PRIORITY ACTIONS PROGRAMME REGIONAL ACTIVITY CENTRE (PAP/RAC)

SPLIT, KRAJ SV. IVANA 11

# INVITATION TO TENDER

**PROCUREMENT SUBJECT:** **Tenderer to provide service of leading the preparation of the Comparative Analysis of Coastal Laws, in the frame of the GEF MedProgramme Child Project 2.1**

SIMPLE PROCUREMENT

Reference number 10/GEF/2022

Split, May 2022

**1. GENERAL INFORMATION**

**1.1. Client information:**

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

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

**Telephone: + 385 21 340470**

**1.2. 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](mailto:daria.povh@paprac.org) and [paprac@paprac.org](mailto:paprac@paprac.org)

* 1. **Procurement type:** Simple procurement
  2. **Estimated procurement value:** Procurement value is estimated at 15 500 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. This invitation for tenderer to lead the preparation of the Comparative Analysis of Coastal Laws for Algeria, Lebanon, Morocco, Tunisia and France with particular focus on coastal key issues, relates in particular to the activities under the GEF MEDProgramme - projectMediterranean Coastal Zones: Water Security, Climate Resilience and Habitat Protection (i.e. the Child Project 2.1 - GEF ID 9687).

PAP/RAC is an executing partner in CP 2.1 projects 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.

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.

In order to develop a procurement subject matter – “Comparative Analysis of the Coastal Laws" a leading expert will work with the team of 4 additional national experts (one per country) who will be separately selected and contracted by the PAP/RAC. Comparative analysis should be conducted with a view to the ICZM Protocol.

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

Tasks and activities that are a subject of this procurement consist of the following key components:

1. Preparation of the **questionnaire** as a guidance for the preparation of the analysis of national Coastal laws;
2. Filling in the **questionnaire of the country of origin of the expert,** and turning it into a **chapter**;
3. Providing **support** and guidance to the selected national experts, tentatively via regular **on-line meetings** with the selected team for the Comparative analysis, in order to **secure production of the high-quality output**,
4. Preparing a **main chapter on comparison of** the **coastal laws** and of **the key coastal issues**,
5. **Presentation** of the **key findings** at at least one regional training courses on legal issues related to the coast.

In more detail:

1. Questionnaire on Coastal Laws and on the Key Coastal Issues is to be prepared in order to ensure quality of the comparison of the Coastal Laws in the 5 countries (Algeria, Lebanon, Morocco, Tunisia and France), with a view to French Coastal law and to the ICZM Protocol. Key coastal issues of a particular relevance, which may or may not be part of the Coastal Law in a particular country, which are of the primary interest of this Comparative analysis are the following:
   * Geographical coverage of the coastal zone (for the purpose of application of Coastal law and of the ICZM Protocol)
   * Delineation of the maritime public domain
   * Existence and coverage of the setback zone

These 3 issues are to be analysed from the institutional and financial point of view, meaning that for the every of the above-mentioned zones it is needed to establish an overview of the institutions responsible for management of this space (in regular and in extraordinary circumstances[[1]](#footnote-1)), as well as an overview of the economic exploitation of these zones (concessions – who is approving them and how the revenues are distributed). Special attention is to be dedicated to the legal tools for enforcement of the law, including existing land policy instruments that may enable management of the above land when the land belongs to private users. In that regard free access to the sea and gender equality are to be taken into consideration. Finally, special attention should be dedicated to the recent changes influenced by the need for coastal adaptation to climate change impacts. In this regard, if the information is available on the proposed changes of the Coastal law – not yet implemented – those are to be taken into consideration as well.

1. Filling in the questionnaire with information from the leading expert’s country is going to make sure that the expert may provide sufficiently detailed instructions for the national experts to ensure comparability of the results, as well as to produce at the end an interesting document for wider audience.
2. Having regular on-line meetings proofed to be an important tool for securing high quality of the comparative analysis, as well as of its timely delivery. PAP/RAC will provide logistic support for organizing regular on-line meetings, while leading expert is to ensure content wise exchange and the relevant satisfactory pace of the preparatory stage.
3. Comparative analysis needs to present every country in a separate chapter (or in the Annex) and the main chapter of comparison and conclusions. Within conclusions the tenderer is invited to emphasize positive examples, in particular those which support and ensure provisions enforcement and other prerequisites for successful application, in order to provide guidance for other Mediterranean countries that do not have Coastal low yet. This main comparison chapter should not be longer than 50 pages. In case longer material is produced, a summary version is to be submitted.
4. The tenderer is expected to present the Comparative analysis at the regional training on legal issues related to coast for Child project 2.1 countries, scheduled for early 2023. If the circumstances allow the training will be organized in one of the project countries. Alternatively, the training may be organized on-line.

The Project will be implemented based on the Project Cooperation Agreements PCA/20/MAP/A2938 between UNEP/MAP and PAP/RAC. The implementation of the activities within this Tender will be funded by the GEF ID 9687. PAP/RAC will guide and supervise the quality of desired outputs of this task.

**2.3. Deliverables and deadlines[[2]](#footnote-2)**

Deliverables:

* + **Deliverable 1** – Questionnaire on Coastal Laws and key coastal issues;
  + **Deliverable 2** – Filled-in questionnaire for one country;
  + **Deliverable 3 –** Brief conclusion notes from regular online meetings;
  + **Deliverable 4 –** Draft Comparative analysis
  + **Deliverable 5 –** Final Comparative analysis and the PPTs for the regional training.

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

|  |  |
| --- | --- |
| **Deliverables** | **Deadlines** |
| 1. Questionnaire on Coastal laws and on key coastal issues | 20 June 2022 (draft)  15 July 2022 (final) |
| 2. Filled-in questionnaire for one country and preparing it in a form of a chapter | 15 September 2022 (draft)  15 October 2022 (final) |
| 3. Brief conclusion notes from regular online meetings | Up to 3 days after the online meetings |
| 4. Draft Comparative analysis | 30 November 2022 |
| 5. Final Comparative analysis and the PPTs and participation to the regional training | 20 January 2023  Detailed date to be determined by the end of 2022. |

All deliverables should be written either **in French or in English**. All deliverables should be submitted in an electronic form (Word form for Windows). Deliverable 4 should contain a brief summary (not longer than 10 pages).

**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, preferably with a focus on environmental or coastal 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 French and English

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

* **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:

* **Tender sheet** signed andfilled in according to this Invitation to Tender (Annex 1);
* **Curriculum vitae** of the Tenderer,proving required technical and professional capacity;
* **List of projects verifying expertise (see chapter 5) of the Tenderer**(Annex 2);
* **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: [daria.povh@paprac.org](mailto:daria.povh@paprac.org) and [paprac@paprac.org](mailto:paprac@paprac.org) with “Leading consultant for Comparative analysis of coastal laws” as the e-mail subject.

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

Tender offers must be received **by 31 May 2022, 12:00 am CEST.**

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

* + **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.
  + **Tender currency: US Dollars (USD).**
  + **Tender language and script:** English or French language, using the Latin script.
  + **Period of validity:** 15 days from the tender submission deadline.
  + **Tender price**

Tender price will be expressed in American dollars and written in numbers.

Tender price is fixed and may not be changed in the period of Contract duration. Tender price without value added tax (VAT) must include all costs and discounts.

The tender price consists of Pre-Vat price, VAT and total price.

1. **Pre-VAT** price includes all costs related to the performance of the services, without VAT. For natural persons it includes all relevant taxes and contributions in accordance with the Croatian legislation.
2. **VAT** needs to be indicated:

-Tenderers registered in Croatia express VAT: 0% if they are not in VAT system and 25 % if they are in VAT system.

- Tenderers outside Croatia (natural persons and companies, in or out of VAT system) do not express VAT, the place intended for inserting VAT amount remains empty (see Annex 1, 3.).

1. **Total price** is the sum of pre-VAT price and VAT.

- Tenderers registered in Croatia with VAT 0% and Tenderers outside Croatia (natural persons and companies, in or out of VAT system) will insert the same amount as indicated in the place for the tender price without VAT (Pre-VAT price).

In the process of review and evaluation of 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 chapter 3.1.

The MEAT award criteria are the following:

1. proposed price (Annex 3);
2. expertise of the Tenderer in the countries of the Comparative Analysis - Algeria, France, Lebanon, Morocco and Tunisia (Annex 2).

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 Tenderers; 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 Tenderers 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.

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| --- | --- | --- | --- | --- | --- |
| **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 | P = (lowest bid price/bid price being evaluated) x 30 | 30 | 30 |
| Expertise | E\_CI  (Expertise Coast International) | Number of projects/studies related to comparison of coastal issues (such as maritime public domain, coastal setback, coastal zone, public concessions, responsibilities, etc.) in different countries legislations, in which the tenderer was involved as the expert/coordinator | 1-2 | 10 | 30 |
| 3-4 | 20 |
| 5 and more | 30 |
| Expertise | E\_C  (Expertise Coast) | Number of projects/studies related to coastal laws, in which the tenderer was involved as the expert/coordinator | 1 - 5 | 10 | 30 |
| 6 - 10 | 20 |
| 11 and more | 30 |
| Expertise | E\_CC  (Expertise Coast Climate) | Number of projects/studies related to climate laws with focus on coast or on adaptation, in which the tenderer was involved as the expert/coordinator | 1-2 | 5 | 10 |
| 3-4 | 7 |
| 5 and more | 10 |

Selection of the most economically advantageous Tenders (MEAT) 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: **MEAT = P + E\_CI + E\_C + E\_CC**.

**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:**

* ***List of projects verifying expertise of the Tenderer*** (Annex 2)*;*

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

The Contract will be made in USD currency. However, the 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.

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

* 30% upon submission and clearance by PAP/RAC of the deliverable 1 and 2.
* 30% upon submission and clearance by PAP/RAC of the deliverable 3 and 4.
* 40% upon submission and clearance by PAP/RAC of the deliverable 5.

All legal person (in or our VAT system) and natural person which are in VAT system are required to issue invoice/s.

An advance payment by the Client is not permitted. Envisaged duration of the Contract is 10 months.

**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** Tenderer to provide services of leading preparation of the Comparative Analysis of Coastal Laws

**Tenderer information:**

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| --- | --- |
| **Tenderer’s name and registered seat** |  |
| **PIN[[3]](#footnote-3)** |  |
| **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 (25%) |  |
| Total price with VAT in USD |  |

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

**For Tenderer:**

# (Signature of the legal representative)

**Annex 2**

**Practical experience verifying expertise of the Tenderer**

Relevant experience[[4]](#footnote-4) of the tenderer- consultant (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, relevant to the main activity fields of this project and in the project area (Algeria, France, Lebanon, Morocco or Tunisia), in which the Tenderer was involved as the expert /coordinator:

**E\_Coast International**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No[[5]](#footnote-5). | Experience (name of the project/study or other type of related engagement) | Role of the expert | Name of the client | Year (start-end) |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |
| 6. |  |  |  |  |
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**E\_Coast**

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| --- | --- | --- | --- | --- |
| No[[6]](#footnote-6). | Experience (name of the project/study or other type of related engagement) | Role of the expert | Name of the client | Year (start-end) |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |
| 6. |  |  |  |  |
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**E\_Coast Climate**

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| --- | --- | --- | --- | --- |
| No[[7]](#footnote-7). | Experience (name of the project/study or other type of related engagement) | Role of the expert | Name of the client | Year (start-end) |
| 1. |  |  |  |  |
| 2. |  |  |  |  |
| 3. |  |  |  |  |
| 4. |  |  |  |  |
| 5. |  |  |  |  |
| 6. |  |  |  |  |
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**Annex 3**

**Cost statement**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Technical description and cost statement for the tenderer to provide services of leading preparation of the Comparative analysis of the Coastal Laws*** | | | | | |
| **No.** | **Deliverable description** | **Unit** | **Number of units** | **Unit price in USD (without VAT)** | **Total item price in USD (without VAT)** |
| 1. | Questionnaire on Coastal Laws and key coastal issues and | Expert days |  |  |  |
| 2. | Filled in questionnaire for one country | Expert days |  |  |  |
| 3. | Comparative Analysis on Coastal Laws | Expert days |  |  |  |
| 4. | Presentation of the Analysis at the Regional workshop[[8]](#footnote-8) | Expert days |  |  |  |
| ***Total pre-VAT price in USD*** | | | | |  |
| ***VAT amount in USD (25%)*** | | | | |  |
| ***Total price with VAT in USD*** | | | | |  |

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

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

(Full name of the legal representative)

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(Signature of the legal representative)

1. Term extraordinary circumstances is related to the consequences of climate change (in the first-place coastal flooding and coast/waterfront/infrastructure damages related to the extreme weather events) [↑](#footnote-ref-1)
2. Proposed deadlines are indicative and could be reviewed before signature of the contract [↑](#footnote-ref-2)
3. Or national identification number according to the economic operator’s country of establishment, if applicable [↑](#footnote-ref-3)
4. PAP/RAC announces the possibility to request the relevant output of the reported experience. [↑](#footnote-ref-4)
5. Add rows, as necessary [↑](#footnote-ref-5)
6. Add rows, as necessary [↑](#footnote-ref-6)
7. Add rows, as necessary [↑](#footnote-ref-7)
8. Travel and hotel cost for participation in the Regional workshop are not to be included in the total price, since it will be covered in addition to the above amount by Client. [↑](#footnote-ref-8)