

REQUEST FOR TENDERS

RFT: 2025/011

File: AP_4/5/2/17

Date: 30 April 2025

To: Interested Consultants

From: Puta Tofinga – Environmental Assessment and Planning Officer

Subject: Request for tenders (RFT): Consultancy to develop a set of Aggregate Mining Guidelines for the Kingdom of Tonga, READVERTISEMENT

1. Background

- 1.1. The Secretariat of the Pacific Regional Environment Programme (SPREP) is an intergovernmental organisation charged with promoting cooperation among Pacific islands countries and territories to protect and improve their environment and ensure sustainable development.
- 1.2. SPREP approaches the environmental challenges faced by the Pacific guided by four simple Values. These values guide all aspects of our work:
 - We value the Environment
 - We value our People
 - We value high quality and targeted Service Delivery
 - We value Integrity
- 1.3. For more information, see: www.sprep.org.

2. Specifications: statement of requirement

- 2.1. SPREP wishes to call for tenders from qualified and experienced consultants who can offer their services to develop a set of guidelines for the extraction and mining of aggregates in Tonga.
- 2.2. The Terms of Reference of the consultancy are set out in Annex A.
- 2.3. The successful consultant must supply the services to the extent applicable, in compliance with SPREP's Values and Code of Conduct: <https://library.sprep.org/sites/default/files/sprep-organisational-values-code-of-conduct.pdf>. Including SPREP's policy on Child Protection, Environmental Social Safeguards, Fraud Prevention & Whistleblower Protection and Gender and Social Inclusion.
- 2.4. SPREP Standard Contract Terms and Conditions are non-negotiable

3. Conditions: information for applicants

- 3.1. To be considered for this tender, interested consultants must meet the following conditions:
 - i. International consultants may apply but **strongly recommended to engage and** include a local counterpart as part of their proposal.
 - ii. Submit a detailed Curriculum vitae detailing qualification and previous relevant experience for each proposed personnel.

- iii. Provide three referees relevant to this tender submission, including the most recent work completed.
 - iv. Complete the **tender application form** provided (*Please note you are required to complete in full all areas requested in the Form, particularly the Statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV. Failure to do this will mean your application will **not** be considered*).
Provide examples of past related work outputs
For the Technical and Financial proposals, you may attach these separately.
 - v. Provide a copy of valid business registration/license where the consultant is based.
- 3.2 Tenderers must declare any areas that may constitute conflict of interest related to this tender and sign the **conflict-of-interest form** provided.
- 3.3 **Tenderer is deemed ineligible due to association with exclusion criteria, including** bankruptcy, insolvency or winding up procedures, breach of obligations relating to the payment of taxes or social security contributions, fraudulent or negligent practice, violation of intellectual property rights, under a judgment by the court, grave professional misconduct including misrepresentation, corruption, participation in a criminal organisation, money laundering or terrorist financing, child labour and other trafficking in human beings, deficiency in capability in complying main obligations, creating a shell company, and being a shell company.
- 3.4 Tenderer must sign a declaration of **honour form** together with their application, certifying that they do not fall **into** any of the exclusion situations cited in 3.3 above and where applicable, that they have taken adequate measures to remedy the situation.

4. Submission guidelines

- 4.1. Tender documentation should demonstrate that the interested consultant satisfies the conditions stated above and in the Terms of Reference and is capable of meeting the specifications and timeframes. Documentation must also include supporting examples to address the evaluation criteria.
- 4.2. Tender documentation should be submitted in English and outline the interested consultant's complete proposal:
- a) **SPREP Tender Application form and conflict of interest form.** (*Please note you are required to complete in full all areas requested in the Form, particularly the Statements to demonstrate you meet the selection criteria – DO NOT refer us to your CV. Failure to do this will mean your application will **not** be considered*).
Provide examples of past related work outputs
For the Technical and Financial proposals, you may attach these separately.
 - b) **Honour form**
 - c) **Curriculum Vitae** of the proposed personnel to demonstrate that they have the requisite skills and experience to carry out this contract successfully.
 - d) **Technical Proposal** which contains the details to achieve the tasks outlined in the Terms of Reference.
 - e) **Financial Proposal** – provide a detailed outline of the costs involved in successfully delivering this project submitted in United States Dollars (USD) and inclusive of all associated taxes.
- 4.3. Provide three referees relevant to this tender submission, including the most recent work completed.

- 4.4. Tenderers/bidders shall bear all costs associated with preparing and submitting a proposal, including cost relating to contract award; SPREP will, in no case, be responsible or liable for those costs, regardless of the conduct or outcome of the bidding process.
- 4.5. The tender/bidder might be requested to provide additional information relating to their submitted proposal, if the Tender Evaluation Committee requests further information for the purposes of tender evaluation. SPREP may shortlist one or more Tenderers and seek further information from them.
- 4.6. The submitted tender proposal must be for the entirety of the Terms of Reference and not divided into portions which a potential tenderer/bidder can provide services for.
- 4.7. The Proposal must remain valid for 90 days from date of submission.
- 4.8. Tenderers must insist on an acknowledgement of receipt of tender.

5. Tender Clarification

- 5.1. a. Any clarification questions from applicants must be submitted by email to procurement@sprep.org before 14 May 2025. A summary of all questions received complete with an associated response posted on the SPREP website www.sprep.org/tender by 16 May 2025.
 - b. The only point of contact for all matters relating to the RFT and the RFT process is the SPREP Procurement Officer.
 - c. SPREP will determine what, if any, response should be given to a Tenderer question. SPREP will circulate Tenderer questions and SPREP's response to those questions to all other Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>) without disclosing the source of the questions or revealing any confidential information of a Tenderer.
 - d. Tenderers should identify in their question what, if any, information in the question the Tenderer considers is confidential.
 - e. If a Tenderer believes they have found a discrepancy, error, ambiguity, inconsistency or omission in this RFT or any other information given or made available by SPREP, the Tenderer should promptly notify the Procurement Officer setting out the error in sufficient detail so that SPREP may take the corrective action, if any, it considers appropriate.

6. Evaluation criteria

- 6.1. SPREP will select a preferred consultant on the basis of SPREP's evaluation of the extent to which the documentation demonstrates that the tenderer offers the best value for money, and that the tender satisfies the following criteria:
- 6.2. A proposal will be rejected if it fails to achieve 70% or more in the technical criteria and its accompanying financial proposal shall not be evaluated.

I. Technical Score – 80%

Criteria	Detail	Weighting
Qualification	At least a postgraduate degree in a technical field relevant to environmental science and / or environmental management and planning.	10%

Experience	Demonstrated expertise and strong experience in environmental and social impact assessment and policy development.	20%
	Demonstrated knowledge of the environmental, social and health risks associated with aggregate mining operations and other land and offshore mining operations in Small Island States and in the Pacific Islands.	20%
	Good understanding of the unique environmental and social risk factors faced by Pacific Island Countries.	10%
Technical Proposal / Methodology	Technical proposal outlining methodology and implementation plan demonstrating how the consultant will successfully carry out the activities outlined in the ToR.	20%

II. Financial Score – 20%

The following formula shall be used to calculate the financial score for ONLY the proposals which score 70% or more in the technical criteria:

$$\text{Financial Score} = a \times \frac{b}{c}$$

Where:

a = maximum number of points allocated for the Financial Score

b = Lowest bid amount

c = Total bidding amount of the proposal

7. Variation or Termination of the Request for Tender

- 7.1 a. SPREP may amend, suspend or terminate the RFT process at any time.
- b. In the event that SPREP amends the RFT or the conditions of tender, it will inform potential Tenderers using the SPREP Tenders page (<https://www.sprep.org/tenders>).
- c. Tenderers are responsible to regularly check the SPREP website Tenders page for any updates and downloading the relevant RFT documentation and addendum for the RFT if it is interested in providing a Tender Response.
- d. If SPREP determines that none of the Tenders submitted represents value for money, that it is otherwise in the public interest or SPREP's interest to do so, SPREP may terminate this RFT process at any time. In such cases SPREP will cancel the tender, issue a cancellation notice and inform unsuccessful bidders accordingly.

8. Deadline

- 8.1. **The due date for submission of the tender is: 27 May 2025 midnight (Apia, Samoa local time).**
- 8.2. Late submissions will be returned unopened to the sender.
- 8.3. Please send all tenders clearly marked 'RFT 2025/011: **Consultancy to develop a set of Aggregate Mining Guidelines for the Kingdom of Tonga, READVERTISEMENT**'

Mail: SPREP



Attention: Procurement Officer
PO Box 240
Apia, SAMOA
Email: tenders@sprep.org (MOST PREFERRED OPTION)
Fax: 685 20231
Person: Submit by hand in the tenders' box at SPREP reception,
Vailima, Samoa.

Note: Submissions made to the incorrect portal will not be considered by SPREP. If SPREP is made aware of the error in submission prior to the deadline, the applicant will be advised to resubmit their application to the correct portal. However, if SPREP is not made aware of the error in submission until after the deadline, then the application is considered late and will be returned unopened to the sender.

SPREP reserves the right to reject any or all tenders and the lowest or any tender will not necessarily be accepted.

SPREP reserves the right to enter into negotiation with respect to one or more proposals prior to the award of a contract, split an award/awards and to consider localised award/awards between any proposers in any combination, as it may deem appropriate without prior written acceptance of the proposers.

A binding contract is in effect, once signed by both SPREP and the successful tenderer. Any contractual discussion/work carried out/goods supplied prior to a contract being signed does not constitute a binding contract.

For any complaints regarding the Secretariat's tenders please refer to the Complaints section on the SPREP website <http://www.sprep.org/accountability/complaints>

Annex A: Terms of Reference

Tonga Aggregate Mining Guidelines

1.0 Background

The SPREP Strategic Plan 2017-2026 regional goal 4 states that Pacific people and their environment benefit from commitment to and best practice of environmental governance. The Secretariat of the Pacific Regional Environment Programme (SPREP) plays a key role in assisting member countries to build and develop capacities in addressing environmental challenges resulting from development opportunities such as tourism, mining and infrastructure development through improved policy and planning tools and mechanisms.

SPREP's Strategic Regional Goal 4 is aligned to the European Union programme on "Capacity building related Multilateral Environmental Agreements (MEAs) in African, Caribbean and Pacific (ACP) countries" implemented by the United Nations Environment Programme (UNEP). This is referred to as the ACP MEAs Programme. Having had two previous phases, the ACP MEA Programme is now in its third phase of implementation. SPREP, through the Environmental Governance (EG) Programme implements the activities under the ACP MEAs Programme and coordinates the project implementation team of experts from SPREP's Technical Programmes: Island and Ocean Ecosystems (IOE), Waste Management and Pollution Control (WMPC) and EMG.

The third phase of the ACP MEAs Programme aims to build capacity support to Pacific ACP States and fulfill their obligations as Parties to the MEAs to tackle environmental issues they face. Further, to enhance mainstreaming and implementation of MEAs related to biodiversity and chemicals and waste: mainstream biodiversity in agriculture, management of chemicals and waste, reinforce compliance and enforcement measures, strengthen implementation of the Regional Seas convention. One of the key areas of action under the ACP MEAs Phase 3 programme is the development of national environmental standards and to improve environmental compliance, monitoring and enforcement processes across the region. This is also directly linked to the objectives of the Convention for the Protection of Natural Resources and Environment of the South Pacific Region (1986) also known as the Noumea Convention.

The Tonga Department of Environment has identified a need to update and expand existing environmental and operational guidelines for the aggregate mining industry. Existing guidelines lack adequate control measures, and the operational procedures permitted within property boundary and do not take into consideration the adjacent existing land use and wide range of socio-economic value of limited landed resources, carbon emission contribute to climate change and sea level rises affecting the Small Island State.

Aggregate mining operations are recognised as contributing to national economic development but are known to have significant environmental and socio-economic impacts that must be mitigated by responsible environmental management system and good practices. These impacts include respiratory health issues from dust, disruption of wildlife through noise pollution, land degradation, reduced agricultural yields and forest growth, and pollution from hazardous chemical storage and runoff. The risks of aggregate mining are compounded by their socio-economic effects in the context of Tonga's unique conditions, particularly relating to systems of land ownership and the limited availability of land.

Tonga's key regulatory capacities for enforcing environmental guidelines lie in the *Environmental Management Act 2010* and the *Environmental Impact Assessment Act 2003*. The *Environmental Management Act* establishes the Ministry of Environment and Climate Change and empowers it to investigate or monitor environmental impacts of any activity. The *Environmental Impact Assessment Act* subjects major projects to environmental impact assessment (EIA) and determines that no application for development shall proceed unless it has satisfied appropriate EIA requirements. Procedures for the environmental impact assessment process are detailed in the *Environmental Impact Assessment Regulations 2010*.

To address the risks presented by aggregate mining, the SPREP and the Tonga Department of Environment (DoE) are seeking a consultant to undertake research and complete a series of deliverables including expanded guidelines with an accompanying operating manual, and training for aggregate mining operators and government staff. This project aligns with the *Tonga Strategic Development Framework II, 2020-2025*, which identifies sustainable development as a key strategic priority for the Kingdom. Developing comprehensive environmental guidelines that empower key industries to operate in accordance with sustainable principles is an important part of achieving this goal.

Tonga's existing guidelines for aggregate mining operators include guidelines on appropriate transport of mined aggregate and on the size and depth of aggregate mining operation areas within property bounds. Expanded environmental guidelines will improve on existing guidelines by accounting for a wide range of associated factors including socio-economic analysis of limited land resources, optimal site size, maximum lifetime of mining operations, mitigation of environment and health impacts, required frequency of EIA renewal for aggregate mining operations, protection of adjacent ecosystems and agriculture, and rehabilitation of retired mining sites. The consultant will additionally provide a report outlining policy recommendations to keep aggregate mining operations within Tonga's environmental and economic limits.

2.0 Objectives

The objectives of the consultancy are:

1. To develop best-practice environmental guidelines with an accompanying operating manual for use by the mining operators and environmental assessors, addressing establishment of mining projects and management of impacts during operation and transportation
2. To develop processes for rehabilitation of quarry sites, including restoration of ecosystems or of agricultural productivity; and
3. To deliver a training to inform environmental assessors, aggregate mining operators, and departmental staff, supporting compliance with expanded guidelines for new and existing aggregate mining operations.

3.0 Scope of work

The consultant will be required to work closely with SPREP and the Environmental Impact Assessment Division of the Department of Environment (DoE) in Tonga. The consultant will conduct research into the impacts of aggregate mining operations in Tonga and use their findings to develop expanded guidelines and procedures designed to minimise the impacts of aggregate mining operations. Compliance with the expanded guidelines will be incorporated into Tonga's existing Environmental Impact Assessment procedures and as a requirement for all new and existing aggregate mining operations. The consultant will also provide training to

relevant Government departmental staff, environmental assessors, and aggregate mining operators, and publish an operating manual describing the aggregate mining guidelines and procedures for compliance and monitoring.

The scope of services under this Terms of Reference will consist of four key deliverable items.

- A. **Develop best-practice guidelines for aggregate mining in Tonga.** These guidelines will be incorporated into existing Environmental Impact Assessment procedures for aggregate mining operations, so that all new operations must demonstrate that they are working in accordance with the operating manual. These guidelines should identify key impact parameters for monitoring of aggregate mining impacts, and describe best practice approaches for:

1. Approval and establishment of aggregate mining sites, including site selection, land valuation and accessibility.
2. Operating procedures for monitoring and minimising all environmental and health impacts of quarry sites, including impact on adjacent agricultural plots, dust, volumetric analysis, and run-off effects.

Tonga's unique risks with reference to aggregate mining should be a key consideration, and the consultant should work closely with the DoE to identify Tonga's unique socio-economic and environmental risk factors, especially pertaining to the use, availability, and productivity of land.

- B. **Recommend processes for rehabilitation of quarry sites, including restoration of ecosystems or of agricultural productivity.** These processes will be used to determine required rehabilitation commitments for aggregate mining operators wishing to open new mining operations. They should account for the key socio-economic and environmental impacts from aggregate mining land-use and propose the most effective rehabilitation processes supported by the science.
- C. **Produce a best-practice handbook and operating manual to facilitate compliance with guidelines and support environmental impact assessments.** The operating manual should clearly articulate the guidelines for environmental assessors and aggregate mining operators. It should additionally provide step-by-step operating procedures for ensuring aggregate mining operations remain compliant with the guidelines, including monitoring procedures for key impact parameters, handling of mined aggregate and waste material, procedures for minimising dust and noise, protection of adjacent land, etc.
- D. **Deliver training in best practice procedures for establishment, operation, and retirement of aggregate mining operations to environmental impact assessors and to aggregate mining operators.** These training sessions should offer a comprehensive walkthrough of the contents of the handbook and guidelines developed in items A and B. Staff from the Tonga DoE should also be instructed in how to deliver these best practice training sessions.

4.0 Qualifications and Experience

- At least a postgraduate degree in a technical field relevant to environmental science, and / or environmental management, planning and policy.
- Demonstrated expertise and strong experience in environmental and social impact assessment and policy development.
- Demonstrated knowledge of the environmental, social and health risks associated with aggregate mining and safety operations.
- Good understanding of the unique environmental and social risk factors faced by Pacific Island states.
- Demonstrated experience in developing environmental standards, guidelines and other policy instruments.
- Excellent interpersonal, communication and writing skills in English.

5.0 Schedule of Assignment

The work will be carried out for up to 50 consultancy days over four (4) months.

The consultant shall develop and submit a detailed work plan / schedule for the assignment and distribute the days accordingly among the different tasks. The work plan should consider a blend of working remotely and in-country to produce the required deliverables. The consultant should deliver an inception presentation on the schedule of work to stakeholder's from SPREP and the Tonga DoE, to respond to and incorporate any questions, feedback, or amendments that stakeholders may propose.

The consultant will work from their home base but is expected to undertake **ONE** in-country mission to meet with key stakeholders and provide training sessions in person on the developed guideline. Travel cost **should not be included** in the proposal as this will be discussed and managed by SPREP and Tonga DoE. SPREP will cover return airfare and DSA for **ONE** consultant (should the primary consultant be based outside Tonga).

The budget for this activity is USD\$30,000.

6.0 Institutional Arrangement

The consultancy is commissioned by the Secretariat of the Pacific Regional Environment Programme (SPREP). The Consultant will report to SPREP for contractual and administrative purposes. The Tonga DoE will have local oversight of this consultancy while SPREP maintains overall oversight of the activity.

Due to capacity constraints at the Tonga DoE, it is strongly recommended for the Consultant to engage a local counterpart, approved by Tonga Department of Environment, to assist provide technical advice and inputs, support with stakeholder engagements and other logistics in-country. The local counterpart is expected to be contracted for not more than **30 working days** and will support will include the following:

- Background documents and information relevant to the assignment are readily available and accessible.
- Relevant introductory letters will be issued, and contact facilitated with the relevant stakeholders, as necessary.

- The Department will receive updates about progress made on the assignment and organise conference call meetings with the consultant and SPREP to address any questions or concerns.
- Coordination of Stakeholder Engagement by providing local guidance and related support.
- Participation in structured discussions with the consultant to address any questions or concerns.
- In addition to SPREP, the Department will review draft reports providing feedback to the consultant within fourteen (14) days of submission.

Liaison with the country on planned missions must be conducted and approval sought through SPREP in consultation with the Tonga DoE.