



**Mediterranean
Action Plan**
Barcelona
Convention



*The Mediterranean
Biodiversity
Centre*

CALL FOR TENDERS

Call for tenders N°36/2021_SPA/RAC_NTZ/MPA

Elaboration of the Mediterranean distribution Maps of Posidonia Meadows, coralligenous assemblages and marine caves habitats

25 November 2021

**This call for consultancy document is available only in English.
Offers could be made either in English or French.**

TECHNICAL SPECIFICATIONS

Section 1. Background

1.1. The Specially Protected Areas Regional Activity Centre

The Specially Protected Areas Regional Activity Centre (SPA/RAC) was established by the Contracting Parties to the Barcelona Convention in order to assist the Mediterranean countries in implementing the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean¹ (SPA/BD Protocol) of the Barcelona Convention². Tunisia has been hosting the centre since its establishment in 1985. The centre works under the auspices of the United Nations Environment Programme / Mediterranean Action Plan (UNEP/MAP) - Barcelona Convention Secretariat, based in Athens, Greece.

SPA/RAC's main objective is to contribute to the protection, preservation and sustainable management of marine and coastal biological diversity in the Mediterranean and, in particular, the creation and effective management of marine and coastal areas of particular natural and cultural value and the conservation of threatened and endangered species of flora and fauna in the Mediterranean.

For more information, please consult: www.spa-rac.org.

1.2. Rationale

Conservation planning and management typically require accurate and spatially explicit data at scales that are relevant for conservation objectives. In marine conservation, these data are often combined with spatial analytical techniques to produce marine habitat maps. While marine habitat mapping is increasingly used to inform conservation efforts, this field is still relatively young, and its methods are rapidly evolving. Because conservation efforts do not always specify standards or guidelines for the production of habitat maps, results can vary dramatically. As representations of real environmental characteristics, habitat maps are highly sensitive to how they are produced.

The Updated Classification of Benthic Marine Habitat Types for the Mediterranean Region is a key factor for biodiversity conservation in the Mediterranean and distribution maps are essential for assessing their conservation status.

Distribution maps are a form of thematic maps that are used to represent the distribution of particular geographic elements within a given region. It utilizes data of the chosen element to create a map which provides the user with a visual representation the particular variable's distribution. A properly made distributional map makes it easy to visualize how a certain variable or element varies over a region. It can be used to represent qualitative data like marine vegetation a region or quantitative data like density in a region.

The present study is part of the Regional Project "Empowering the legacy: Scaling up co-managed and financially sustainable No-Take Zones/Marine Protected Areas" (NTZ/MPA Project).

This project is coordinated by WWF, carried out by 8 direct partners (including WWF): Association de Gestion Intégrée des Ressources (AGIR), BlueSeeds/Vertigo Lab, Hellenic Centre for Marine Research (HCMR), Low Impact Fishers of Europe (LIFE), Network of Marine Protected Areas Managers in the Mediterranean (MedPAN), Notre Grand Bleu (NGB), and Specially Protected Areas Regional Activity Centre (SPA/RAC), and financially supported by the MAVA Foundation.

The overall objective of the project is to support the creation of new no-take zones (NTZs) and deliver a set of solutions to improve the management and governance of existing NTZs and marine protected areas (MPAs). Each pilot site will showcase specific approaches and tools to address recurrent issues in terms of governance, design, financing, and enforcement and enable inspiration and potential replication.

In each of the project sites, fishers -together with other key stakeholders- will be empowered through participation. As part of the decision-making process, fishers will develop their management solutions

¹ http://rac-spa.org/sites/default/files/spamis_temp/spa_bd_protocol_annexes1_to_3_v_2019_eng.pdf

² Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean : https://wedocs.unep.org/bitstream/handle/20.500.11822/7096/Consolidated_BC95_Eng.pdf?sequence=1&isAllowed=y

that ensure profitable fisheries for the future and ensure the willingness to maintain their engagement beyond the end of the project.

The Regional Activity Centre for Specially Protected Areas (SPA/RAC) launches “Elaboration of the Mediterranean distribution Maps of Posidonia Meadows, coralligenous assemblages and marine caves habitats” as also foreseen in PoW 2020-2021 (Activity 3.2.1.2.b). The objective is to provide the CPs with distribution Maps of Posidonia Meadows, coralligenous assemblages and marine caves habitats as provided for in the Work programme and timetable for the period 2012-2017 of the Action Plan for the conservation of marine vegetation in the Mediterranean Sea, Action Plan for the conservation of the coralligenous and other calcareous bio-concretions in the Mediterranean Sea and Action Plan for the conservation of habitats and species associated with seamounts, underwater caves and canyons, aphotic hard beds and chemo-synthetic phenomena in the Mediterranean Sea.

Section 2. Objective and scope

To date there has been a limited effort to combine all the spatial information available and provide a complete distribution of Posidonia meadows, coralligenous assemblages and marine caves habitats across the Mediterranean basin.

The objective of this tender is “Elaboration of the Mediterranean distribution Maps of Posidonia Meadows, coralligenous assemblages and marine caves habitats” as foreseen in PoW 2020-2021 (Activity 3.2.1.2.b) and in NTZ/MPA project.

It is expected to review what has been collected and prepared by SPA/RAC, to complete and to coordinate the work to finalise the Mediterranean distribution Maps of Posidonia Meadows, coralligenous assemblages and marine caves habitats.

Section 3. Methodology and tasks to be carried out

An inventory of all the spatial information available, in order to create a baseline distribution map is an important prerequisite. The distribution maps should be based on the results of a comprehensive regional and national mapping or inventories of the habitats.

The process for the elaboration of distribution maps will follow three steps:

Step 1: Data Collection methodology and Inventory

The coordinator with the other experts should elaborate a data collection methodology and an inventory of all the spatial information available and accessible at Mediterranean level and at national level. The network of SPA/RAC national focal point could be used to undertake the inventory at national level. The inventory should take into consideration the updated Reference List of Marine Habitat Types for the Selection of Sites to be Included in the National Inventories of Natural Sites of Conservation Interest in the Mediterranean³ and the requirement of the Integrated Monitoring and Assessment Programme (IMAP). The inventory should include an evaluation of the quality of the data and its scale.

Step 2: Data collection and Aggregation

After the finalisation of the data collection methodology and the inventory, each expert will contribute to the collection of available data and its aggregation following established criteria (scale, habitat types following the updated Reference List of Marine Habitat Types for the Selection of Sites to be Included in the National Inventories of Natural Sites of Conservation Interest in the Mediterranean and his/her expertise at national level. Once the aggregation at national level is ready, a national consultation is planned to get feedback from the Contracting Parties to the Barcelona Convention. Additionally, a distinction should be made between areas where the habitats are absent and areas for which no data exist.

Step 3: Production of the distribution maps

The Production of the distribution maps will be based on the combination of the agreed national distribution maps in GIS system. The possible or the adaptation of the the EUSeaMaps methods could

³ https://www.rac-spa.org/sites/default/files/doc_fsd/reference_list_en.pdf

be applied to produce the distribution maps of the marine key habitats. The bidder should also provide a draft paper to be published in peer review journal.

Section 4. Deliverables

The applicants shall deliver the following outputs:

1. Data collection methodology
2. Inventory and assessment of the data quality
3. Data aggregation methodology by country, by marine key habitats and regional
4. Three preliminary distribution maps of Posidonia meadows, coralligenous assemblages and marine caves habitats across the Mediterranean basin
5. Draft paper to be published in peer review journal

Section 5. Supervision and collaboration

The consultant will work under the supervision of SPA/RAC Director and the Programme Officer of Ecosystem Conservation.

The applicants are free to specify the methodology they deem to be appropriate, bearing in mind that there should be frequent and meaningful exchanges between SPA/RAC with the consultants.

Section 6. Time schedule

The maximum time allocated for carrying out the study is 6 months as from the date of signature of the contract, including the deadlines for handing in the final documents and deliverables according to the following timeline :

Step	Task	Deadline
Step 1	Draft Data Collection methodology and Inventory	31 December 2021
Step 2	Data collection and Aggregation	30 of March 2021
Step 3	Production of the distribution maps and the draft paper	30 of May 2021

Section 7. Qualifications and experience

This consultancy is open to firms having an experience in mapping, characterization and monitoring of marine key habitats in the Mediterranean.

The team must be made up of at least:

- **Project leader:** with experience in habitat mapping and characterisation in the Mediterranean countries, the project manager should have a proven experience in managing projects. He/she will be responsible of the overall quality of the work and deliverables and should have good writing/reading skills in English
- **Expert 1:** A marine biodiversity specialist with extensive knowledge and understanding of coastal and marine protected areas with extensive knowledge of mapping of Marine Habitats and setting up surveillance system for Posidonia meadows.
- **Expert 2:** A marine biodiversity specialist with extensive knowledge and understanding of coastal and marine protected areas with extensive knowledge of mapping of Marine Habitats and setting up surveillance system for coralligenous assemblages
- **Expert 3:** A marine biodiversity specialist with extensive knowledge and understanding of coastal and marine protected areas with extensive knowledge of mapping of Marine Habitats and setting up surveillance system for marine cave habitats.
- **Expert 4:** Specialist in GIS and its use for mapping sea floor and the marine environment, in charge of elaborating high-quality geo-referenced maps, graphs, infographics, tables and other relevant illustrations needed for the deliverables.

N.B:

- An expert may be proposed to cover at most 2 specialties,
- More than one expert per specialty can be proposed except for the project leader,

ADMINISTRATIVE CLAUSES

Article 1 - Conditions for participation in the consultancy

Are eligible for the call for tenders: consulting firms, individual consultants, NGOs, universities department, and research institutions.

Individual consultants may associate with each other to form a consultant association to complement their respective areas of expertise, or for other reasons.

The team should be composed of at least four consultants, with a clearly identified leader who will be the legal representative of the consultant association.

It is worthy to mention that proposing a **gender-balanced team** for the consultancy is highly recommended.

Article 2 - Composition and presentation of offer

The submitted offer must include separately: (i) a technical offer, (ii) administrative documents, and (iii) a separate financial offer.

The services provided as part of this assignment consist of an overall fixed and non-revisable cost.

2.1. Technical offer

It must contain:

2.1.1. For individual consultants (freelance, members of NGOs, of universities department, of research institutions, etc.):

1. A cover letter outlining the consultant's suitability for the job.
2. A curriculum vitae (CV) for each expert including high education (at least 4 years of higher education) with copies of their university diplomas, qualifications, professional experience, and references to previous relevant works and publications highlighted **in bold** and particularly relevant studies.
3. Documents/URL links/certificates that support the relevant references presented.
4. A detailed methodological note presenting the consultants vision for the project and how it mirrors the assignment objectives and scope, the methodological approach, organization of the work, and comments on the terms of reference, if needed.
5. A detailed time planning schedule, organization and sequential chronogram of intervention of the team experts, the consulting firm intends to apply to implement this mission.

The selection process may include interviews (through a teleconferencing platform), as well as a pre-selection phase followed by requests for complementary information / negotiation if required.

2.1.2. For Consulting Firms:

1. The consulting firm references regarding similar studies; relevant references should indicate the nature of the service provided, the sponsor, budget, and completion date of the study, completion certificate, acceptance minutes or any other documentary evidence delivered by the study sponsor.
2. The CV of the project experts, signed/initiated by the expert on every page of the CV, to be in charge to carry out the study with their education (at least 4 years of higher education) with copies of their university diplomas, qualifications, experience and references to previous relevant works and publications highlighted **in bold** and particularly relevant studies regarding similar studies.
3. Documents/URL links/certificates that support the relevant references presented.

4. A methodological note including: the context of the study, the detailed methodology, the composition of the team of experts and responsibilities of its members. The methodological section should describe the sequences and steps/tasks of the mission, with the necessary means for each task and expected results/deliverables; and
5. A detailed time planning schedule, organization and sequential chronogram of intervention of the team experts, the consulting firm intends to apply to implement this mission.

2.2. Administrative documents

The administrative folder should include the following administrative documents:

2.2.1. For individual consultants:

1. Document certifying the ability to practice this profession (registration certificate, for example) according to the legislation of their country with the tax number on it.
2. A sworn statement that the bidder is in no situation that could in any way be incompatible with the mission or compromise independence in carrying out the mission.
3. Terms of reference signed (date, signature, and stamp of the provider at the end of the document).

2.2.2. For Firms:

1. A certificate proving that the tenderer is registered in the commercial register, or the equivalent.
2. A tax certificate, valid on the offer submission date, proving that the consulting firm/service provider company has no outstanding tax obligations.
3. A statement delivered by the social security body to which the consulting firm/service provider company is affiliated stating that all dues have been paid and which is valid on the date of submission.
4. A sworn statement of non-bankruptcy.
5. A sworn statement that the consulting firm/service provider company is in no situation that could in any way be incompatible with the mission or compromise independence in carrying out the mission.
6. A sworn statement from each of the team of expert members, who are not staff members, confirming that they are willing to participate in the work team to carry out this mission.
7. The present restricted call for tenders signed (date, signature and stamp of the consulting firm/service provider company at the end of the document).

2.2.3 For NGO's and Universities

1. All documents proving that the NGO's or University has no outstanding tax obligations.
2. All documents proving that the NGO's or University has an official status
3. A sworn statement that the consulting service provider company is in no situation that could in any way be incompatible with the mission or compromise independence in carrying out the mission.
4. A sworn statement from each of the team of expert members, who are not staff members, confirming that they are willing to participate in the work team to carry out this mission.
5. The present restricted call for tenders signed (date, signature and stamp of the consulting firm/service provider company at the end of the document).

If the original administrative documents are not in English or French, it should be provided with additional copies translated into English or French by a sworn translator.

Should any of the administrative documents be missing, the tenderer will be contacted to complete the missing offer documents within a period of ten (10) days. If after a period of ten (10) days, the documents are still not complete the offer will be eliminated.

2.3. Financial offer

The financial offer must be expressed in **Euros**, in both tax-free and all tax-included prices. It should include all the costs connected to the provision of the service.

The submitted offer must include separately: (i) a technical offer, (ii) administrative documents, and (iii) a financial offer.

Should any administrative documents be missing, the consultant will be contacted to complete the offer documents. If after a period of ten (10) days, the documents are still not completed the candidate will be rejected even if already chosen as best positioned.

Article 3 - Submission

Proposals must be received electronically at the following e-mail address: car-asp@spa-rac.org and naziha.benmoussa@spa-rac.org before **Wednesday 15 December 2021, at 23:59 UTC+1 (Tunis Time)**.

E-mails should have the following subject: **"Elaboration of the Mediterranean distribution Maps of Posidonia Meadows, coralligenous assemblages and marine caves habitats Call for tenders N°36/2021 SPA/RAC_NTZ/MPA"**.

Proposals received after this deadline will not be considered.

Article 4 - Additional information

Should questions or need for clarification related to these terms of reference and their content arise, bidders may submit a written request by e-mail to: atef.ouerghi@spa-rac.org ; cc: car-asp@spa-rac.org, no later than five (5) calendar days before the deadline for the proposal submission.

Article 5 - Maximum budget available

A total maximum budget available for this call for consultancy is 57 000 **Euros all taxes included**. **Any financial offer exceeding this amount will not be considered**.

Article 6 - Definition, consistency and variation of prices

The services provided as part of this assignment consist of an overall fixed and non-revisable cost.

6.1- variation of prices

The prices of this contract are fixed and not subject to revision

6.2- Finality of prices

The services provided may not, under any pretext, reconsider the market prices which were agreed by him.

Article 7 - Tender validity period

Any tenderer who submitted a tender will be bound by his tender for one hundred and twenty (120) days starting from the day following the deadline fixed for receiving the offers. During that period, the prices and information proposed by the tender will be firm and non-revisable.

Article 8 - Terms of payment

Payment for the mission will be made as follows:

- **20 %** of the total amount of the contract, after submission of the **deliverables of Step 1 as indicated section 3**, their approval by SPA/RAC, and submission of an invoice
- **50%** of the total amount of the contract, after submission of the **deliverables of Step 2 as indicated section 3**, their approval by SPA/RAC, and submission of an invoice.
- **30%** of the total amount of the contract, after submission of the **deliverables of Step 3 as indicated in section 3**, completion of all the tasks due in the consultancy, their approval by SPA/RAC, and submission of an invoice.

All payments will be made by bank transfer after the receipt of an invoice from the contractor. Payments shall be made to a bank account held by the contractor.

Article 9 - Evaluation procedure

The evaluation will be based on combined technical and financial criteria as follows:

9.1 Technical evaluation

The technical offers will be first examined, while the financial offers remain sealed.

Applications will be evaluated based on the following criteria: 5 points);

- (i) Profile (experience, references and diploma) of the team of consultants in relation to the subject of the present mission (55 points for Legal entities or 60 points for Group of consultants); and
- (ii) The methodology proposed for conducting the mission, and observations/analysis on the terms of reference (30 points).
- (iii) Detailed time planning schedule, organization and sequential chronogram of intervention of the team experts (10 points).

Gender-balanced team is an asset.

Technical evaluation grid				
Criteria			Scoring for legal entity	Scoring for a group of individual consultants
Legal entity	Experience	Experience in conducting studies leading to mapping and characterisation of marine key habitats for the implementation of marine and coastal protected areas strategy/plan	10 points maximum (3.5 points/reference)	N/A
Project leader	Experience	Experience in conducting studies leading to mapping and characterisation of marine key habitats for the implementation of marine and coastal protected areas strategy/plan and to master English or French	9 points maximum (3 points/reference)	10 points maximum (3.5 points/reference)
		No similar studies	0 points <i>(In this case the offer is eliminated)</i>	0 points <i>(In this case the offer is eliminated)</i>
	Diploma <i>(Copies of university diploma(s) should be provided)</i>	Post-graduate degree in communication, marketing, biology or ecology, environmental sciences or related discipline	2 points maximum	2 points maximum
		University degree in the above-mentioned or related disciplines	1.5 point	1.5 point
		No university degree	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
Expert 1	Experience	Similar references concerning the execution of study leading to mapping and the characterization and monitoring of Posidonia Meadows	9 points maximum (3 points/reference)	10 points maximum (3 points/reference)
		No similar references	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
	Diploma <i>(Copies of university diploma(s) should be provided)</i>	Post-graduate degree in Biological Oceanography/Conservation Biology/Marine Living Resources , or related discipline	2 points maximum	2 points maximum
		University degree in the above-mentioned or related disciplines	1.5 point	1.5 point
		No university degree in the above-mentioned or related disciplines	0 point	0 point
Expert 2	Experience	Similar references concerning the execution of study leading to mapping and the characterization and monitoring of Coralligenous assemblages	9 points maximum (2.5 points/reference)	10 points maximum (3.5 points/reference)
		No similar references	0 point	0 point

			<i>(In this case the offer is eliminated)</i>	<i>(In this case the offer is eliminated)</i>
	Diploma <i>(Copies of university diploma(s) should be provided)</i>	Post-graduate degree in Biological Oceanography/Conservation Biology/Marine Living Resources, or related discipline	<u>2 points maximum</u>	<u>2 points maximum</u>
		University degree in the above-mentioned or related disciplines	1.5 point	1.5 point
		No university degree	0 point	0 point
Expert 3	Experience	Similar references concerning the execution of study leading to mapping and the characterization and monitoring of marine caves habitats	<u>9 points maximum</u> (3 points/reference)	<u>10 points maximum</u> (3.5 points/reference)
		No similar references	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
	Diploma <i>(Copies of university diploma(s) should be provided)</i>	Post-graduate degree in Biological Oceanography/Conservation Biology/Marine Living Resources or related discipline	<u>2 points maximum</u>	
		University degree in the above-mentioned or related disciplines	1.5 point	
		No university degree	0 point	
Expert 4	Experience	Similar references concerning the execution of study leading to the elaboration of GIS and maps.	<u>9 points maximum</u> (3 points/reference)	<u>10 points maximum</u> (3.5 points/reference)
		No similar references	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
	Diploma <i>(Copies of university diploma(s) should be provided)</i>	Post-graduate degree in GIS and/or related engineering and earth/marine sciences	<u>2 points maximum</u>	<u>2 points maximum</u>
		University degree in the above-mentioned or related disciplines	1.5 point	1.5 point
		No university degree in the above-mentioned or related disciplines	0 point	0 point
Methodology proposed for conducting the mission, and observations/analysis on the terms of reference	Methodology clearly presented, well developed and meets the study terms of reference and objectives (<u>the presentation of improvements and innovations is desirable</u>)	<u>30 points maximum</u>	<u>30 points maximum</u>	
	Methodology clearly presented, fairly well developed and meets the study terms of reference and objectives	25 points	25 points	
	Methodology not developed but meets the study terms of reference and objectives	15 points	15 points	

	Methodology not clearly presented and does not meet the study terms of reference and objectives, or No methodology presented	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
Detailed time planning schedule, organization and sequential chronogram of intervention of the team experts	Planning is clearly presented , well developed and meets the study terms of reference and objectives	10 points maximum	10 points maximum
	Planning is not developed but meets the study terms of reference and objectives	5 points	5 points
	Planning not clearly presented and does not meet the study terms of reference and objectives, or No planning presented	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
Total score (100 points maximum)		... points	... points

Any offer that has not attained the minimum score of 80 points will be eliminated.

In the event of no offer obtains 80 points or more, the call for consultancy process will be declared unsuccessful.

9.2 Financial evaluation

Once the technical evaluation has been completed, the financial offers of applicants that have not been eliminated during the technical evaluation will be examined.

The evaluation committee will check that the financial offers do not contain any obvious arithmetical errors. Any possible obvious arithmetical errors will be corrected, and the corrected figures will be taken into consideration.

A maximum budget of ten thousand Euros (€ 57,000), all taxes included, is available for this consultancy. Any financial offer exceeding this budget means that the offer will be eliminated.

The evaluation committee will then proceed to a financial comparison. The lowest financial offer that is judged acceptable will receive 100 points. The other offers will be attributed a score based on the following equation:

$$\text{Financial score} = (\text{amount of the lowest accepted offer} / \text{amount of the considered offer}) \times 100$$

9.3 Conclusions of the evaluation committee

The choice of the best offer is achieved by weighting the technical and financial scores using a distribution key of 80/20 basis. To this end:

- The technical score will be multiplied by a coefficient of 0.80.
- The financial score will be multiplied by a coefficient of 0.20.

The weighted technical - financial scores thus calculated will be added to ascertain the offer with the best technical and financial score.

If two offers obtain the same weighted technical-financial scores, preference will be given to the applicant in the following order:

- having obtained the best technical score.
- having obtained the best score for methodology.
- having obtained the best total score for experience and qualifications of experts.

Note: The selection process may include interviews (through a teleconferencing platform), as well as a pre-selection phase followed by requests for complementary information / negotiation if required.

Article 10 - Monitoring, control and validation of the work

The bidder will work under the supervision of SPA/RAC. The bidder will submit draft version of deliverables within the timeline specified in article 11 below. The bidder will submit the final version of deliverables as indicated in section 4 of the technical specifications.

Article 11 - Deadline for the execution of the mission

The maximum time allocated for carrying out the study is 6 months as from the date of signature of the contract, including the deadlines for handing in the final documents and deliverables according to the following timeline:

Step	Task	Deadline
Step 1	Draft Data Collection methodology and Inventory	31 December 2021
Step 2	Data collection and Aggregation	30 of March 2021
Step 3	Production of the distribution maps and draft paper	30 of May 2021

Article 12 - Penalty

In the absence of completion by the consultant of the services at his/her charge within the contractual deadlines envisaged in Section 8 of the technical specifications (Time schedule), and Article 9 (Deadline for the execution of the mission), it will be applied as of right and without notice, a penalty of one two hundredth (1/200) of the total amount of the contract (All Taxes Included - ATI) for each calendar day of delay.

The amount of the late penalties will be deducted from the accounts. The amount of the penalties is capped at 10% of the total amount of the contract in ATI. When this threshold is reached, SPA/RAC reserves the right to terminate the contract at the holder's fault, in accordance with Article 17 (Cancellation conditions) below, without that the holder cannot raise disputes or claim any compensation.

Article 13 - Copyright, ownership of document

All the plans, drawings, software, photos, videos, data, presentations, study reports and any other documents, elaborated and submitted by the consultant to SPA/RAC for the execution of the contract, will become and remain the property of SPA/RAC, and the consultant will submit them to SPA/RAC. The names and logos of UNEP/MAP - SPA/RAC must be displayed appropriately in the documentation to be produced in the framework of this consultancy.

Article 14 - Arbitrage, dispute settlement

Every dispute arising from or in connection with this contract execution shall be solved by way of amicable negotiations by the parties. The contract is deemed to have been made in Tunisia and to be subject to Tunisian law. In case of dispute, the Court of Tunis is competent.

Article 15 - Liability and insurance

SPA/RAC does not accept any liability for acts of third parties, accidents, sickness, losses of any kind, however caused arising during the implementation of the specific actions and the production of the relative outputs expected. The bidder confirms that themselves or any involved staff will be covered by appropriate insurance.

Article 16 - Force majeure

Force majeure means any event outside the control of a party so that it is impossible for one party to carry out his obligations or the implementation of these obligations becomes so difficult that it is considered to be impossible to carry them out under such circumstances.

The party which invokes force majeure must inform its co-contractor within seven (7) days of its occurrence so that the contractual deadline will be suspended with a joint agreement between the parties for the period which is covered by the case of force majeure.

SPA/RAC has a right to assess the circumstances of the impediments invoked by the holder as a case of force majeure to see if they are convincing, and if this should not be the case, then the days of discontinued work will be accounted for as days of delay.

Failure by either party to fulfil any of its contractual obligations does not entail a contract termination or failure to fulfil its contractual obligations if such a failure is due to a case of force majeure, if the party that finds itself in such a situation has done the following:

- a. has taken all the reasonable precautions and measures to allow it to comply with the terms and conditions of the contract; and
- b. has informed the other party of the event, as soon as possible. Any timeline given to a party for the execution of its contractual obligation will be prolonged by a period which is equal to the period during which that party was prevented from fulfilling its obligations.

Any timeline given to a party for the execution of its contractual obligations will be prolonged by a period which is equal to the period during which that party was unable to fulfil its obligations due to the case of force majeure.

Article 17 - Cancellation conditions

SPA/RAC could cancel this contract through a notification in writing addressed to the tenderer after one of the events indicated in the following paragraphs:

- a) no respect of the deadline of the execution in application of Article 11 (Deadline for the execution of the mission);
- b) in the case described in the Article 12 (Penalty) when the amount is capped at 10% of the total amount of the contract;
- c) non-conformity to the content of the service listed in the technical specification of the present tender documents;
- d) If the tenderer goes bankrupt or into receivership;
- e) If, after a case of force majeure, the holder is unable to execute a substantial part of the Services for a period equal to at least sixty (60) days;
- f) If the tenderer was involved in corruption or fraudulent manipulations in order to obtain the contract or during the execution of the contract. For the purpose of the clause: a person is guilty of "corruption" if he/she offers, gives, solicits or accepts any kind of advantage in order to influence the action of a public official during the selection or the execution of the contract; and undertakes "fraudulent manipulations" which distort or denature the facts so as to influence the selection or the execution of the contract to the detriment of the borrower; by "fraudulent manipulations" is meant any agreement or collusive manipulation of the tenderers (before or after submitting the proposals) so as to artificially maintain the prices of the tenders at levels which do not correspond to prices which would have resulted from free and open competition and which deprive the borrower of the advantages of free and open competition; or
- g) If SPA/RAC, on its own initiative and for any reason whatsoever, decides to terminate the contract

Article 18- Conflict of interests

19.1. Prohibition of incompatible activities

The contract tenderer, the personnel and agents must not engage, directly or indirectly, during the contract implementation period, in professional or commercial activities which could be incompatible with the activities with which they have been entrusted due to the present contract.

19.2. Non-participation of the holder and his associates in certain activities

The tenderer and his associates are prohibited, during the contract duration and at the end of the contract period, to provide good, works or services means for any project stemming from the Services or closely connected with the present contract services (except for the implementation of the present contract services and their continuation).

Article 19 - Provisional and final acceptance

The provisional acceptance is pronounced after complete completion of the services, that is, after the finalization of all the phases described in Article 11 (Deadline for the execution of the mission) and section 4 (Methodology and phases) of the "Technical Specifications". The evaluation of the deliverables of the different phases (reports, maps, etc.) will be carried out by SPA/RAC according to Article 11.

The provisional acceptance will be pronounced only in the case of complete conformity deemed conclusive by SPA/RAC and a provisional acceptance report will be signed jointly by the service provider and SPA/RAC. The service provider must correct any deficiencies identified by SPA/RAC in the completion of the different phases. Final acceptance will be given one (1) month after the date of provisional acceptance without reservation of the contract. The final acceptance report will only be delivered once the service provider has fulfilled all his obligations resulting from sections 3 (Methodology and tasks to be carried out) of the "Technical Specifications" and after corrections of all deficiencies signalled by SPA/RAC.