



REQUEST FOR TENDER

File: AP_2/39
Date: 14 December, 2020
To: Interested Consultants
From: Jamie Davies, Bycatch and Integrated Ecosystem Management
Initiative Manager

Subject: Request for Tender: Building capacity of the Kingdom of Tonga to address regulatory and legal obligations relating to CITES with Appendix II listed giant clam, coral and shark species- READVERTISEMENT

1. Background

- 1.1. The Secretariat of the Pacific Regional Environment Programme (SPREP) is an intergovernmental organization 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. As part of the Pacific-European Union Marine (PEUMP) Programme, funded through the Eleventh Round of the European Development Fund (EDF 11), SPREP is the executing agency for Key Result Area 5, the By-catch and Integrated Ecosystem Management (BIEM) Initiative. The purpose of the Initiative is to reduce the by-catch of threatened species in Pacific islands' fisheries; to improve the health of coastal waters through an integrated approach to coastal management, including marine spatial planning; ecosystem-based adaptation to climate change; and to strengthen the capacity of Pacific Islands Parties to implement their obligations under the International Convention for Trade in Endangered Species (CITES). Further detail is provided in Annex 2.
- 1.4 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 a number of Non Detriment Findings (NDFs) for Appendix



It listed giant clam, coral and shark species that occur in Tonga in partnership with the Department of Environment, the Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications (MEIDECC, CITES Management Authority) and the Ministry of Fisheries (CITES Scientific Authority) to address their legal responsibility 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 Department of Environment and Ministry of Fisheries, Tonga CITES Management Authority, Tonga CITES Scientific Authority, relevant Ministries, SPREP's Threatened and Migratory Species Adviser and the BIEM Bycatch/CITES Coordinator from TierraMar. This work can be undertaken remotely, using digital means of communication if necessary.
- 2.3 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 publications.
- 2.4 The Terms of Reference and the specific duties of the consultant are set out in Annex 1.

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested suppliers must meet the following conditions:
 - a. Be deemed to be independent and impartial, with no conflicts of interest;
 - b. 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 or your Technical Proposal. Failure to do this will mean your application will **not** be considered); and*
 - c. 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. A CV to demonstrate that they have the requisite skills and experience to carry out this contract successfully.
 - b. Provide three references relevant to this tender submission, including the most recent work completed;
 - c. Completed 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 or your Technical Proposal. Failure to do this will mean your application will **not** be considered).*



- d. Sign the conflict of interest form.
- 4.3 Tender submission must be in United States Dollars (USD) up to a total of USD 22,000, to include all domestic travel and out of pocket expenses for the consultant.
- 4.4 The Proposal must remain valid for 90 days from date of submission.
- 4.5 Tenderers must insist on an acknowledgement of receipt of tender.

5. Clarification

- 5.1. Any clarification questions from applicants must be submitted by email to procurement@sprep.org before 22 December 2020. A summary of all questions received with an associated response will be posted on the SPREP website <http://www.sprep.org/tender> by 23 December 2020.

6. Evaluation criteria

- 6.1. SPREP will appoint 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. Expert knowledge of the conservation and management of the relevant CITES listed marine species. (15%)
 - 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). (15%)
 - iii. Prior delivery of effective gender sensitive and human rights-based approach community and stakeholder engagement and consultation in the Pacific. (10%)
 - iv. Proven track record in communication as well as project management and facilitation. Have an excellent command of spoken and written English. Fluency in Tongan is an advantage (15%)
 - v. Workplan setting out the activities to be undertaken and timings of activities. (15%)
 - vi. Conflict of interest. (10%)
 - vii. Detailed financial proposal in US dollars. (20%)
- 6.2 Assessment of proposals will be based on the evaluation of the Technical Proposal (80%) and Financial Proposal (20%).



7. Deadline

- 7.1. **The due date for submission of the tender is: 06 January 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: **Building capacity of Tonga to address regulatory and legal obligations relating to CITES with respect to giant clam, coral and Appendix II shark species – READVERTISEMENT**' 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 tender's 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>



ANNEX 1

TERMS OF REFERENCE

CONSULTANT – Building capacity of the Kingdom of Tonga to address regulatory and legal obligations relating to CITES with respect Appendix II listed giant clam, coral and shark species.

Background and rationale

As a signatory to CITES, the Kingdom of Tonga is required to have completed Non Detriment Findings (NDFs) for species listed under Appendix II of CITES to be traded internationally.

The Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications (MEIDECC, CITES Management Authority) and Ministry of Fisheries Tonga CITES Scientific Authority) have requested assistance to develop NDFs for Appendix II listed shark species, giant clam, and coral species that exist in Tonga. Giant clams are currently cultured in Tonga. For coral, there is no definitive list of the species that exist in Tonga and available information/data should be sought from SPC. This work is to be undertaken in partnership with the Department of Environment, Ministry of Fisheries, Tonga CITES Management Authority, Tonga CITES Scientific Authority and all relevant stakeholders. NDFs will have to be developed using best available evidence.

Project concept

Scope and objectives

This project seeks to work with the CITES Management Authority and CITES Scientific Authority and relevant government Ministries to meet their legal responsibility in relation to export and permitting processes for relevant CITES-listed species.

Approach

The following approach will be used

- Provide training (virtual if necessary) to officers from the Department of Environment and Ministry of Fisheries and other relevant Ministries to build their capacity in the development of the NDFs for the listed species;
- Prepare NDFs for each of the relevant species. Note that a Regional NDF Template developed in 2016 for use by Pacific Island Countries for listed shark species will also form the basis of the NDFs to be prepared for corals, and giant clams. The template essentially reflects the Worksheets from the six-step process in the CITES NDF Guidance for Shark Species¹ and can easily be tailored for other marine species. It will be made available to the successful consultant upon contracting.
- Develop three management plans in consultation with key stakeholders (virtual if necessary), one for corals, one for giant clams and one for sharks for review by the Tonga CITES Scientific Authority and Tonga CITES Management Authority, based on available information.

¹ Refer <https://cites.org/sites/default/files/eng/prog/shark/docs/Shark%20NDF%20guidance%20incl%20Annexes.pdf>



Services Required

SPREP is seeking the services of a consultant (individual or team) to undertake the capacity building and training as well as preparation of the NDFs for Tonga's Appendix II listed giant clam, coral and shark species.

Note all work can be undertaken remotely virtually using Zoom/Skype if the consultant is not located in the Kingdom of Tonga.

Scope of Consultancy

The role of the consultant is to undertake all activities required in accordance with the Project Approach described above.

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

Remuneration

The total budget available for this contract is USD 22,000. The budget submitted is to include all travel and out of pocket expenses incurred by the consultant.

Duration of the Consultancy

SPREP and the Tonga Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications would like this contract to be completed as soon as possible after it is awarded.

Work arrangements

Following consultation with representatives from Tonga Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications and the Ministry of Fisheries 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 Tonga Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications and the Ministry of Fisheries officers and with identified partners in the Kingdom of Tonga.



ANNEX 2: The Pacific-European Union Marine Partnership Programme

The Pacific-European Union Marine Partnership (PEUMP) Programme 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



SPREP
Secretariat of the Pacific Regional
Environment Programme



10th Pacific Islands Conference

**NATURE CONSERVATION
AND PROTECTED AREAS**

Nature Conservation Action for a Resilient Pacific

- 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

- 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 6.3 million Euros to implement the By-catch and Integrated Ecosystem Management (BIEM) component 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.



Table 1: The 8 integrated KRAs of BIEM

KRA-5 Component	Geographical scope:	KRA Coordinator
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.