

REQUEST FOR QUOTATION (RFQ)

FOR SERVICES

Project Title:	Assessment of the Impacts of Drifting Fish Aggregating Devices on Marine Environment in Pacific Island Countries: Recommendations for Mitigation Strategies
Nature of the services	Review of the regulatory framework for drifting fish aggregating devices
Location:	Remote with the possibility of travel as required
Date of issue:	13/09/2024
Closing Date:	27/09/2024
SPC Reference:	RFQ24-7030

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Part 1: INTRODUCTION

1.1 About the Pacific Community (SPC)

The Pacific Community (SPC) is the principal scientific and technical organisation of the Pacific region, established by treaty in 1947 with the signing of the *Agreement Establishing the South Pacific Commission* (the Canberra Agreement).

Our unique organisation covers more than 20 sectors and is renowned for knowledge and innovation in such areas as fisheries science, public health surveillance, geoscience and conservation of plant genetic resources for food security.

For more information about SPC and the work that we do, please visit our website: <https://www.spc.int/>.

1.2 SPC's procurement activities

SPC's procurement activities are guided by the principles of high ethical standards, value for money, open competition and social and environmental responsibility and are carried out under our Procurement Policy.

For further information or enquiries about SPC's procurement activities, please visit the procurement pages on our website: <https://www.spc.int/procurement> or email: procurement@spc.int

1.3 SPC's Request for Quotation (RFQ) Process

At SPC, procurement valued at more than EUR 2,000 and less than or equal to EUR 45,000 requires an evaluation of at least three quotations to determine the offer that provides the best value for money through a Request for Quotation (RFQ) process.

This RFQ sets out SPC's requirements for a project and it asks you, as a bidder, to respond in writing in a prescribed format with pricing and other required information.

Your participation confirms your acceptance of SPC's conditions of participation in the RFQ process.

Part 2: INSTRUCTIONS TO BIDDERS

2.1 Background

SPC invites you to submit a quotation to deliver the services as specified in [Part 3](#).

SPC has compiled these instructions to guide prospective bidders and to ensure that all bidders are given equal and fair consideration. Please read the instructions carefully before submitting your bid. For your quotation to be considered, it is important that you provide all the prescribed information by the closing date and in the format specified.

2.2 Submission Instructions

You must **submit your quotation and all supporting documents** in English and as an attachment to an email sent to laurianee@spc.int and with the subject line of your email as follows: **Submission RFQ24-7030**. The email should also be copied to rfq@spc.int.

The supporting documents expected in this RFQ are:

- [The Conflict-of-Interest Declaration form](#) completed
- Business registration
- Cover letter

- CV(s)
- Proposed workplan and methodology

Your submission must be clear, concise and complete and should only include a quotation and information that is necessary to respond effectively to this RFQ. Please note that you may be marked down or excluded from the procurement exercise if your submission contains any ambiguities or lacks clarity.

Bids will be evaluated on the basis of information received by **4.00pm Noumea time on 27/09/2024**.

2.3 Evaluation & Contract Award

Each quotation validly received will be assessed against the evaluation criteria matrix set out in [Part 4](#). Any changes in the evaluation criteria will result in the RFQ process being re-issued.

SPC may award the contract once it has determined that a bidder has met the prescribed requirements and the bidder's proposal has been determined to be substantially responsive to the RFQ documents, provide the best value for money (highest cumulative score) and best serve the interests of SPC.

In the event of a bid being accepted, procurement will take place under SPC's [General Terms and Conditions of Contract](#) and depending on the value or nature of the procurement, the award will be made by issuing a purchase order or a signed and dated contract, or both.

2.4 Key Contacts

Please contact SPC should you have any doubt as to what is required or if we can help answer any questions that you may have.

Dr Lauriane Escalle, Senior Fisheries Scientist (Fish Aggregation Devices) will be your primary point of contact for this RFQ and can be contacted at laurianee@spc.int. You should copy any communications into rfq@spc.int.

Details will be kept of any communications between SPC and bidders. This assists SPC to ensure transparency of the procurement process. While SPC prefers written communication in the RFQ process, at any point where there is phone call or other conversation, SPC expects to keep a file note of the exchange, with all forms of communication with prospective bidders to be retained as source documents for the procurement of the services.

2.5 Key Dates

Please see the proposed procurement timetable in the table below. This timetable is intended as a guide only and while SPC does not intend to depart from the timetable, it reserves the right to do so at any stage.

STAGE	DATE
RFQ sent to potential vendors	13/09/2024
RFQ Closing Date	27/07/2024
Award of Contract	2/10/2024
Commencement of Contract	14/10/2024
Conclusion of Contract	30/05/2025

2.6 Legal and compliance

Confidentiality: Unless otherwise agreed by SPC in advance or where the contents of the RFQ are already in the public domain when shared with the bidder, bidders shall at all times treat the contents of the RFQ and any related documents as confidential. SPC will also treat the information it receives from the bidders as confidential.

Conflict of interest: Bidders must take all necessary measures to prevent any situation of conflict of interest. You must notify SPC in writing as soon as possible of any situation that could constitute a conflict of interest during the RFQ process. If you have any familial connection with SPC staff, this must be declared, and approval will then be sought for you to engage in the RFQ process. **In support of your response to this RFQ, you must submit to SPC [the Conflict-of-Interest Declaration form](#) available on our procurement page website: <https://spc.int/procurement>.**

Breach of this requirement can result in SPC terminating any contract with a successful bidder.

Currency, validity, duties, taxes: Unless specifically otherwise requested, all proposals should be in EURO and must be net of any direct or indirect taxes and duties, and shall remain valid for 120 days from the closing date. The successful bidder is bound by their proposal for a further 60 days following notification they are the preferred bidder so that the contract may be awarded. No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted at any time during this period.

No offer of contract or invitation to contract: This RFQ is not an offer to contract or an invitation by SPC to enter into a contract with you.

Privacy: The bidder is to comply with the requirements of applicable legislation and regulatory requirements in force for the use of personal data that is disclosed for the purposes of this RFQ. SPC will handle any personal information it receives under the RFQ in line with its [Privacy Policy](#), and the [Guidelines for handling personal information of bidders and grantees](#).

Warranty, representation, assurance, undertaking: The bidder acknowledges and agrees that no person has any authority to give any warranty, representation, assurance or undertaking on behalf of SPC in connection with any contract which may (or may not) follow on from this RFQ process.

2.7 Complaints process

Bidders that consider they were not treated fairly during any SPC procurement process may lodge a protest. The protest should be addressed to complaints@spc.int. The bidder must provide the following information: (1) full contact details; (2) details of the relevant procurement; (3) reasons for the protest, including how the alleged behaviour negatively impacted the bidder; (4) copies of any documents supporting grounds for protest; (5) the relief that is sought.

Part 3: TERMS OF REFERENCE

A. Background/context

The Fisheries, Aquaculture and Marine Ecosystems Division (FAME) of the Pacific Community (SPC) is seeking a consultant with expertise on fisheries law and the law of the sea. The consultant will be required to develop a legal study on the responsibilities, in particular environmental responsibilities, associated with the deployment, drifting, monitoring, abandonment and/or recovery of drifting fish aggregating devices (FADs) used in purse seine fishing operations targeting tuna in the Pacific Ocean. This legal study will complement a separate economic study to support Pacific Island countries and territories (PICTs) in controlling the entry of drifting FADs belonging to vessels not authorised to fish in their waters and in preventing the stranding of these FADs on their coasts, including by potentially intercepting FADs in their Economic Exclusive Zones (EEZ).

SPC FAME supports the PICTs fisheries administrations, at regional, national and local levels, through a number of projects, namely the World Bank project "Assessment of the Impacts of Drifting Fish Aggregating Devices on Marine Environment in Pacific Island Countries: Recommendations for Mitigation Strategies", the Sustainable Coastal Fisheries and Aquaculture for Pacific Livelihoods, Food and Economic Security (SCoFA) project funded by New Zealand and Australia, and the Pacific Coastal Fisheries Management and Compliance (PaFMac) funded by USAID.

Following a legal presentation on the regulatory framework for FADs stranded in coastal areas at the Pacific FAD Data Collection Programmes workshop on 7 and 8 September 2022, some PICTs requested support in dealing with the responsibilities associated with the stranding of drifting FADs on their coasts, with a view to ensuring the preservation of the marine environment and the protection of coastal ecosystems. In particular, the aim of this consultancy is to review the provisions of applicable international law, as well as those of national legislation of certain coastal states worldwide, in order to provide PICTs' decision-makers with reliable and up-to-date information on the topic.

The study supports the implementation of the Pacific Islands Forum 2050 Strategy for the Blue Pacific Continent. It is directly relevant to the United Nations Sustainable Development Goals, in particular Goal 14 - Aquatic Life (target 14.1 reduction of marine pollution and target 14.4 sustainable fisheries), as well as the Kunming-Montreal Global Biodiversity Framework (target 10 on sustainable fisheries and target 17 on the responsibilities of large companies).

This study will also contribute to the achievement of the objectives and priorities of the SPC Strategic Plan 2022-2031 (in particular priorities 2 "Natural Resources and Biodiversity" and 6 "Global Health"), as well as the objectives of the FAME Division Business Plan 2022-2027 (in particular objective 4.6 "Creating an environment more conducive to compliance with coastal fisheries legislation and policies").

B. Purpose, objectives, scope of services

Scope of the study

The consultant will firstly research and analyse the international and regional frameworks applicable to drifting FADs, particularly with regard to the responsibilities associated with their deployment, use, monitoring, abandonment and/or recovery by purse seine fishing vessels and by other vessels, as well as

their stranding in the waters of coastal states. The analysis will refer to relevant conventions such as UNCLOS, MARPOL and the London Convention and review any literature available on the subject. It will also highlight any initiatives aiming to regulate drifting FADs, particularly under regional fisheries management organisations, such as IATTC and WCPFC, but also IOTC, ICCAT, GFCM and others as relevant.

The consultant will then research and analyse examples of legislation from PICTs and from other countries around the world regulating drifting FADs (highlighting obligations and associated penalties), as well as court decisions interpreting and applying these legal provisions. This would include any reference to FAD drifting in EEZs with or without fishing licences, FAD recoveries by coastal states, handling of stranding events and environmental damages. For this exercise, the consultant can rely on international and regional legal databases, such as FAOLEX, REEFLEX and PaCLII.

This comparative analysis will enable the consultant to describe the chain of responsibility for FADs, as well as the legal aspects related to the recovery of drifting FADs, and to propose appropriate measures for the management of FADs drifting or stranding in PICT's EEZs and coastlines. The study should also refer to the work carried out by SPC, and to any other relevant national and regional documentation (initiated, for example, within the framework of the Forum Fisheries Agency, FFA, and the Parties to the Nauru Agreement, PNA).

Deliverables

The **final report** should include the full legal study on drifting FADs, including the relevant elements of the international, regional and national frameworks, in order to enable interested PICTs to take the necessary actions to effectively protect their waters and coasts from the stranding of these FADs.

The report will include an executive summary and should also include recommendations and proposals for management and regulatory measures adapted to the Pacific context, with a view to possible implementation in specific PICTs.

On the basis of the report, the consultant will prepare a 4-page **policy brief** illustrating the main issues and recommendations for PICTs.

C. Timelines

This short-term contract will have a maximum duration of 45 working days during the period from October 2024 to May 2025.

D. Reporting and contracting arrangements

Institutional framework

The consultant shall report to Dr Lauriane Escalle, Senior Fisheries Scientist (Fish Aggregation Devices), who is the line manager on behalf of SPC. The consultant will be required to maintain regular contact with the line manager in order to monitor the contract. He/she will also have to work closely with other SPC staff, in particular Ms Ariella D'Andrea, Legal Adviser (Coastal Fisheries and Aquaculture). The consultant may also have to interact with government officials and other experts.

Place of work: Home-based with teleconferencing facilities with the possibility of travel as required.

E. Skills and qualifications

- Master's degree in law
- University degree or equivalent professional experience in fisheries and aquaculture law
- Knowledge of international law of the sea and the marine environment
- Proven experience in international and comparative law studies
- Understanding of the Pacific context
- Ability to work independently
- Ability to write clearly and concisely in English
- Proficiency in the main IT tools

F. Scope of Bid Price and Schedule of Payments

The bidder is expected to provide a breakdown of consultancy fee and operating costs.

Payments will be made upon completion and endorsement of each deliverable as listed and provision of invoice.

Bidder is requested to specify the preferred schedule of payments and terms acceptable, noting that generally, SPC will not enter into arrangements requiring a 100% advance payment.

Terms of payment shall be in accordance with the provisions of Article 10 of the SPC General Conditions.

Milestone/deliverables	Deadline	% payment
Approval of the detailed workplan and bibliography	Within 1 month of start of contract signature	40%
Approval of draft report and policy brief	Within four months of contract signature	40%
Presentation of final draft report and policy brief	May 2025 at the latest	20%
TOTAL		100%

Part 4: PROPOSAL EVALUATION MATRIX

4.1 Competency Requirements & Score Weight

The evaluation matrix below reflects the obtainable score specified for each evaluation criterion (technical requirement) which indicates the relative significance or weight of the items in the overall evaluation process.

Evaluation criteria	Score Weight (%)	Points obtainable
Mandatory requirements		
<ul style="list-style-type: none"> - Declaration of conflict of interest - Business registration - Cover letter - CV(s) - Workplan and methodology - Master's degree in law 	Mandatory requirements. Bidders will be disqualified if any of the requirements are not met	
Technical requirements		
Technical requirement 1: University degree or equivalent professional experience in fisheries and aquaculture law	20%	140
Technical requirement 2: Knowledge of international law of the sea and the marine environment	20%	140
Technical requirement 3: Proven experience in international and comparative law studies	20%	140
Technical requirement 4: Understanding of the Pacific context	10%	70
Technical requirement 5: Ability to work independently	10%	70
Technical requirement 6: Ability to write clearly and concisely in English	10%	70
Technical requirement 7: Proficiency in the main IT tools	10%	70
Total Score	100%	700