UNEP/MAP - PRIORITY ACTIONS PROGRAMME/REGIONAL ACTIVITY CENTRE

Kraj Sv. Ivana 11, Split, Croatia

# **INVITATION TO TENDER**

**Procurement subject:**

**Legal study on integration of transboundary EIA/SEA into the Barcelona Convention framework**

SIMPLE PROCUREMENT

Reference No. 3/EIA-SEA/2024

Split, October 2024

1. **GENERAL INFORMATION**
   1. **Client Information**

**Name:**

UNEP/MAP **-** Priority Actions Programme/Regional Activity Centre (PAP/RAC) / hereinafter: the Client

**Registered Office Address:**

Kraj Sv. Ivana 11, 21000 Split, Croatia

**OIB (PIN):** 27788012253

**Telephone Number:** +385 (21) 340470

**Website:** [www.paprac.org](http://www.paprac.org)

* 1. **Contact Person**

For inquiries regarding the Tender contents and format, please get in touch with the designated person responsible for communicating with Tenderers – Marko Prem, e-mail: [marko.prem@paprac.org](mailto:marko.prem@paprac.org)

* 1. **Procurement Type**

Simple procurement

* 1. **Estimated Procurement Value**

The procurement value is estimated at USD 13,000.00 without VAT

* 1. **Source of Funding**

Small Scale Funding Agreement (SSFA) between PAP/RAC and UNEP on the implementation of PoW 2024-2025 activities with support from MASE - Amendment No.1/SSFA/2024/7753/Ecosystems Division/2024

1. **INFORMATION ON THE PROCUREMENT SUBJECT MATTER**

**2.1 Introduction**

The Programme of Work and Budget for 2024–2025 (Decision IG.26/14) adopted by the Meetings of the Parties to the Barcelona Convention and its Protocols at their last sessions (Portoroz-Slovenia, 5-8 December 2023) provides for drafting a legal study on integration of transboundary EIA/SEA into the Barcelona Convention framework, including consistent draft amendments to the text of the Barcelona Convention and to those of its Protocols, on the basis of the findings of the previous Feasibility Study (Annex 3) on the application of transboundary EIA and SEA in the context of the Barcelona Convention and its Protocols, elaborated and submitted to COP24.

Main objective(s) of the specific deliverable:

To support the proposal to include in the Barcelona system a comprehensive process on transboundary Environmental Assessments (EIA/ SEA), and related requirements, and possible implementing activities to be put forward for consideration of the Conference of the Parties to the Barcelona Convention (COP24). More specifically the objectives are to a) Prepare a legal study, about a comprehensive process on transboundary Environmental Assessments (EIA/ SEA), and related requirements, for submission to COP24 and b) Prepare a proposal with options to integrate transboundary EIA/SEA into the Barcelona Convention framework, for submission to COP24.

**2.2 Description of the Procurement Subject Matter**

As part of this assignment, the selected tenderer will be responsible for the following tasks:

**1. Preparation of the Legal Study:**

Taking into consideration the legal framework of Barcelona Convention included in the Feasibility Study prepare a draft of the legal study, considering the proposals presented in the draft Feasibility Study on the application of transboundary EIA/SEA in the context of the Barcelona Convention and its Protocols.

**2. Proposal Development and Methodology:**

* The proposal should include various options/scenarios to integrate transboundary EIA/SEA into the MAP-Barcelona Convention framework. These options should include detailed proposals of the required process for integration of transboundary EIA/SEA within the MAP-Barcelona Convention system, including related requirements and potential implementing activities.
* Contribute to the drafting of a Decision to be presented at COP 24, incorporating the proposed options and possible implementing activities.
* Perform other relevant tasks as assigned.

**3. Technical Meetings:**

Organization and data collection:

* Identify relevant representatives and conduct at least six online meeting with different national authorities responsible for EIA and SEA in the Mediterranean countries not bound by the ESPOO Convention and its Kiev Protocol, to discuss and gather their inputs on proposed measures.
* Attend the regional consultation meeting, share the findings of the study, and draft the meetings reports.

Documentation:

* Prepare necessary documentation for the bilateral and regional consultation meetings, including invitation letters, agendas, rationale, meeting reports, proposed position papers, concept notes and supporting materials.

Refinement:

* Incorporate recommendations from the consultations meeting into the final version of the requested study.
* Finalize the draft legal Study to be circulated for comments and prepare the final study on their basis.

**2.3 Deliverables and Deadlines**

The deliverables and tentative deadlines related to the activities/tasks defined in section 2.2 are as follows:

|  |  |  |
| --- | --- | --- |
| No. | Deliverables | Indicative Deadlines |
| 1 | Report on the bilateral consultations made with the authorities and institutions in charge of EIA/SEA in the Mediterranean countries; address approach/methodology used and feedback gained from the countries | 30 December 2024 |
| 2 | Draft Legal study submitted to UNEP/MAP for comments | 20 November 2024 |
| 3 | Set of documents for the regional consultation meeting on the subject (draft invitation letter including rationale, agenda, additional information material supporting the study) | 30 November 2024 |
| 4 | Report of the regional consultation meeting | 30 December 2024 |
| 5 | Final version of the Legal study, addressing all the comments received from UNEP/MAP and interested parties | 30 December 2024 |
| 6 | Draft Decision to be presented at COP 24, incorporating the proposed options and possible implementing activities | 30 December 2024 |

**3. ELIGIBILITY OF ECONOMIC OPERATORS (SELECTION CRITERIA)**

**3.1 Technical and Professional Capacity**

**The Tenderer shall prove it has the following qualifications:**

* Master's degree in law, environmental law;
* A minimum of 10 years of experience in dealing with legal issues in the field of environment;
* Knowledge of the legal system of UNEP Mediterranean Action Plan and in particular its legal framework, i.e. the Barcelona Convention and its Prootcols;
* Excellent knowledge of English: written and spoken.

**To comply with the requirements outlined in item 3.1 of the Invitation to Tender, the Tenderer must submit the following documentation in their Tender:**

* Curriculum Vitae (CV) of the key expert/professional proposed to be involved in implementing the Assignment;
* *Company profile (optional)*.

**4. TENDER INFORMATION**

**4.1 Tender Proposal Requirements**

The Tender proposal must include the following documents, which are to be completed following the guidelines provided in this Invitation to Tender:

1. **Tender Sheet** (Annex 1)

Complete all sections of the Tender Sheet accurately and comprehensively.

1. **Curriculum Vitae (CV) and Company Profile (optional):**Submit a CV for the key expert/professional proposed to be involved in implementing the Assignment. *If applicable*, also include a company profile.
2. **Cost Statement** (Annex 2):  
   Fill out the Cost Statement, providing all necessary financial information according to the guidelines outlined in Annex 2.

**4.2 Tender Format and Submission**

Tender proposals must be drafted according to the requirements laid out in the Invitation to Tender, and submitted electronically to the following email addresses:

paprac@paprac.org and marko.prem@paprac.org, with the subject line – **"EIA/SEA- Barcelona Convention".**

**Tender proposals must be received** **by 31 October 2024, 14:00 CET**

*Any Tender proposals received after the bid opening deadline will be marked as late and excluded from the procedure.*

**4.3 Tender Amendment or Withdrawal**

The Tenderer is permitted to either amend or withdraw their Tender before the submission deadline.

If the Tenderer chooses to amend their Tender, the amended version must be submitted in the same manner as the original and marked as “Amended”.

Similarly, if the Tenderer wishes to withdraw their Tender proposal, they must submit a written statement to that effect before the submission deadline. The statement should be submitted using the same method as the original Tender and marked as a “Tender Withdrawal Statement”.

Please note that alternative tenders are not permitted.

**4.4 Tender Currency**

The Tender currency shall be expressed in **USD ($).**

Upon request, payments can be made in alternative currencies using the exchange rate of the Client’s bank, valid on the date of payment.

* 1. **Language and Script**

The Tender shall be drafted in the English language, using the Latin script.

* 1. **Tender Validity Date**

The Tender must remain valid for a minimum of 30 days after the Tender submission deadline.

* 1. **Price setting method**

**Value-added tax (VAT) regulations:**

Tenderers based in the Republic of Croatia who are registered under the VAT system are required to complete the VAT field in Annex 1 and Annex 2. Other tenderers should leave this field blank in both the 'Tender Sheet' and the 'Cost Statement Sheet' (Annex 1 and Annex 2).

**Evaluation:**

During the evaluation of Tender proposals, the Client will consider the total price inclusive of VAT (as specified in Annexes 1 and 2).

**Expense Inclusions:**

The Tender price excluding VAT should include all expenses, including taxes (up to 34% for individual consultants/experts under the Croatian Act on Income Tax), as well as any applicable discounts.

**Supplementary Charges:**

Transport and accommodation expenses associated with the Tender (if applicable) are not part of the aforementioned amount and will be covered by the Client as supplementary charges.

Any supplementary expenses, such as daily subsistence allowances (DSA) linked to the Tender, should be integrated within the Tender price.

1. **AWARD CRITERIA**

The Tender will be awarded according to the **best price criteria.**

*In case of two Tender proposals with the same offered bid price, the one submitted earlier will be awarded with the Contract.*

1. **DUE DATE, CONTRACT DURATION AND TERMS OF PAYMENT**

The contract will be executed in **USD currency ($)**.

The Client shall make the payments to the selected Tenderer, based on invoices drawn up by the Tenderer and issued in the following manner:

* **1st instalment** – 40% upon submission of Deliverable 2 and 3 listed in section 2.3 of this Tender and clearance by the Client;
* **2nd instalment** –60% upon submission of Deliverables 1, 4, 5 and 6 listed in section 2.3 of this Tender and clearance by the Client.

The Client shall pay the issued invoices according to the price set out in the selected Tender, within 30 days of the invoice receipt.

*Any legal entities and natural persons registered in the VAT system and engaged in financial transactions with the Client must issue electronic invoices. The invoices should be produced as e-invoices using the FINA e-invoice service or via the PEPPOL Network.*An advance by the Client is not permitted.

**The contract is expected to end on 30 December 2024.**

# **Annex 1**

# **Tender Sheet**

**Client**:

Priority Actions Programme/Regional Activity Centre (PAP/RAC), Kraj Sv. Ivana 11, 21000 Split, Croatia

**Procurement Subject:**

Legal study on integration of transboundary EIA/SEA into the Barcelona Convention framework

**Tenderer information:**

|  |  |
| --- | --- |
| Tenderer’s name and registered seat address: |  |
| PIN[[1]](#footnote-1): |  |
| Bank name: |  |
| IBAN: |  |
| SWIFT: |  |
| The economic operator is VAT-registered: | YES NO |
| Name, surname and position of the person(s) authorised to sign the public procurement contract: |  |
| Name, surname and title of the contact person: |  |
| Address: |  |
| E-mail address: |  |
| Telephone/mobile phone number: |  |

**Tender price in USD ($):**

|  |  |
| --- | --- |
| Tender price excluding VAT: |  |
| VAT (25%)[[2]](#footnote-2): |  |
| Total Tender price inclusive of VAT[[3]](#footnote-3): |  |

|  |  |
| --- | --- |
| **Tender validity date[[4]](#footnote-4):** |  |

|  |  |  |
| --- | --- | --- |
| **Date:** |  | **For the Tenderer:** |
|  |  |  |
|  |  | Signature of the legal representative |

# **Annex 2**

**Cost Statement**

**Legal study on integration of transboundary EIA/SEA into the Barcelona Convention framework**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Assignment description | Unit | Quantity | Unit price in USD (excluding VAT) | Total price in USD (excluding VAT) |
| 1. | Report on the bilateral consultations made with the authorities and institutions in charge of EIA/SEA in the Mediterranean countries; address approach/methodology used and feedback gained from the countries | pc | 1 |  |  |
| 2. | Draft Legal study submitted to UNEP/MAP for comments | pc | 1 |  |  |
| 3. | Set of documents for the regional consultation meeting on the subject (draft invitation letter including rationale, agenda, additional information material supporting the study) | pc | 1 |  |  |
| 4. | Report of the regional consultation meeting | pc | 1 |  |  |
| 5. | Final version of the Legal study, addressing all the comments received from UNEP/MAP and interested parties | pc | 1 |  |  |
| 6. | Draft Decision to be presented at COP 24, incorporating the proposed options and possible implementing activities | pc | 1 |  |  |
| Tender price in USD, excluding VAT (total unit amount): | | | | |  |
| VAT amount in USD (25%)[[5]](#footnote-5): | | | | |  |
| Total Tender price in USD, inclusive of VAT[[6]](#footnote-6): | | | | |  |

|  |  |
| --- | --- |
| **Place:** |  |
| **Date:** |  |

|  |
| --- |
|  |
| Full name of the legal representative |
|  |
|  |
| Signature of the legal representative |

1. Or national identification number according to the economic operator’s country of establishment, if applicable. [↑](#footnote-ref-1)
2. Economic operators registered in Croatia who are not part of the VAT system and economic operators registered outside the Republic of Croatia should leave the respective column blank. [↑](#footnote-ref-2)
3. Please refer to section 4.7. Price setting method. [↑](#footnote-ref-3)
4. Please refer to section 4.6 Tender validity date. [↑](#footnote-ref-4)
5. Economic operators registered in Croatia who are not part of the VAT system and economic operators registered outside the Republic of Croatia should leave the respective column blank. [↑](#footnote-ref-5)
6. Please refer to section 4.7. Price setting method. [↑](#footnote-ref-6)