

REQUEST FOR TENDERS

RFT: 2021/074
File: AP_2/33
Date: 27 September, 2021
To: Interested suppliers
From: Rahul Chand – Capacity Building Officer, ABS

Subject: Request for tenders: To develop the regional guidelines for the effective implementation of the Nagoya Protocol in the Pacific.

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 expert international consultant to develop the regional guidelines for the effective implementation of the Nagoya Protocol in the Pacific which will be called '**Pacific Access and Benefit Sharing (ABS) Guidelines.**'
- 2.2. The Terms of Reference and the specific statement of work for 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/sprep-organisational-values-code-of-conduct.pdf.

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested suppliers must meet the following conditions:
 - i. Provide a technical and financial proposal outlining how the deliverables described in the Annex A (Terms of Reference) will be delivered.
 - ii. Suitable applicants must be preferably listed on the global or regional ABS roster of experts.

- iii. Provide three references relevant to this tender submission, including the most recent work completed
- iv. Provide examples of related past work outputs
- v. Complete the **tender application form** – (please note you are required to complete all areas in full as requested on the form, particularly the statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV or your Technical Proposal. Failure to do this will result in the application not being considered; and
- vi. Sign the **Conflict-of-Interest** form

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested supplier satisfies the conditions stated above and is capable of meeting the specifications and timeframes. Documentation must also include supporting examples to address the evaluation criteria.
- 4.2. Tender documentation should outline the interested supplier's complete proposal and include:
 - a. The CVs of proposed personnel highlighting related experience relevant to the tender.
 - b. Technical Proposal which described the interested tenderer's approach, including timeliness to achieve the tasks described in the Terms of Reference.
 - c. A detailed Financial Proposal in USD
 - d. A Completed Tender Application Form and Conflict of Interest Form.
- 4.4 Tenderers/Bidders must insist on an acknowledgement of receipt of tenders/proposals/bids.

5. Tender Clarification

- 5.1. Any clarification questions from applicants must be submitted by email to procurement@sprep.org before 06 October 2021. A summary of all questions received with an associated response will be posted on the SPREP website www.sprep.org/tender by 08 October 2021.

6. Evaluation criteria

- 6.1. SPREP will select a preferred supplier on the basis of SPREP's evaluation of the extent to which the documentation demonstrates that the tenderer offers the best value for money, and that the tenderer satisfies the following criteria.
 - i. Qualification and expertise (30%)
 - a. Extensive experience and demonstrated record of achievement in developing regional guidelines, country policies and legislations or similar applications; including
 - i. Mainstreaming government processes.
 - ii. In-depth knowledge of the Nagoya Protocol
 - ii. A good working understanding of biodiversity issues (10%)
 - iii. Previous experience working with stakeholders in the Pacific region (10%)
 - iv. Submission of a detailed technical proposal based on the scope of work required (30%); and
 - v. Submission of a detailed financial proposal providing the full cost (in USD) to develop a regional guideline for the effective implementation of the Nagoya Protocol in the Pacific which will be called '**Pacific Access and Benefit Sharing (ABS) Guidelines**' (20%)

7. Deadline

- 7.1. The due date for submission of the tender is: **18 October 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 '**RFT 2021/074: To develop the regional guidelines for the effective implementation of the Nagoya Protocol in the Pacific**' 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.

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.

For any complaints regarding the Secretariat's tenders please refer to the Complaints section on the SPREP website

<http://www.sprep.org/accountability/complaints>

TERMS OF REFERENCE

CONSULTANCY FOR THE DEVELOPMENT OF REGIONAL GUIDELINES FOR THE EFFECTIVE IMPLEMENTATION OF THE NAGOYA PROTOCOL IN THE PACIFIC - PACIFIC ACCESS AND BENEFIT SHARING (ABS) GUIDELINES

1.0 Background

1.1 With the financial assistance from the Global Environment Facility (GEF) and implementation by the United Nations Environment Programme (UNEP), the Secretariat of the Pacific Regional Environment (SPREP) is currently executing a Regional Access and Benefit Sharing Project in fourteen Pacific Island Countries [see list below¹]. The Project aims to support Pacific Island countries to ratify the Nagoya Protocol and implement key measures to make the Protocol operational in the region. The main objective of the project is to help countries from the Pacific region in the ratification of the Nagoya Protocol on Access to Genetic Resources and Benefit Sharing, build legal and technical capacity to implement and operationalize the Protocol domestically and to improve awareness, communication and education on access and benefit sharing issues in the Pacific. The project began execution of activities in July 2017 following the Regional Project Inception meeting held in Apia, Samoa.

The project contributes to Sustainable Development Goals (SDGs) 2 'Zero Hunger' and SDG 15 on 'Life on Land'. The contributions made by the project were seen through the development and review of policy and regulatory frameworks for at least four countries in the Pacific in 2019. The frameworks developed are aimed at promoting the fair and equitable sharing of benefits arising out of the utilization of genetic resources and associated traditional knowledge. Additionally, is to improve and encourage investment, including through enhanced national, regional and international cooperation on academic and commercial researches contributing to conservation and sustainable development.

1.2 SPREP Strategic Goals

Strategic goal A: Address the causes of biodiversity loss

1. Make people aware about the values of biodiversity
2. Integrated biodiversity values in development + poverty reduction plan
4. All levels of stakeholders have taken steps to achieve or have implemented plans for sustainable development

Strategic Goal B: Reduce the direct pressure on biodiversity and promote sustainable use

5. Reduce the rate of natural habitat loss + forest loss by at least 50%

Strategic Goal C: Safeguard ecosystems, species and genetic diversity

11. Conserve terrestrial and inland water, coastal – marine areas
13. Maintain genetic diversity of agro-plants, domesticated animals and minimizing genetic erosion

Strategic Goal E: Participatory planning, capacity building

¹ Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu,

18. Integrate the knowledge of tribal communities

1.3 Components of the Regional ABS project

The four components of the project are as follows:

Component 1: baseline analysis to identify common assets (particularly relating to traditional knowledge), issues and needs between countries;

Component 2: assist countries to ratify the Protocol through supporting national authorities. It includes scoping studies to identify gaps in existing laws and regulations at the national level, analysis of implications on ratification of the Protocol, awareness and consultation with policy makers;

Component 3: establish an enabling environment for the implementation of basic provisions of the Protocol. This includes stocktaking and assessment of capacities and systems currently in place, development or review of strategy and action plans for the implementation of ABS measures and building capacity among stakeholders; and

Component 4: addresses regional coordination and technical support.

1.4 Progress Update

The project has since undertaken capacity building and training on access and benefit-sharing matters in all the 14 Pacific Island Countries. As part of implementing the Project, a capacity-building needs assessment was undertaken through questionnaires and in-person interviews during country visits. Furthermore, a number of consultations and discussions were held with key people in government, non-government organizations, and academia to understand challenges, capacity-building needs and requirements, and policy gaps in the effective implementation of the Protocol. The Project also discussed with countries at compliance measures and how countries address these to ensure Nagoya implementation at national levels. There were a few consultations and meetings, including workshops that were jointly made with ABS Capacity Development Initiative in some of the Pacific Island countries. These consultations led to the development of five regional drafting instructions on 'how to develop ABS laws in the Pacific, legal analysis and development of legal frameworks on ABS.' A regional capacity assessment report has also been drafted from the ongoing capacity building work in the region.

The Pacific has progressed in many ways to address various critical issues envisioned under the framework of the Nagoya Protocol. There are ten countries that have ratified the Protocol from the Pacific region: Fiji, FSM, Kiribati, Marshall Islands, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Within the last few years, SPREP has provided special trainings on contract negotiation, the use of ABS-Clearing House – an online reporting and monitoring tool developed by the Secretariat of the Convention on Biological Diversity and related to associated traditional knowledge and bioprospecting.

As required under the Nagoya Protocol, four² (4) countries from the Pacific have completed the Interim National Report on the Implementation of the Nagoya Protocol however, only Samoa has submitted its Interim National Report on the ABS CH. The Interim National Reports reveals that the compliance system in these four countries needs strengthening and further support. The report also

² Vanuatu, Samoa, FSM, Marshall Islands.

revealed that institutional set up is evolving and communication between the relevant sectors needs to be improved. Seven³ (7) countries have taken legislative, administrative and policy measures on ABS, however, none of these measures are listed on the ABS-CH. A large portion of these measures was drafted and/or reviewed as part of the implementation of the SPREP ABS Regional Project and some of the consultation processes are ongoing.

Despite visible progress with regards to the development of legal, administrative and policy measures, PICs is facing specific challenges due to the lack of environmental legal capacity to sustain the work on ABS. In addition, ABS stakeholders are unclear about the procedures and the institutionalisation of the ABS process. A key issue that needs to be resolved is how to match understaffed and insufficiently capacitated government agencies operating based on new and partially functional ABS frameworks with the requirements of researchers and the private sector. Additionally, in countries with functional ABS frameworks in the Pacific, they do not provide this information on the ABS-CH making it difficult if not, impossible for users (mostly academia) to comply with national laws and requirements.

There is also a limited understanding of the functions of National Focal Points (NFP), Competent National Authorities, Checkpoints, Publishing Authority which are compliance requirements of the Nagoya Protocol. With the limited understanding of the functions of institutions and not being (fully) operational yet; authorities are not confident to engage in ABS cases and do not usually respond to questions from researchers and users of genetic resources and associated traditional knowledge. Such a situation is often very frustrating to the research community and obviously will have a negative effect on research including research contributing to biodiversity conservation and sustainable development.

2.0 Purpose of the consultancy

SPREP (Regional ABS Project) is seeking the services of an expert international consultant, preferably one who is registered on the ABS Roster of Experts (Global/ Regional) for a duration of sixty (60) days to develop the regional guidelines for the effective implementation of the Nagoya Protocol in the Pacific which will be called '**Pacific Access and Benefit Sharing (ABS) Guidelines.**'

3.0 Scope of Duties of the Consultant

The Scope of Duties is set out in the Terms of Reference and agreed within the work plan.

3.1 . The consultant will be required to undertake the following duties:

- a. Prepare the ABS Guidelines based on the Nagoya Protocol compliance requirements, obligations of the Parties to the Protocol and practical steps in implementation based on the regional context.
- b. Prepare a brief background on the ABS administration system in each of the 14 Pacific Island country.

³ Cook Islands, Fiji, Marshall Islands, FSM, Samoa, Vanuatu, Palau.

- c. Provide inputs on the relevant consideration and recommendation for effective implementation of ABS in the Pacific.

3.2. The consultant will be required to prepare an initial draft for submission to SPREP, followed by facilitating a validation meeting to discuss the draft with the ABS Technical Group identified by SPREP..

3.3. The consultant will be required to prepare a final draft based on the comments received in point 2 above. The final draft shall be submitted within three weeks of the validation meeting..

4.0 Key Components of the Guidelines

The following are key sections that must be included in the Guidelines:

- a) Introduction with sub sections on objectives, issues or challenges and how to use the guidelines.
- b) A section on how to become a Party to the Nagoya Protocol
- c) A section on asserting sovereign rights of states and rights over indigenous and local communities over genetic resources and associated Traditional knowledge
- d) A section on the application of the Protocol and its scope
- e) A section on stakeholder identification and engagement
- f) A section on Institutional arrangements for regulation of access and benefit sharing under the Nagoya Protocol with sub sections on National Focal Point, Competent National Authorities, Indigenous Competent authorities, National ABS Checkpoints and National Publishing Authority.
- g) A section on use of ABS-CH and cost-effective tools for Monitoring & Reporting.
- h) A section on Multilateral Benefit Sharing and Transboundary cooperation.

5.0 Duration

5.1 Final outputs/deliverables are to be completed and submitted within 60 days from the day a contract is signed.

5.2 Starting date of consultancy will begin when the contract is signed by the consultant.

5.3 Any alteration to the contract regarding the duration will be discussed between SPREP and the consultant prior to any such extension being granted.

6.0 Information for applicants

6.1 Due to COVID travel restrictions, there is no travel expected during the consultancy. All meetings and attendance of workshops will be via virtual collaboration platforms between SPREP and the consultant.

6.2 SPREP will provide technical support and guidance to the consultant as and when required.

6.3 The successful consultant will be guided by SPREP on the drafting of the Regional Guidelines, especially in regards to the content. All these sessions will be virtual.

6.4 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

7.0 SPREP Contact

ABS Capacity Building Officer, Island and Ocean Ecosystems Program, SPREP.