



SPREP

Secretariat of the Pacific Regional
Environment Programme

REQUEST FOR TENDERS

RFT: 2022/015
File: AP_2/39
Date: 25 March, 2022
To: Interested suppliers
From: Jamie Davies – Bycatch and Integrated Ecosystem Management Initiative
Manager

Subject: Request for Tender: Building capacity of Vanuatu to address regulatory and legal obligations relating to CITES Appendix II listed sharks.

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 (individuals or teams) to lead the preparation of Non Detriment Findings (NDFs) for Appendix II listed sharks that are caught as by-catch by Vanuatu flagged vessels in partnership with the Department of Environmental Protection and Conservation (DEPC, CITES Management Authority) and the Vanuatu Fisheries Department (VFD, CITES Scientific Authority) to address their legal responsibilities in relation to export and permitting processes for relevant CITES-listed species.
- 2.2. The consultant will be expected to liaise and consult with technical experts, the, CITES Management Authority and the CITES Scientific Authority, SPREP's Threatened and Migratory Species Adviser, the SPC advisor, and the BIEM By-catch/CITES Coordinator from Tier-raMar. This work can be undertaken remotely, using digital means of communication if necessary.
- 2.3. The consultant will adhere to the PEUMP Programme Communications and Visibility Strategy and BIEM Initiative Communications and Visibility Guidance in the development and approval of all external media, documents, and publications.
- 2.4. The consultant will be expected to adopt gender and human rights sensitive approaches in all aspects of their work.
- 2.5. The Terms of Reference of the consultancy are set out in Annex 1.
- 2.6. 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 sprep@sprep.org www.sprep.org
PO Box 240, Apia, Samoa T +685 21929 F +685 20231



Child Protection, Environmental Social Safeguards, Fraud Prevention & Whistleblower Protection and Gender and Social Inclusion.

2.7. 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. Be able to demonstrate that they have the necessary technical qualifications.
 - ii. Have a proven track record in advising Pacific Island Countries and Territories (PICTs) or small island developing state governments on regulatory and legal obligations relating to CITES decisions on trade in Appendix II listed species, or related work (preferably in preparing NDFs for marine species).
 - iii. Members of the consultancy team need to have an excellent command of spoken and written English.
 - iv. Demonstrate a record of having successfully worked with Governments, and regional agencies (such as SPREP and SPC in the Pacific).
 - v. Have a strong track record in gender sensitive and human rights-based approach and communication as well as project management and facilitation.
 - vi. 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.
 - vii. 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:



SPREP

Secretariat of the Pacific Regional
Environment Programme

- 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.
 - 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.
The maximum budget available for the work is US\$50,000.
- 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 14 April 2022. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by 16 April 2022.
- 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.

PO Box 240, Apia, Samoa T +685 21929 F +685 20231 sprep@sprep.org www.sprep.org

A resilient Pacific environment sustaining our livelihoods and natural heritage in harmony with our cultures.



- 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 and the Vanuatu CITES Management and Scientific Authorities will select a preferred supplier based on an 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:
 - a. A proven track record in successfully working with and advising Pacific Island Countries and Territories (PICTs) or small island developing state governments on regulatory and legal obligations relating to CITES decisions on trade in Appendix II listed species, or related work (preferably in preparing NDFs for marine species). (25%)
 - b. Expert knowledge of the conservation and management of the relevant CITES listed marine species. (25%)
 - c. Costed workplan setting out the activities to be undertaken and timings of activities. (15%)
 - d. A proven track record in delivery of effective gender sensitive and human rights-based approach and effective communication, as well as project management and facilitation. Have an excellent command of spoken and written English. (15%)
 - e. Be deemed to be independent and impartial, with no conflict of interest. (10%)
 - f. Detailed financial proposal in US dollars. (10%)
- 6.2.
 - a. Assessment of proposals will be based on the evaluation of the Technical Proposal (90%) and Financial assessment (10%).
 - b. 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.

c. Financial Proposals

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.



SPREP

Secretariat of the Pacific Regional
Environment Programme

- 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 2022, 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 2022/015: **Building capacity of Vanuatu to address regulatory and legal obligations relating to CITES Appendix II listed sharks**'

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>

PO Box 240, Apia, Samoa T +685 21929 F +685 20231 sprep@sprep.org www.sprep.org

A resilient Pacific environment sustaining our livelihoods and natural heritage in harmony with our cultures.

ANNEX 1

BUILDING CAPACITY OF VANUATU TO ADDRESS REGULATORY AND LEGAL OBLIGATIONS RELATING TO CITES APPENDIX II LISTED SHARKS

Background

SPREP is the executing agency of the By-catch and Integrated Ecosystem Management (BIEM) Initiative, Key Result Area 5 of the Pacific European Union Marine Partnership Programme funded by the European Union and the Government of Sweden¹ (see Annex 2 for further details).

Through the BIEM Initiative SPREP is supporting the governments of Fiji, Papua New Guinea, Solomon Islands, Tonga and Vanuatu in the sustainable management of coastal and marine biodiversity. Activity 5.8 of the BIEM Initiative is focused on capacity development on Non-Detrimental Findings process for CITES Parties. Through consultation with the Department of Environmental Protection and Conservation (DEPC, CITES Management Authority) and the Vanuatu Fisheries Department (VFD, CITES Scientific Authority), SPREP has been requested that budget available under Activity 5.8 be used to fund the development of NDFs for the Appendix II listed shark species as a priority activity.

As a signatory to CITES, Vanuatu is required to have completed Non-Detriment Findings (NDFs) for CITES Appendix II listed species to be legally traded internationally. Longline fishing vessels, both national and Vanuatu flagged, catch sharks as by-catch in both the Inter-American Tropical Tuna Commission (IATTC) and Western Central Pacific Fisheries Commission (WCPFC) waters. Though sharks are not a target species, CITES listed species may be retained and sold if a legal permit is obtained from the flag state, supported by a Non-Detriment Finding for the species.

The DEPC and VFD have requested assistance to develop NDFs for the following Appendix II listed shark species:

- *Shortfin Mako shark (Isurus oxyrinchus)*
- *Thresher shark (Alopias spp.)*

For other shark species, the quantities caught as by-catch are very small, so they are deemed as only as one-time catches and retained. Collated logbook data sets of shark catches that were reported by Vanuatu flagged vessels between 2015 - 2020 will be provided to the successful consultant.

As Vanuatu flagged vessels operate in both the WCPFC and IATTC regions, it is possible that more than one NDF will be required for each species where by-catch from more than one genetic stock is occurring.

Description of Services:

The goal of this project is to build the capacity of the DEPC and VFD to address their legal responsibility in relation to export and permitting processes for relevant CITES Appendix II listed shark species.

The consultant will work jointly with the DEPC and VFD and engage with relevant stakeholders. The consultant will lead the preparation of Non-Detriment Findings (NDFs) for Appendix II listed sharks that

¹ See Annex 2 for further details regarding the PEUMP Programme.

are caught as by-catch by Vanuatu flagged longline vessels in IATTC and WCPFC waters. The consultant will conduct training/workshops to build capacity and develop management plan(s). Note all work can be undertaken remotely if the consultant is not located in Vanuatu.

Approach

The following approach will be used:

- Work jointly with DEPC and VFD to develop and secure approval of a costed workplan.
- Develop and implement a Communications and Visibility Plan and provide progress reports on project activities. Provide communications products for approval well in advance of any events.
- Provide training (virtual if necessary) to officers from the Department of Environmental Protection and Conservation, Vanuatu Fisheries Department and other relevant Ministries to build their capacity to develop NDFs for the listed species (Shortfin Mako and Threshers).
- Prepare NDFs for each of the relevant species. Note that a Regional NDF Template was developed in 2016 for use by Pacific Island Countries for listed shark species. The template essentially reflects the Worksheets from the six-step process in the CITES NDF Guidance for Shark Species².
- Develop a shark management plan in consultation with key stakeholders (virtual if necessary) for review by the Vanuatu CITES Scientific Authority and Vanuatu CITES Management Authority, based on available information.

The consultant will be responsible for delivering the objectives, activities and associated deliverables of this project as set out in Table 1.

Table 1: Objectives, activities, and associated deliverables / indicators

Objectives	Deliverable/Milestone
1. Planning and stakeholder consultation.	1.1 Draft Communications and Visibility (C & V) Plan based on BIEM Initiative guidance and templates. 1.2 Approved workplan and budget. 1.3 Engage with involved government agencies and relevant stakeholders.
2. Work with government to build capacity and awareness	2.1 Work jointly with DEPC and VFD to plan and conduct training workshop(s) on background of NDFs, development framework and criteria. 2.2 Develop communications outputs in line with the approved C&V plan, must be submitted for approval well in advance.

² Refer <https://cites.org/sites/default/files/eng/prog/shark/docs/Shark%20NDF%20guidance%20incl%20Annexes.pdf>



3. Develop NDFs	3.1 Desktop analysis of available data on current status (population and historical trends), legal frameworks, permitting and RFMO (Sharks). 3.2 Draft NDFs 3.3 Review by DEPC and VFD. Finalisation of NDFs
4. Develop management plan	4.1 Desktop analysis of current status and regional obligations 4.2 Consultations with stakeholders 4.3 Draft management plan(s) 4.4 Review by DEPC and VFD. Finalisation of NDFs
5. Project Reports	5.1 Interim progress report 5.2 Draft final report(s) to present all results. 5.3 Submit final report.

Communications

The consultant will follow the PEUMP Programme Communications and Visibility Strategy and BIEM Initiative Communications and Visibility Guidance in the development and approval of all external documents and media publications.

Remuneration

The budget submitted is to include all travel costs in based in Vanuatu and out of pocket expenses incurred by the consultant.

Work Arrangements

Following consultation with representatives from the Department of Environmental Protection and Conservation and Vanuatu Fisheries Department, the final work plan will be agreed by SPREP's Threatened and Migratory Species Advisor and Anissa Lawrence of TierraMar who is contracted by SPREP to deliver the CITES component of the BIEM Initiative. The work plan will include the provision of progress reports through a teleconference each month. The consultant will be expected to work from their own premises with regular (virtual) engagement with the Department of Environmental Protection and Conservation and Vanuatu Fisheries Department officers and with identified partners in Vanuatu.

Duration of the Consultancy

This consultancy is expected to run from April 2022 to September 2022.

ANNEX 2

The Pacific-European Union Marine Partnership Programme

The Pacific-European Union Marine Partnership (PEUMP) Programme³ addresses some of the most serious challenges faced by the region. Among these are the increasing depletion of coastal fisheries resources; the threats to marine biodiversity, including negative impacts of climate change and disasters; the uneven contribution of oceanic fisheries to national economic development; the need for improved education and training in the sector; and the need to mainstream a rights-based approach and to promote greater recognition of gender issues within the sector.

This 5-year programme started in September 2018 and is funded by the European Union (EUR 35 million) with additional targeted support from the government of Sweden (EUR 10 million). The programme provides direct assistance through regional organisations to support regional and national level activities in the Pacific.

The PEUMP Programme combines a regional and national approach, paying specific attention to actions and services delivered at country level to promote and direct positive changes for target groups, in particular women, youth and the most vulnerable groups.

The PEUMP Programme's **overall objective** is to '*Improve the economic, social and environmental benefits for 15 PACPs arising from stronger regional economic integration and the sustainable management of natural resources and the environment*'.

The **specific objective (outcome)** is to '*support sustainable management and development of fisheries for food security and economic growth, while addressing climate change resilience and conservation of marine biodiversity*'.

To address the main priority areas identified in the formulation phase, a demand-driven approach, recognising the diversity of needs and opportunities across the 15 PACP countries, the Programme adopts an integrated approach, with inter-related components implemented by several agencies, revolving around six KRAs and the Programme Management Unit based in Suva, Fiji. Four main agencies are implementing / or have been implementing the KRAs through a multisectoral approach: 1) The Pacific Community (SPC), which is the lead agency for the programme and will be responsible for its overall management, 2) the Pacific Islands Forum Fisheries Agency (FFA), 3) SPREP and 4) The University of the South Pacific (USP). In addition, the PEUMP is also partnering with Non-Government Organisations (NGOs), which include the Locally Managed Marine Areas (LMMA), Pacific Islands Tuna Industry Association (PITIA), International Union for the Conservation of Nature (IUCN) and the World Wildlife Fund (WWF).

The six KRAs are aligned with the two focal sectors of the regional roadmap – oceanic and coastal fisheries and are as follows:

Oceanic Fisheries

- KRA 1 - High quality scientific and management advice for oceanic fisheries provided and utilised at regional and national levels (SPC).
- KRA 2 – Inclusive economic benefits from sustainable tuna fishing increased through supporting competent authorities and strengthening private sector capacities to create decent employment (FFA).

Coastal Fisheries

- KRA 3 – Sustainable management of coastal fisheries resources and ecosystems improved through better quality scientific information, legal advice, support, mentoring and empowerment at community level (SPC).

Coastal and Oceanic fisheries

³ Further information is available here: <https://peump.dev/>



SPREP

Secretariat of the Pacific Regional
Environment Programme

- KRA 4 – IUU fishing reduced through enhanced monitoring control and surveillance of both oceanic and coastal fisheries, improved legislation, access to information, and effective marine area management (FFA).
- KRA 5 - Sustainable utilisation of the coastal and marine biodiversity promoted through improving marine special planning, increasing climate change resilience, enhancing conservation, mitigation and rehabilitation measures (SPREP).

Capacity development

- KRA 6 - Capacity built through education, training and research and development for key stakeholder groups in fisheries and marine resources management (USP).

Key Result Area 5: By-catch and Integrated Ecosystem Management

SPREP has been awarded 6.2 million Euros to implement the By-catch and Integrated Ecosystem Management (BIEM) component⁴ of the PEUMP Programme and the work is due to be completed by December 2022. BIEM activities are designed to ensure they are relevant to all south Pacific countries. However, to maximise the positive impact of the work with the funding and time available, the BIEM team will focus the majority of activities in Fiji, PNG, Solomon Islands, Tonga and Vanuatu.

SPREP and its partners are dedicated to working to assist these Pacific countries meet their priorities in the sustainable management of their coastal resources and marine biodiversity, focusing on eight integrated key result areas (KRAs) identified in Table 1.

SPREP has sub-contracted the International Union for the Conservation of Nature (IUCN) and TierraMar Consulting Pty Ltd (TierraMar) to lead the delivery of some elements of the work. The organisational responsibilities are identified in Table 1.

⁴ Further information is available here: <https://pacificislands.hubilo.com/community/#/exhibitor/9293>
PO Box 240, Apia, Samoa T +685 21929 F +685 20231 sprep@sprep.org www.sprep.org



Table 1: The 8 integrated KRAs of BIEM

KRA-5 Component	Geographical scope:	Lead Organisation
5.1 Marine Spatial Planning	Solomon Islands, Fiji	IUCN
5.2 Integrated 'ridge to reef' ecosystem strategies and coastal zone management planning	Fiji, Vanuatu	SPREP
5.3 Development and integration of climate change adaptation strategies into coastal community plans	Fiji, Vanuatu	
5.4 Assessment of by-catch of endangered species and extinction risk evaluated	Regional	
5.5 Development and implementation of by-catch mitigation strategies	Fiji, Solomon Islands, Papua New Guinea, Tonga, Vanuatu	
5.6 Capacity development through research grants to citizens of the Pacific Islands	Regional	
5.7 Support for community monitoring and protection of endangered species	Fiji, Solomon Islands and Vanuatu	
5.8 Capacity development on Non-Detrimental Findings process for CITES partners	Regional - CITES partner countries	

Management and Operations

The BIEM Management Unit (MU) has been established by SPREP in Suva to provide logistical, financial, and administrative and communication support and coordinate the delivery of the eight BIEM components.

The MU also has responsibility to ensure that BIEM activities are coordinated effectively as part of the wider PEUMP Programme. The MU will work collaboratively with Programme members, Countries and other partners under the guidance of the PEUMP Programme Management Unit to achieve this.