



CALL FOR CONSULTANCY N° 10/2020_SPA/RAC

**TERMS OF REFERENCE
FOR THE PROVISION OF CONSULTANCY SERVICES**

“Assessment of Institutional Capacities for the Establishment and Management of Marine Protected Areas in the Southern and Eastern Mediterranean region”

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TECHNICAL SPECIFICATIONS

A- Background

Aichi Target 11 sets countries to protect at least 10 per cent of coastal and marine areas. The Aichi target also calls for new types of protected areas and other effective area-based conservation measures, with new roles for supporting people as well as nature, enabling sustainable development, safeguarding rights of indigenous, traditional, and other local communities, and ensuring flows of ecosystem services that support wider communities and economies. Those establishing and managing marine protected areas (MPAs) must provide leadership and direction, enable participatory development and implementation of strategies and plans, manage changing and growing organizations, and secure and wisely use the resources needed for management. They also need to find ways to address threats, old and new, and to justify and champion marine protected areas politically, socially, and economically. Many vital roles are also undertaken by people who live in and around marine protected areas, who use their resources wisely with the future in mind, and who maintain mosaics of considerate human use, creating landscapes that support both people and nature.

Currently, progress on the Aichi Target 11 has been minimum for countries in the Southern and Eastern Mediterranean region (Algeria, Egypt, Lebanon, Libya, Morocco, Syria and Tunisia), in part due to gaps and challenges in the internal and external structures and processes to establish and manage an expanding and evolving network of marine protected areas in the region.

To meet these challenges and to ensure that institutions can deliver what is needed, changes and improvements to institutional capacity are required on different levels:

- Improving the processes to establish MPAs to follow principles of good governance and be time and cost efficient;
- Establishing and/or sustaining entities that take responsibility for marine protected areas and the people who work for their future;
- Improving the internal and external structures and funding streams to enhance sustainability of actions.

So far, in Southern and Eastern Mediterranean region, little attention has been paid to the institutional capacity of marine protected areas agencies and to the potential need for reforms.

The new directions set by the Aichi Target 11 and the expected ambition of the post-2020 target will require a stronger and more diverse set of institutional frameworks and processes.

This “Assessment of Institutional Capacities for the Establishment and Management of Marine Protected Areas in the Southern and Eastern Mediterranean region” is elaborated in the framework of a collaboration between the Specially Protected Areas Regional Activity Centre (SPA/RAC), the International Union for Conservation of Nature and Natural Resources (IUCN) and the World Commission on Protected Areas (WCPA).

B- Objective and scope

The objectives of the consultancy are to:

- i. Conduct an assessment, provide an overview and analysis of the institutional capacity, strengths and weaknesses, across the institutions in charge of MPAs in Southern and Eastern Mediterranean (Algeria, Egypt, Lebanon, Libya, Morocco, Syria and

Tunisia), and identify the main institutional capacity gaps and demands by MPA stakeholders in the region. The assessment should in particular, as far as practical and realistic, identify and analyze the main institutional capacity weaknesses (internal and external structures and processes) and should highlight deficiencies in financing tools in the region. The expected results should be well defined to analyze the dynamics that explain present capacity, identify driving forces for change to ensure effectiveness of future capacity development efforts and provide the building elements for developing a strong institutional capacity.

- ii. Outline operational and realistic recommendations for improving and sustaining institutional capacity for establishing, managing and expanding the marine protected area network in the region, identifying major axes of investment in institutional capacity as well as opportunities, programmes, and products, that will enhance the ability of MPA agencies to meet their existing and future commitments under the Convention on Biological Diversity, Barcelona Convention and other relevant global and regional agreements.

C- Tasks to be undertaken

The assessment should be participatory and consultative. The consultant should conduct the assessment using a methodology refined and adjusted in partnership with SPA/RAC, IUCN and WCPA. It is expected that the assessment will be built around self-assessment processes as well as broad online consultations with marine protected area stakeholders to help collect and validate information.

The institutional capacity assessment framework should recognize the multiple dimensions of capacity needed to effectively achieve the Aichi Target 11 and its potential successor in the post-2020 global biodiversity framework.

D- Deliverables

- An inception report including a work plan, detailed methodology, report format and timeline, to be submitted within twenty (20) days from the commencement of the assignment;
- A draft institutional assessment consolidated report including the recommendations, from a region-wide perspective and also where relevant specifically for each of the seven focal countries;
- An online consultation of the draft report;
- A final institutional capacity assessment and recommendations report taking into account the comments received from the online consultation and from SPA/RAC, IUCN and WCPA;
- A PowerPoint presentation summarizing the whole process conducted, the main results and outcomes and the next steps.

E- Supervision and collaboration

The consultant will work under the supervision of SPA/RAC Programme Officer on SPAs and the IUCN North Africa Programme Coordinator, and in collaboration with the Regional Vice-Chair of WCPA to finalize and validate the methodology, collection of data and to facilitate interviews and contacts with key MPA stakeholders.

This is a desk-based assignment. No missions are envisaged. The consultant will be expected to make imaginative use of online networking, questionnaires, etc. to obtain the required information and conduct consultations.

The SPA/RAC Programme Officer on SPAs, the IUCN North Africa Programme Coordinator and the IUCN WCPA Regional Vice-Chair will provide access to key contacts in the focal countries and to relevant networks in the region.

F- Time schedule

The assignment shall be expected to be completed within a maximum of 120 work days with the following tentative schedule:

- By 5 August 2020: Starting of the assignment upon signature of the contract between SPA/RAC and the selected consultant;
- By 25 August 2020: Inception report (including a work plan, detailed methodology, report format and timeline) completed;
- By 30 October 2020: Draft of “institutional capacity report” completed;
- By 30 November 2020: Online consultation on draft report completed;
- By 15 December 2020: Final delivery of institutional capacity assessment report and recommendations taking into account the results of the online consultation and the PowerPoint presentation.

G- Skills and experience required of consultants

The consultant is expected to have the following skills and expertise:

- Advanced degrees in marine biology, environment, geography, economics, social sciences , political science, law, development studies or related discipline;
- Experience in working on marine protected areas, with preference for working in or with MPA management agencies;
- Experience in working in organizational development and/or capacity building for protected areas;
- Excellent writing and communication skills in English and/or French; Arabic would be an advantage;
- Strong interpersonal skills and the ability to communicate and work well with diverse cultures and people.

ADMINISTRATIVE CLAUSES

Article 1 - Conditions for participation in the consultancy

Participants to this consultancy should be individual consultants.

Individual consultants may associate with each other to form a consultant association to complement their respective areas of expertise, or for other reasons. They must clearly identify the lead consultant, who will be the legal representative of the consultant association. The consultant association cannot exceed two experts.

Article 2 - Composition and presentation of offers

The submitted offer must include separately: a technical offer, administrative documents and a 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:

1. A cover letter outlining the consultant's suitability for the job;
2. A curriculum vitae including: education, qualifications, professional experience, and **highlighted references to previous relevant works and publications** and particularly similar studies covering MPA management and MPA agencies (references must be backed by attached documents/URL links/certificates from the study sponsor, etc.);
3. Copies of highest university diploma(s) and documents/URL links/certificates that support the relevant references presented; and
4. A detailed methodological note, including initial observations on the terms of reference, if needed.

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

2.2. Administrative documents

The administrative folder should include the following administrative documents:

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. The consultant(s) must prove the legal capacity to sign contracts and issue invoices according to the respective country legislation of fiscal residence.
4. Terms of reference signed (date, signature and stamp of the provider at the end of the document).

4.2. 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.

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 addresses:

car-asp@spa-rac.org ; cc: souha.asmi@spa-rac.org,
before Sunday 26 July 2020, at 23:59 UTC+1 (Tunis Time).

E-mails should have the following subject:

**“Call for consultancy n° 10/2020_SPA/RAC - MPA institutional capacities assessment
in S&E Med. - Applicant name”**

Proposals received after this deadline will not be considered.

For additional information:

Should any problems of interpretation arise in the course of drawing up the proposal, bidders may submit a written request by e-mail for further information to: souha.asmi@spa-rac.org ; cc: car-asp@spa-rac.org, no later than five (5) calendar days before the deadline for the proposal submission.

Article 4 - Maximum budget available

A total maximum budget available for this consultancy is 12,000 Euros.

Article 5 - Terms of payment

Payment for the mission will be made as follows:

- 10 % upon the submission of the inception report (including a work plan, detailed methodology, report format and timeline), validation of the work by SPA/RAC, IUCN et WCPA, and submission of the invoice;
- 50 % upon the submission of the draft institutional assessment consolidated report, validation of the work by SPA/RAC, IUCN et WCPA, and submission of the invoice;
- The balance upon the submission of all the deliverables as defined in section D of the technical specifications (Deliverables), completion of all the tasks due in the consultancy, their validation by SPA/RAC, IUCN and WCPA, and submission of the invoice.

All payments will be made by bank transfer after the receipt of an invoice by the contractor.

Article 6 - Evaluation procedure

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

6.1. Technical evaluation

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

Applications will be evaluated based on the following criteria:

- i. Profile (experience, diploma and publications/writing skills) of the consultant in relation to the subject of the present mission (40 points); and
- ii. The detailed methodology proposed for conducting the mission, and observations/analysis on the terms of reference (60 points).

Technical evaluation grid				
Criteria			Scoring	
			Application by one consultant	Application by a consultant association (2 consultants)
Lead consultant	Experience	Experience in similar studies covering MPA management and MPA agencies	30 points maximum (10 points/study)	15 points maximum (8 points/study)
		No similar study	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
	Diploma	Post-graduate university degree in marine biology, environment, geography, economics, social sciences, political science, law, development studies or related disciplines	5 points maximum	5 points maximum
		University degree in the above-mentioned or related disciplines	3 points	3 points
		No university degree in the above-mentioned or related disciplines	0 point <i>(In this case the offer is eliminated)</i>	0 point <i>(In this case the offer is eliminated)</i>
	Writing skills / Publications	More than 10 publications, reports and peer-reviewed articles related to protected areas and biodiversity conservation	5 points maximum (0.5 point / publication)	3 points maximum (0.5 point / publication)
		From 5 to 10 publications, reports and peer-reviewed articles related to protected areas and biodiversity conservation	3 points	2 points
		Less than 5 publications, reports and peer-reviewed articles related to protected areas and biodiversity conservation	0 point	0 point
	Associate consultant	Experience	Experience in similar studies covering MPA management and MPA agencies	N/A

		No similar study	N/A	0 point
	Diploma	Post-graduate university degree in marine biology, environment, geography, economics, social sciences, political science, law, development studies or related disciplines	N/A	<u>5 points maximum</u>
		University degree in the above-mentioned or related disciplines	N/A	3 points
		No university degree in in the above-mentioned or related disciplines	N/A	0 point <i>(In this case the offer is eliminated)</i>
	Writing skills / Publications	More than 10 publications, reports and peer-reviewed articles related to protected areas and biodiversity conservation	N/A	<u>2 points maximum</u>
		From 5 to 10 publications, reports and peer-reviewed articles related to protected areas and biodiversity conservation	N/A	1 point
		Less than 5 publications, reports and peer-reviewed articles related to protected areas and biodiversity conservation	N/A	0 point
Methodology proposed for conducting the mission, and observations/analysis on the terms of reference		Methodology clearly presented, well developed, meets the terms of reference and the study's objectives, clearly shows a perfect understanding of the scope of the consultancy and the challenges of the region, and presents improvements and innovations	<u>60 points maximum</u>	
		Methodology clearly presented, well developed and meets the terms of reference and the study's objectives	40 points	
		Methodology fairly well developed and meets the terms of reference and the study's objectives	20 points	
		Methodology not developed but meets partially the terms of reference and the study's objectives	10 points	
		Methodology not clearly presented and does not meet the terms of reference and the study's objectives or no methodology presented	0 point	
Total score (<u>100 points maximum</u>)			... 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.

The technically compliant offers will be attributed a technical score based on the following equation:

$$\text{Technical score} = (\text{final score of the technical offer in question} / \text{final score of the best technical offer}) \times 100$$

6.2. 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 twelve thousand Euros (€ 12,000) is available for this study. 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 will receive 100 points. The other offers will be attributed a score based on the following equation:

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

6.3. 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 Skype or phone), as well as a pre-selection phase followed by requests for complementary information / negotiation if required.

Article 7 - Monitoring, control and validation of the work

The service provider will work under the supervision of SPA/RAC, IUCN and WCPA. The

consultant will submit draft version of deliverables for each phase. The consultant will submit the final version of deliverables as indicated in section D of the technical specifications (Deliverables).

Article 8 - Deadline for the execution of the mission

The maximum time allocated for carrying out the study is 120 days 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:

Deliverable	Deadline
Inception report (including a work plan, detailed methodology, report format and timeline)	25 August 2020
Draft of "institutional capacity report"	30 October 2020
Online consultation on draft report completed	30 November 2020
Final institutional capacity assessment report and recommendations taking into account the results of the online consultation, and the PowerPoint presentation	15 December 2020

The evaluation of the draft deliverables (reports, etc.) will be carried out by SPA/RAC, IUCN and WCPA within a maximum of 10 days from the submission of the deliverables by the consultant.

Article 9 - Penalty

In the absence of completion by the consultant of the services at his/her charge within the contractual deadlines envisaged in section F of the technical specifications (Time schedule), and Article 8 (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 14 (Cancellation conditions) below, without that the holder cannot raise disputes or claim any compensation.

Article 10 - Copyright, ownership of document

All the plans, drawings, software, photos, videos, data, 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 joint property of SPA/RAC and IUCN, and the consultant will submit them to SPA/RAC. The names and logos of UNEP/MAP - SPA/RAC, IUCN, WCPA and the study Donors (SCBD, Japanese Biodiversity Fund and MAVA Foundation) must be displayed appropriately in the documentation to be produced in the framework of this consultancy.

Article 11 - 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 12 - 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 13 - 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 fulfill any of its contractual obligations does not entail a contract termination or failure to fulfill 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 fulfill its obligations due to the case of force majeure.

Article 14 - Cancellation conditions

SPA/RAC could cancel the contract in case of non-respect of the deadline of execution (Article 8: Deadline for the execution of the mission) or of non-conformity to the content of the service listed in the technical specifications of the present consultancy (section C of the technical specifications: Tasks to be undertaken), and in the case described in the Article 9 (Penalty), when the amount is capped at 10% of the total amount of the consultancy. In case of cancellation, the payment will be done in proportion to the tasks already carried out.