PRIORITY ACTIONS PROGRAMME REGIONAL ACTIVITY CENTRE

SPLIT, KRAJ SV. IVANA 11

# INVITATION TO TENDER

PROCUREMENT SUBJECT: Consultant to assess impacts of rising sea level on national legislations worldwide

 in the frame of the GEF MedProgramme Child project 2.1

SIMPLE PROCUREMENT

Reference number 22/GEF/2022

Split, December 2022

**1. GENERAL INFORMATION**

**1.1. Client information:**

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

**Registered office - address**: 21000 Split, Kraj Sv. Ivana 11

**OIB 27788012253**

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

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

1. **Contact person:** Questions concerning the tender contents and format can be sent to the person in charge of communicating with Tenderers, Daria Povh Škugor, e-mail: daria.povh@paprac.org
2. **Procurement type:** Simple procurement
3. **Estimated duration:** Expected contract duration is four months.
4. **Estimated procurement value:** Procurement value is estimated at 4,000 USD without VAT.

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

**2.1. Introduction**

The Mediterranean Sea Programme: Enhancing Environmental Security (MedProgramme) is a 43 million USD assortment of seven child projects funded by the Global Environment Facility (GEF) over the 2021-2025 period. It aims to kick start the implementation of priority actions to reduce the major transboundary environmental stresses affecting the Mediterranean Sea and its coastal areas, while strengthening climate resilience and water security and improving the health and livelihoods of coastal populations.

MedProgramme builds on the GEF MedPartnership and ClimVar & ICZM projects, which enriched the knowledge on the Mediterranean environment and unravelled the implications of climate change and variability; strengthened countries’ mutual trust, cooperation and common purpose; consolidated the partnership among countries, UN bodies, civil society organizations, bilateral donors and the European Union; and tested on the ground the feasibility and effectiveness of technical and policy instruments aimed at addressing major present and future threats to environmental sustainability and climate related impacts.

PAP/RAC is an executing partner in **MedProgramme Child Project 2.1 project** together with Plan Blue/RAC, GWP-Med, UNESCO-IHP and UNEP/MAP (UNEP/MAP is the lead executing agency). The beneficiary countries of the Child Project 2.1 are Albania, Algeria, Bosnia and Herzegovina, Egypt, Lebanon, Libya, Montenegro, Morocco and Tunisia. **CP 2.1** provides support to the countries for ratification and implementation of the **Mediterranean ICZM Protocol**. Adopted in January 2008 by the Contracting Parties (CPs) to the Barcelona Convention, the ICZM Protocol is the first supra-state legal instrument aimed specifically at coastal zone management. The goal of this work is to enable favourable conditions for the implementation of the ICZM Protocol in various fields ranging from the legal framework to capacity building (administrative and legal staff, etc.), the use of planning documents (cadastres, land use plans, MSP, etc.) and the integration of climate change issues in planning and ecosystem protection decisions. One of the project activities is to organize a regional workshop/training on legal issues related to coastal zones.

This invitation to tender for contractor consist in preparing a worldwide overview of the initiatives related to the response of national legislations in the view of rising sea levels.

This procurement is fully funded by the UNEP budget, GEF project MedProgramme Child Project 2.1, on the basis of Project Cooperation Agreement PCA/20/MAPIA2938 between UNEP and PAP/RAC. This procurement is carried out in accordance with the Article 29 of the Public procurement law.

**2.2. Description of the procurement subject matter**

The task will consist of the following:

1. Prepare the assessment on how impacts of rising sea levels are influencing national legislations worldwide.

2. Present the assessment at the regional workshop on coastal laws scheduled for 4-5 April 2023.

1. The consultant is expected to present the most advanced solutions or proposals of the national legislations worldwide (starting from Spain, Netherlands, Denmark, Germany, UK, California, etc.) related to the responsibilities and ownership in the coastal zones exposed to flooding. Rising sea levels already cause loss of land and of property in some countries. According to the scientific research, it is virtually certain that the sea level will continue to rise. In addition to the risk for human and property safety, environmental safety is to be taken into account. Flooded structures can cause high environmental damage. Finally, coastal zones are often hosting hazardous infrastructure which is also exposed to the rising sea levels.

Safety - from population and property to environment - is the responsibility of the governments. The objective of this assessment is to reveal how advanced governments are preparing responses within their legal framework to address the sea level rise (examples of good practice). Principal interest of this assessment are the solutions undertaken in areas that are already lost due to flooding (including lawsuits and court decisions), as well as preparations of the advanced governments to address these challenges in future. Following questions are of particular interest:

- Who is the owner of the inundated coastal property?

- Who is to remove the inundated coastal property?

- Who is responsible if inundated property causes pollution to the adjacent sea?

- How rising sea levels are reflected to the maritime public domain demarcation?

- What happens with the concession on the maritime public domain in case of coastal flooding?

- What happens with the concession on the eroded coastal land?

- How are rising sea levels reflected to the coastal setback zones?

- Solutions for the shifting demarcations (rolling easements, financial assurances, etc.)

* + Is flooding risk taken into account when developing/intervening in the spatial plans?
	+ Is flooding risk assessment taken into account for development permit evaluation procedures?
	+ Is flooding risk assessment taken into account for the loan approval evaluation?

Author is also invited to provide proposal, based on assessments, of different types of legislation that should anticipate sea level rise (from property law, to maritime domain related law, to spatial planning laws and regulations, building codes or permit terms, etc.)

2. Presentation of the results of the above work is expected during the regional workshop on coastal legislation, tentatively scheduled for 4-5 April 2023, to be organized in PAP/RAC premises in Split, Croatia.

**2.3. Deliverables and deadlines**

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

|  |  |
| --- | --- |
|  **Deliverables** | **Deadlines** |
| 1. Draft assessment
 | 15 March 2023 |
| 1. Presenting assessment results at the regional workshop
 | 4-5 April 2023 (tentative) |
| 1. Final versions of the document under 1
 | 15 April 2023 |

The above-listed deliverables shall be written in English in an electronic form.

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

**3.1. Technical and professional capacity**

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

* University degree in legal sciences, with a focus on environmental, coastal or climate legislation, relevant for subject of this tender;
* At least 5 years of professional experience in working on the projects relevant to the main activity field of this project (coastal, climate, environmental laws);
* Written and oral fluency in English and French

**For the purposes of establishing the grounds set out in item 3.1. of the Invitation to Tender the Tenderer shall submit the following in his Tender:**

1. *The Tenderer’s* ***curriculum vitae (CV),*** *clearly highlighting,**among others,* ***required technical and professional qualifications.***

**4. INFORMATION ON THE TENDER**

**4.1. Tender contents and format**

The Tender proposal should contain the following elements:

1. **Tender sheet** signed andfilled in according to this Invitation to Tender (Annex 1);
2. **Curriculum vitae** of the Tenderer,proving required technical and professional capacity;
3. **List of projects verifying expertise (see chapter 5) of the Tenderer**(Annex 2);
4. **Cost statement** signed andfilled in according to this Invitation to Tender (Annex 3);

**4.2. Tender format and submission**

Tender offers need to be drafted according to the requirements laid out in the Invitation to Tender.

Offers shall be sent electronically to the following e-mail addresses: paprac@paprac.org and daria.povh@paprac.org with “Impacts of SLR on legislation” as the e-mail subject.

**4.3. Date, time and place of tender submission**

Tender offers must be received **~~by 20 December 2022, 1 pm CEST~~. ~~Extended to the 10.01.2023~~**

**(Extended to 22 January 2023; 23:59 CEST)**

All offers received after the bid opening deadline will be marked as late and excluded from the procedure.

* 1. **The Tenderer may amend or withdraw his Tender before the Tender submission deadline.** The amended Tender shall be submitted in the same manner as the original and clearly marked as amended. The Tenderer may withdraw his Tender by submitting a written statement before the Tender submission deadline. The written statement shall be submitted in the same manner as the original Tender and clearly marked as a statement of Tender withdrawal. Alternative Tenders are not permitted.
	2. **Tender currency:** US dollars.

The Contractor shall express the price in USD, and the payment will be made in USD. However, payment can be made in other currency using the exchange rate of conversion of the Client’s bank ([OTP bank](https://www.otpbanka.hr/)), valid on the date of the payment.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by PAP/RAC after it has received the Proposal.

* 1. **Language and script:** The Tender shall be drafted in English language, using the Latin script.
	2. **Period of validity:** 15 days from the tender submission deadline.
	3. **Price setting method**

The Tender price shall be expressed in USD and written in numbers. The tender price cannot be increased.

If the tenderer is not in the VAT system, the same amount as entered in the place provided for entering the tender price without VAT shall be entered in the tender sheet in the place provided for entering the tender price with VAT, while the place intended to enter the amount of VAT shall be left blank.

For tenderers who are not established in the Republic of Croatia, the place provided for the entry of the amount of VAT is left blank, and in the place provided for the entry of the tender price with VAT, the same amount is entered as in the place provided for entry of the tender price without VAT.

Transport fees and accommodation expenses related to the Tender (if any) are not included and will be covered by the Client as an additional expense. Additional expenses, such as daily substance allowances (DSA) (if any) related to the Tender, need to be included in the Tender price.

When evaluating the tenders, the Client will take into account the total price.

**5. AWARD CRITERIA**

The Tender will be awarded according to the **most economically advantageous tender (MEAT) criteria**.

The following table sets out the criteria, units of measure, labels and their relative importance. They will be applied to Tenderers who satisfy technical and professional capacity criteria set in ch 3.1.The MEAT award criteria are the following:

* expertise of the Tenderer (Annex 2); and
* proposed price (Annex 3);

Determining the MEAT according to the above criteria for selecting the MEAT will be done as follows: after the Client has determined the score value by individual criteria for each Tenderer, the points awarded to Tenderer according to each of the criteria will be summed in order to obtain the total number of points for each Tenderer. The most favourable Tenderer will be the one who has earned the highest total score according to all the above criteria.

At that, the MEAT is equal to the highest total score resulting from the ranking of the Tenders; the total maximum number of points is 100.00 with the total points being calculated in two decimal places. In case that two or more Tenders achieve equal number of points, the one received earlier will be chosen. As a proof, data will be used on the order in which tenders have been received.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Criteria**  | **Criteria label** | **Description and measuring unit** | **Methodology** | **Number of points** | **Maximum** |
| Price | P | The Tender price, i.e. the financial Tender amount in USD including VAT, if applicable  | C = (lowest bid price/bid price being evaluated) x 30 | 30 | 30 |
| Expertise | E | Number of projects **related to legal implications of climate change adaptation** in which the tenderer was involved as the expert/coordinator | 1 - 2 | 40 | 70 |
| 3-5 | 60 |
| More then 5 | 70 |

Selection of the most economically advantageous Tenders (ENP) will determine the basis for evaluating the criteria for each individual Tender according to the delivery of the requested Tenderer's documentation, in the appropriate form: **ENP = P + E**.

PAP/RAC is committed to achieving gender balance in its expert teams. If two candidates result with the same number of points, the advantage will be given to the candidate with a view to the gender balance.

**For the purposes of establishing the grounds set out in item 5. of the Invitation to Tender the Tenderer shall submit the following in his/her Tender:**

1. ***List of projects verifying expertise of the Tenderer*** (Annex 2)*; and*
2. ***Cost statement*** *(Annex 3)*.

**6. DUE DATE, CONTRACT AND TERMS OF PAYMENT**

The Contract will be made in US dollars.

If selected contractor is resident of the Republic of Croatia, payments will be in euro currency (EUR), using the exchange rate of conversion of the OTP Bank d.o.o. valid on the date of payment.

The Client shall make the payment to the Tenderer in two instalments i.e.:

* 50% upon submission and clearance by PAP/RAC of the deliverables 1 and 2.
* 50% upon submission and clearance by PAP/RAC of the deliverable 3.

All legal persons and natural person which are in VAT system are required to issue invoice/s. The invoices shall be issued as e-invoice through FINA e-invoice service or through PEPPOL Network.

An advance payment by the Client is not permitted.

# Annex 1

# Tender sheet

**Tender date**:

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

**Subject of procurement**: Consultant to assess impacts of rising sea level on national legislations worldwide in the frame of the GEF MedProgramme Child project 2.1

**Tenderer information :**

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

**Tender price:**

|  |  |
| --- | --- |
| Total pre-VAT price in USD |  |
| VAT amount (25%)[[2]](#footnote-2) |  |
| Total price with VAT in USD |  |

**Bid validity date:** (at least 15 days after the bid submission deadline)

 **For Tenderer:**

# Annex 2

# Practical experience verifying expertise of the Tenderer

Relevant experience of the tenderer- expert (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, related to legal implications of climate change adaptation in which the Tender was involved as a key expert/coordinator:

|  |  |  |  |
| --- | --- | --- | --- |
| No[[3]](#footnote-3). | Experience (name of the project/study or other type of engagement) | Role of the expert | Year |
| 1. |  |  |  |
| 2. |  |  |  |
| 3. |  |  |  |
| 4. |  |  |  |
| 5. |  |  |  |
| 6. |  |  |  |

In\_\_\_\_\_\_, \_\_\_\_\_\_\_ 2022.

(Full name of the applicant or legal representative)

(Signature of the applicant or legal representative)

# Annex 3

# Cost statement

|  |
| --- |
| ***Technical description and cost statement for the Consultant to assess impacts of rising sea level on national legislations worldwide in the frame of the GEF MedProgramme Child project 2.1*** |
| No. | Deliverable description | Unit  | Approx. Amount | Unit price in USDUSD (without VAT) | Total USD(without VAT) |
| 1. | Assessment of impacts of rising sea level on national legislations worldwide | Expert days |  |  |  |
| 2.  | Presentation at the regional workshop | Expert days |  |  |  |
|  **Total pre-VAT price in USD *[[4]](#footnote-4)*** |  |
| **VAT amount (25%)[[5]](#footnote-5)** |  |
| **Total price with VAT in USD** |  |

In\_\_\_\_\_\_, \_\_\_\_\_\_\_ 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full name of the applicant or legal representative)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature of the applicant or 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 that are not in VAT system and economic operators outside the Republic of Croatia do not fill the column [↑](#footnote-ref-2)
3. Add rows, as necessary [↑](#footnote-ref-3)
4. Economic operators registered in Croatia that are not in VAT system and economic operators outside the Republic of Croatia do not fill the column [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)