevant legislation (CDL/Waste Levy) currently operating in Pacific and brief overview analysis• Conduct regular virtual meetings with the consultant	<ul style="list-style-type: none">• Assign a dedicated officer to work with the consultant to complete any in-country components• Supply relevant background information• Conduct regular virtual meetings with the consultant• Assist consultant with coordination of relevant departments (Customs, Attorney General, Finance)• Arrange and host two Contract / Working Group Meetings (#1 - within two weeks of Inception Meeting and #2 - in last two weeks of assignment)

4.1.2: Required Tasks

This engagement seeks an appropriately qualified consultant to conduct the following activities. All five activities must be complete for each country:

- (i) Presentation at two Contract / Working Group Meetings (commencement & closure)
- (ii) Development of a Research Plan
- (iii) Development of a Situation Review and Options Analysis
- (iv) Development of legislative guidance
- (v) Development of an Implementation Plan / pathway forward

Required tasks and deliverables are outlined following:



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Task	Description of task	Deliverable
Task1 Presentation at Contract / Working Group Meetings	<p>Presentation at a minimum of two Contract / Working Group Meetings shall be completed for each country:</p> <ul style="list-style-type: none"> - #1 - within two weeks of project Inception Meeting prior to the finalization of the Research Plan - #2 - in last two weeks of assignment prior to the finalization of the final Implementation Plan <p>The Country Representative shall arrange and host these meetings. Attendees shall be relevant government ministries such as, for example: Customs, Finance, Attorney General Office, Community and Women's Affairs, Outer Islands, etc. Private Sector and Community Group representation shall at recommendation of Country Representative.</p> <p>The purpose of the first meeting will be to give an overview of the purpose of the study, benefit of ARFD systems, brief case study analysis of other countries (conducted by SPREP) and brainstorm/information gathering session. The Research Plan shall be finalised after this meeting.</p> <p>The purpose of the second meeting will be to give an overview of the findings of the study, answering questions presented at the initial meeting and providing options for system implementation. The Implementation Plan shall be finalised after this meeting.</p>	<p>Agenda, Presentation and Minutes of Discussion at Working Group Meetings</p> <p>Confirmation of items to be included in the draft research plan and specific questions to be addressed by project.</p>
Task 2 Research Plan	<p>A separate research plan shall be completed for <u>each country</u> reflecting the outcome of the Working Group Meeting, and local situation and context of that country.</p> <p>The plan should explain the overall strategy, methodology, and analyses to be used to successfully accomplish the project objectives.</p> <p>The plan should be structured to, at a minimum, answer the key questions presented in Section 2.</p>	Approved research plan
Task 3 Report - Situation Review and Options Analysis	<p>Undertake a review of all available data and conduct further data gathering, analysis and interviews as necessary to provide answers, options and recommendations for relevant key questions presented in Section 2.</p> <p>The Situation Review part of the Report should give a clear understanding of the current situation for recycling – generally providing the guidance provided by, but not limited to, bullet points a - d in Section 2.</p> <p>The Options Analysis part of the Report should clearly present options for each country to consider for key components of an Advance Recovery Fee / Deposit Legislation – generally providing the guidance provided by, but not limited to, bullet points e - i in Section 2.</p>	Report - Situation Review and Options Analysis



Task	Description of task	Deliverable
Task 4 Legislative Guidance	<p>Undertake a review of the legislative environment and assess current or proposed CDL system (if any exist) to provide recommendation/options on:</p> <ul style="list-style-type: none"> - how the establishment of an Advance Recovery Fee / Deposit legislation could fit into the existing legal environment - guidance on what legislation/reforms will be necessary to be established, modified, or repealed. <p>The legislative guidance will also provide an understanding of the key principles to be included in Advance Recovery Deposit & Fee legislation, for example:</p> <ul style="list-style-type: none"> a. financing mechanism and who is responsible b. controls and situation that will allow refunds c. offences d. system management structure e. partnerships f. auditing / reporting g. Special Fund establishment and 'ring fencing' h. seed funding i. outer islands 	Legislative Guidance
Task 5 Implementation Plan / way forward	<p>From the findings of the Situation Review/Options Analysis and Legislative Guidance, the consultant is expected to provide an Implementation Plan, detailing required steps and decisions until implementation of the Advance Recovery Fee / Deposit.</p> <p>The Implementation Plan should provide countries with a clear path forward and understanding of next steps to follow to implement their Advance Recovery Fee / Deposit legislation</p> <p>The Implementation Plan should provide detail such as:</p> <ul style="list-style-type: none"> • key questions remaining • key decisions to make • steps to follow • indicative timing • estimated budget 	Implementation Plan

5. Project Schedule

The outcome of this work is required relatively quickly, and preference will be provided to submissions that are able to, wherever possible, undertake activities concurrently. Where this is not possible, it is requested that Nauru's assessment be completed first, as a number of national activities will rely on this information as an input into further work.

The methodology for the project activity shall provide details of the proposed staged activity and necessary timing to complete. All work must be completed within 12 months, but it is hoped all activities will be completed within 6 months.

Required Tasks and Deliverables detailed in section 4.1.2 will be completed for each country. The study for each country will be completed no later than 12 weeks from the Inception Meeting for that country, with a preference for the activities to be completed much earlier.

Final delivery timeline will be discussed with successful consultant during the contract negotiation period.



Please note, each country project is to be considered as a Separable Portion for the purposes of tender assessment and SPREP reserves the right to excise any particular country from the contracted works. Tenderers are recommended to provide details of any discounts / penalties associated with severing any country from the project scope.

Expected project activity is detailed below, it is expected that tenderers will detail how and when each of these steps will be delivered.

Project Schedule – Per Country

Activity	Timeline
<i>Notification of Successful Consultant & Contract Signing</i>	
Introductory Teleconference Meeting between stakeholders - Inception Meeting	TBD
Presentation at Contract / Working Group Meeting	Within 2 weeks of Inception Meeting
Submission of Workplan and Work arrangements	2 weeks from Inception Meeting
Approval of Workplan and Work arrangements	3 weeks from Inception Meeting
Submission of Situation Review and Options Analysis	6 weeks from Inception Meeting
Approval of Situation Review and Options Analysis	7 weeks from Inception Meeting
Submission of Legislative Guidance	8 weeks from Inception Meeting
Approval of Legislative Guidance	9 weeks from Inception Meeting
Presentation at Contract / Working Group Meeting	10 weeks from Inception Meeting
Submission of Implementation Plan	11 weeks from Inception Meeting
Approval of Implementation Plan	12 weeks from Inception Meeting

5.1 Budget

Tenderers are recommended to provide their budget submission in the following format, where necessary add any additional costed items or applicable taxes.

Item	Personnel	Hours	Rate (USD/Hr)	Cost (USD\$)	Notes
Admin/Management					
Kiribati					
Nauru					
Niue					
Solomon Islands					
Vanuatu					

Please note:

- Submissions that exceed USD150,000 may not be considered.



- each country project is to be considered as a *Separable Portion* for the purposes of tender assessment and SPREP reserves the right to excise any particular country from the contracted works. Tenderers are recommended to provide details of any discounts / penalties associated with severing any country from the project scope.

6. Conditions : Information for applicants

6.1. To be considered for this tender, interested suppliers MUST meet the following conditions:

- Complete the **tender application form** – (note you are required to complete all areas in full as requested, particularly the statements to demonstrate you meet the selection criteria. **DO NOT** refer us to your CV or Technical proposal. Failure to do so will result in the application **NOT** being considered)
- Submit full Technical Proposal and Methodology in addition to completing the tender application form
- Provide examples of relevant past related work outputs
- Submit a detailed Curriculum Vitae detailing qualification and previous relevant experience for each proposed personnel
- Provide three references relevant to this tender submission, including the most recent work completed;
- Complete and submit the Conflict of Interest form

7. Evaluation Criteria

7.1. SPREP will select a preferred supplier based on 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:

Criteria	Detail	Weighting
Experience	Demonstrated experience with establishing a Sustainable Financing system (Container Deposit / Advance Disposal Fee / Advance Recovery Fee / Waste Levy etc)	20%
	Demonstrated experience conducting research and feasibility studies (focus on both company, and officers to deliver the works)	5%
	Demonstrated experience providing legal guidance to government departments	10%
	Demonstrated experience in Small Island Developing States (SIDS) presenting complex topics in simplified way (particularly via remote platform) (advantageous to detail Pacific experience)	10%
Methodology	Examples provided of past works relevant to this activity (links to output reports or products that provide insight into research approach and writing style)	5%
	Proposed project methodology noting schedule, activities, concurrent or sequential development, engagement with country representatives, etc.	40%



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Value for money	SPREP will assess the tenders based on value for money considering (but not limited to) cost, experience of staff, hours invested, product scope and depth, etc.	10%
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8. Other Information

The successful consultant will be provided with any relevant project documentation.

The successful consultant must supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct

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