

## REQUEST FOR TENDERS

RFT: 2023/031  
File: AP\_3/28/7  
Date: 6 June, 2023  
To: Interested consultants  
From: Vitolina Samu / Fred Patison  
**Subject: Request for tenders (RFT): Technical Assistance to develop the Government of Niue's Environmental and Social Safeguards Management System**

### 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 IntegrityFor more information, see: [www.sprep.org](http://www.sprep.org).
- 1.3. The consultancy is funded by the Government of Niue's second Green Climate Fund Readiness project "Strengthening of the NDA and Niue's Access to Climate Finance" for which SPREP is the Delivery Partner.

### 2. Specifications: statement of requirement

- 2.1. SPREP wishes to call for tenders from qualified and experienced consultants who can offer their services to develop an Environmental and Social Safeguards Management System bespoke for the Government of Niue. This is to include both policy, procedures, toolkits and processes to support implementation.
- 2.2. The Terms of Reference of the consultancy are set out in Annex A.
- 2.3. The successful consultant must supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct: [https://www.sprep.org/attachments/Publications/Corporate\\_Documents/spreporganisational-values-code-of-conduct.pdf](https://www.sprep.org/attachments/Publications/Corporate_Documents/spreporganisational-values-code-of-conduct.pdf). Including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud Prevention & Whistleblower Protection and Gender and Social Inclusion.
- 2.4. SPREP Standard Contract Terms and Conditions are non-negotiable

### 3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested consultants must meet the following conditions:
- i. Submit a detailed Curriculum vitae detailing qualification and previous relevant experience for each proposed personnel;
  - ii. Provide three referees relevant to this tender submission, including the most recent work completed;
  - iii. 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*).  
*Provide examples of past related work outputs*  
*For the Technical and Financial proposals you may attach these separately.*
  - iv. Provide a copy of valid business registration/license.
- 3.2 Tenderers must declare any areas that may constitute conflict of interest related to this tender and sign the **conflict of interest form** provided.
- 3.3 **Tenderer is deemed ineligible due to association with exclusion criteria, including** bankruptcy, insolvency or winding up procedures, breach of obligations relating to the payment of taxes or social security contributions, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, grave professional misconduct including misrepresentation, corruption, participation in a criminal organisation, money laundering or terrorist financing, child labour and other trafficking in human beings, deficiency in capability in complying main obligations, creating a shell company, and being a shell company.
- 3.4 Tenderer must sign a declaration of **honour form** together with their application, certifying that they do not fall **into** any of the exclusion situations cited in 3.3 above and where applicable, that they have taken adequate measures to remedy the situation.

### 4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant satisfies the conditions stated above and in the Terms of Reference and is capable of meeting the specifications and timeframes. Documentation must also include supporting examples to address the evaluation criteria.
- 4.2. Tender documentation should be submitted in English and outline the interested consultant's complete proposal:
- a) **SPREP Tender Application form and conflict of interest form.** (*Please note you are required to complete in full all areas requested in the Form, particularly the Statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV. Failure to do this will mean your application will **not** be considered*).  
*Provide examples of past related work outputs*  
*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** – provide a detailed outline of the costs involved in successfully delivering this project submitted in United States Dollars (USD) and inclusive of all associated taxes.
- 4.3. Provide three referees relevant to this tender submission, including the most recent work completed.
- 4.4. Tenderers/bidders shall bear all costs associated with preparing and submitting a proposal, including cost relating to contract award; SPREP will, in no case, be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.
- 4.5. The tenderer/bidder might be requested to provide additional information relating to their submitted proposal, if the Tender Evaluation Committee requests further information for the purposes of tender evaluation. SPREP may shortlist one or more Tenderers and seek further information from them.
- 4.6. The submitted tender proposal must be for the entirety of the Terms of Reference and not divided into portions which a potential tenderer/bidder can provide services for.
- 4.7. The Proposal must remain valid for 90 days from date of submission.
- 4.8. Tenderers must insist on an acknowledgement of receipt of tender.

## 5. Tender Clarification

- 5.1. a. Any clarification questions from applicants must be submitted by email to [procurement@sprep.org](mailto:procurement@sprep.org) before 19 June 2023. A summary of all questions received complete with an associated response posted on the SPREP website [www.sprep.org/tender](http://www.sprep.org/tender) by 21 June 2023.
- b. The only point of contact for all matters relating to the RFT and the RFT process is the SPREP Procurement Officer.
  - c. SPREP will determine what, if any, response should be given to a Tenderer question. SPREP will circulate Tenderer questions and SPREP's response to those questions to all other Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>) without disclosing the source of the questions or revealing any confidential information of a Tenderer.
  - d. Tenderers should identify in their question what, if any, information in the question the Tenderer considers is confidential.
  - e. If a Tenderer believes they have found a discrepancy, error, ambiguity, inconsistency or omission in this RFT or any other information given or made available by SPREP, the Tenderer should promptly notify the Procurement Officer setting out the error in sufficient detail so that SPREP may take the corrective action, if any, it considers appropriate.

**6. Evaluation criteria**

- 6.1. SPREP will select a preferred consultant on the basis of SPREP’s evaluation of the extent to which the documentation demonstrates that the tenderer offers the best value for money, and that the tender satisfies the following criteria:
- 6.2. 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.

**I. Technical Score – 80%**

Criteria	Detail	Weighting
<b>Experience</b>	At least a postgraduate degree in a technical field relevant to environmental management and social safeguards, law, policy development, human resources management, and development issues	5
	Demonstrated expertise and strong experience in environmental and social management and policy development	20
	Good understanding of national and regional organisation and global funding processes and requirements, including policies and implementation processes with experience in the Pacific islands and process of monitoring reporting.	10
	Demonstrated expertise in participatory and consultative approaches relevant to the Pacific	10
	Excellent understanding and knowledge of Government of Niue and  Excellent interpersonal, communication and writing skills in English	15
<b>Technical Proposal / Methodology</b>	Proposed methodology and workplan to undertake the tasks outlined in these terms of reference, including timelines to complete the deliverables.	20

**II. Financial Score – 20%**

The following formula shall be used to calculate the financial score for ONLY the proposals which score 70% or more in the technical criteria:

$$\text{Financial Score} = a \times \frac{b}{c}$$

Where:

a = maximum number of points allocated for the Financial Score

b = Lowest bid amount

c = Total bidding amount of the proposal

## 7. Variation or Termination of the Request for Tender

- 7.1 a. SPREP may amend, suspend or terminate the RFT process at any time.
- 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: 04 July 2023, midnight (Apia, Samoa local time).**
- 8.2. Late submissions will be returned unopened to the sender.
- 8.3 Please send all tenders clearly marked 'RFT 2023/031: **Technical Assistance to develop the Government of Niue's Environmental and Social Safeguards Management System**'

Mail: SPREP

Attention: Procurement Officer

PO Box 240

Apia, SAMOA

Email: [tenders@sprep.org](mailto:tenders@sprep.org) (MOST PREFERRED OPTION)

Fax: 685 20231

Person: Submit by hand in the tenders' box at SPREP reception,

Vailima, Samoa.

Note: Submissions made to the incorrect portal will not be considered by SPREP. If SPREP is made aware of the error in submission prior to the deadline, the applicant

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

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

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

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

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



## **Annex A - Terms of Reference**

### **1.0 Introduction**

The Government of Niue is undertaking its second Green Climate Fund Readiness project with SPREP as Delivery Partner. The project works towards Niue strengthening engagement with the Green Climate Fund (GCF) and accessing climate finance towards realising the country's climate change vision of 'A climate risk-resilient Niue effecting sustainable use and management of Niue's natural resources and environment for present and future generations'.

As part of this effort, the Government of Niue (GoN) through its Department of Environment under the Ministry of Natural Resources (MNR) is seeking to develop an Environmental and Social Management System (ESMS) to ensure government activities and projects are environmentally and socially sustainable, contribute to sustainable development and can meet environmental and social safeguards requirements for accessing climate finance directly from institutions like the Green Climate Fund (GCF).

Niue is a small island state in the Pacific with a population of 1,719 and landmass of approximately 259 square kilometres, lying on the boundary of the southern tropical cyclone belt. The country's National Strategic Plan 2016-2026 aims to preserve its environment and protect its people. Niueans are reliant on their natural environment for food, water and livelihood. Climatic impacts on the occurrence or severity of cyclones, droughts, rainfall, sea level rise or temperature rise poses significant threat to the population.

The GoN has existing national environmental and social policies and assessment tools, however the ESMS to be developed will assist the Department of Environment to provide a systematic coordinated approach in the management of environmental and social risks and impacts associated with national activities, projects, and programs at all stages of the project cycle. The ESMS is to respond to findings and recommendations from an institutional capacity assessment undertaken in 2021/22. Through operationalisation of the ESMS the Government of Niue and its staff will ensure the avoidance or minimisation and management of potential negative environmental and social impacts of its work while looking to maximise the environmental and social benefits too.

Niue's GCF Readiness project is delivered in partnership between the Government of Niue's Project Management Coordination Unit and SPREP. Funded by the Green Climate Fund (GCF) the Readiness & Preparatory Support Programme supports country-driven initiatives by developing countries to strengthen their institutional capacities, governance mechanisms, and planning and programming frameworks towards a transformational long-term climate action agenda.

## 2.0 Consultancy Objectives

The Consultant will be responsible for supporting the Government of Niue's Department of Environment to:

1. Develop an Environmental Social Safeguards Management System to include a standard operations procedures manual of the ESMS for Government Officials and partners; and
2. Deliver training to Government Officials for awareness of the ESMS Policy and how it is to be implemented using the operations procedure manual.

The Environmental and Social Management System (ESMS) for Government of Niue should align with national policies and regulations and include comprehensive standards and procedures for managing potential environmental and social impacts, provides capacity building for relevant stakeholders and effective stakeholder engagement strategies.

The ESMS should be based on internationally recognised standards and guidelines, such as the International Finance Corporation (IFC) Performance Standards, the GCF ESMS, the SPREP ESMS Policy and other relevant standards.

SPREP in support the Government of Niue is therefore seeking to contract the services of a *Consultant with expertise in Environmental and Social Safeguards Management systems or Policy* to perform the identified tasks as elaborated under Scope of Work.

## 3.0 Scope of Work

The Consultant will be required to work with the GON, SPREP and other relevant stakeholders to develop a ESMS Policy and Operational Procedures. The consultant should propose and adopt a methodology that is tailored to Niue's specific context and requirements. The methodology should incorporate stakeholder engagement and consultation and include clear timelines, milestones, and deliverables. The methodology should also demonstrate how the ESMS will be integrated into Niue's existing policy and regulatory framework.

The scope of services under this Terms of Reference consists of the requirements for consultancy services including general requirements and specific tasks:

- A. Undertake a stocktake and thorough assessment of the existing environmental, social and cultural system of Niue and develop the scope of ESMS policy to be in line with the capacity of the GON.** This task should utilise the findings from the institutional capacity assessment undertaken by Price Waterhouse Cooper in 2021/22, which included assessment of the government's ESS capacity, as the baseline.

The stocktake should also cover regional and global MEAs ratified by the Niue Government and how it has been realised at national level with its impacts on national policies.

- B: Develop the Environmental and Social Policies and Standards and institutional arrangements.**



The policy and standards should set the policy and minimum sustainability requirements for the GON and its implementing and executing partners to anticipate, identify and manage environmental and social issues. This should include:

- a. **Scope of Applicability:** To ensure adherence to the Environmental and Social Policies and Standards for all projects implemented using funds channelled through the GON regardless of implementation modality.
- b. **Environmental and Social Policies:** Develop a policy statement that outlines Niue's commitment to environmental and social sustainability and compliance with applicable laws and regulations. This will cover the GON and policies and direction of the ESMS, including but not limited to gender equality, disability, and social inclusion (GEDSI), fraud, procurement, child protection, environmental assessment and planning, public health, cultural heritage, biodiversity protection and conservation, labour and human rights, waste and pollution, Involuntary resettlement, indigenous people. The policy should also outline the roles and responsibilities of key stakeholders in implementing the ESMS. This will be discussed during the consultancy and the stocktake will also guide the policy focus.
- c. **Environmental and Social Standards:** The Environmental and Social Standards to include overarching Principles and project level Safeguards.
- d. **The ESMS in the Project Cycle**
  - The Niue ESMS policy to inform reviews of the environmental and social risks and impacts GON supported projects be undertaken at key points within the project cycle.
  - The GON project cycle is to be applicable to all projects the Government performs as either as an implementing agency for the GEF, AF or GCF projects, or as an executing agency for donor-funded projects.
  - Develop an equivalency table to compare the Niue environmental and Social Standards with established international Environmental and Social Safeguard standards including the International Finance Corporation (IFC), GCF, SPREP etc.

### **C. Develop the Environmental and Social Management System Processes and Procedures Manual**

The ESMS procedure will guide the GON and contractors on how the policies, principles, and standards are to be implemented and should cover the GON project cycle.

The ESMS processes and procedure manual is to cover the followings section below and other areas that will support the implementation of the ESMS Policy

1. **Project review procedures**
  - a. Environmental and Social Screening of project proposals with clear guidance on project thresholds and risk categories.
  - b. Environmental and Social Assessment (ESA) and Environmental and Social Management Plan (ESMP)
  - c. Project Appraisal and Approval – An appraisal checklist to be developed to support the review

- d. Implementation and Supervision - The distinction between the specific roles of the GON as an implementing agency (essentially a delegated responsibility from the funding agency) and an executing agency need to be clearly understood. Implementation is often understood as the responsibility of an implementing agency, when it is actually the responsibility of an executing agency.
  - e. Project Completion and Post-Evaluation
2. Responsibility and Accountability- Effective stakeholder engagement is essential throughout the project cycle. This will also inform the management. Oversight and monitoring of the ESMS Policy using the GON existing mechanisms and reporting processes.
  3. Summary of the review steps responsibilities – Provides key steps in the ESMS operational procedures.
  4. Toolkits
    - Environmental and Social Screening Report
    - Environmental and Social Assessment Checklist and Clearance Form
    - Environmental and Social Clearance Form
    - Project Level Problem Solving and Grievance Redress Mechanism Guidance

**D. Deliver training and information sessions to Government staff and relevant national stakeholders to**

- **increase awareness of Niue’s ESMS for compliance**
- **understanding of how to implement the ESMS.**

Training sessions should be designed and delivered to target government actors with key roles to enforce and implement the ESMS. Information sessions should target a wide-ranging audience who need to be aware and comply with Niue’s ESMS policy.

**4.0 Consultant Deliverables**

- a. GON ESMS policy, process and tools stocktake report with recommendation actions. This will also cover the stocktake of regional and global MEAs ratified by the Niue Government and how it has been realised at national level with its impacts on national policies.
- b. A detailed ESMS framework that includes key policies, procedures, guidelines, and standards that meet the requirements of Niue and aligned to GCF requirements as well as internationally recognised best practice. This should also include relevant toolkits and checklists to support implementation.
- c. Evidence of training and information sessions, including detailed participants list, feedback and copies of training presentations and materials that can be utilised by the Department of Environment for following up sessions.

## **5.0 Qualifications and experience**

- At least a postgraduate degree in a technical field relevant to environmental management and social safeguards, law, policy development, human resources management, and development issues
- Demonstrated expertise and strong experience in environmental and social management and policy development
- Good understanding of national and regional organisation and global funding processes and requirements, including policies and implementation processes with experience in the Pacific islands and process of monitoring reporting.
- Demonstrated expertise in participatory and consultative approaches relevant to the Pacific
- Excellent understanding and knowledge of Government of Niue and
- Excellent interpersonal, communication and writing skills in English

## **6.0 Schedule of Assignment**

The work will be carried out for up to 80 consultancy days over six months or to be completed by 1<sup>st</sup> of March 2024.

The consultant shall develop and submit a detailed workplan / schedule for the assignment and distribute the days accordingly among the different tasks.

The workplan should consider a blend of working remotely and in-country to produce the required deliverables.

The Consultant will work from their home base. However, the consultant is expected to undertake up to two in-country missions to meet with key stakeholders and to present final/near-final output. In-country missions, for example to facilitate consultations, product validation sessions and/or debriefing is to be discussed and agreed with the NDA and SPREP. Travel is dependent on COVID-19 protocols in place at the time of validation.

## **7.0 Institutional Arrangement**

The consultancy is commissioned by the Secretariat of the Pacific Regional Environment Programme (SPREP). The Consultant will report to SPREP for contractual and administrative purposes.

The NDA and Readiness Team in Niue will provide additional technical advice and inputs, support with logistics, and have local oversight of this consultancy.

Whilst the Consultant will liaise with the NDA and Readiness Team they will ultimately report to SPREP, who maintains overall oversight of the activity.

Support through the Readiness Team in Niue includes:

- Background documents and information relevant to the assignment are readily available and accessible.

- Issue the relevant Introductory Letters and facilitate contact with the relevant stakeholders, as necessary.
- Receive updates about progress made on the assignment. Organise conference call meetings with the consultant and SPREP to address any questions or concerns
- Coordinate the Stakeholder Engagement by providing local guidance, and related support.
- Participate in structured discussions with the consultant to address any questions or concerns
- Support Co-facilitate consultations or workshops where conducive to achieving outcomes for the activity.
- In addition to SPREP and the NDA, review draft reports providing feedback to the consultant within fourteen (14) days of submission.

Travel and accommodation arrangements and associated costs will be the responsibility of the Consultant and should be reflected as part of the financial proposal. However, the following must be adhered to as a consultant under SPREP contract:

1. Liaison with the country on planned missions must be conducted and approval sought through SPREP.
2. To enable reimbursements of travel costs SPREP'S procurement policy must be followed. Pre-approval must be obtained from the SPREP Contract Manager *prior to the purchase* of any travel and accommodation services.