



Ministry of Environment

Republic of Maldives

TERMS OF REFERENCE

(IUL)438-ENV/438/2021/17

**INTERNATIONAL CONSULTANT TO SUPPORT DEVELOPMENT OF AN
OVERARCHING CHEMICALS MANGAEMENT ACT**

“Eliminating Persistent Organic Pollutants Through Sound Management of Chemicals Project”

Issued on: 24th January 2021

Issued By: Eliminating Persistent Organic Pollutants Through Sound Management of Chemicals Project –
Project Management Unit

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SCHEDULE OF CRITICAL DATES

Activity	Action Date
Advertised date	24 th January 2021
Pre-bid meeting	-
Bid clarification deadline	01st February 2021 before 1000hrs
Proposal submission deadline	1100hrs on 03rd February 2021

SUBMISSION REQUIREMENTS

The following related documents shall be submitted for the bids to be considered sufficiently responsive.

Applicants should submit their proposals containing the following documents and applicable Technical Proposal – Standard Forms and Financial Proposal – Standard Forms under ANNEX A.

Technical Proposal – Standard Forms

1. Proposal submission form – (Tech Form 1)
2. A summary of the work plan must be presented in the format in Work Schedule (Tech Form 2) showing in the form of a bar chart the timing proposed for each activity.
3. Curriculum Vitae (CV) of the consultant (required experiences and other experiences relevant to this TOR must be specified clearly or highlighted)
4. Letter of commitment to undertake the project (Tech Form 3).

Financial Proposal – Standard Forms

5. Completed proposal submission form (Fin Form 1)
6. Completed financial breakdown form (Fin Form 2).

1. INTRODUCTION

The Government of Maldives has received funding from the Global Environment Facility (GEF) for the project “Eliminating Persistent Organic Pollutants through the Sound Management of Chemicals”. The Government intends to apply part of the proceeds towards procuring the services of a Legal Consultancy Firm to draft an overarching Chemicals Management Act that covers i) development of standards for chemical classification, labelling, packaging, developing inventory, restricting chemicals of concern, compilation of safety data sheets and preventing industrial accidents arising from chemicals and ii) development of national legal framework to implement the international chemicals Conventions (Basel, Rotterdam, Stockholm and Minamata) that the Maldives is a signatory or a party.

The main objective of this international consultancy is to support the legal firm that will develop the legislative framework for the environmentally sound management of chemicals in the Maldives.

2. PROJECT BACKGROUND

The Republic of Maldives is a Small Island Developing State (SIDS) which faces sustainable development challenges such as small but growing populations, land scarcity, vulnerability to climate change impacts (and other natural disasters) as well as economic development problems due to high transportation costs, lack of adequate infrastructure and lack of industrial development incentives. The Maldives is an archipelago comprised of 1,190 coral islands in 26 atolls over an area of about 750 km on a North-south axis and 120 km on an east-west axis. The land area of the Maldives accounts for about 1% of the Country’s territory. The Maldives islands are low lying land areas with an average height above sea level of 1.8 meters (m).

The country’s population of approximately 400,000 people dispersed across 187 inhabited islands. An additional more than 166 islands have tourist resorts. Waste generation is estimated to be 324,000 tons annually with consisting of approximately 0.5 to 11% of hazardous chemicals and of approximately 3-9% of plastics depending on location and size of the island. The fact that (chemical) waste is being generated on 278 island presents the country with an incredible challenge, as land is very scarce, low lying and transportation of chemicals and waste from island to island is costly and complicated. The inadequate storage options and current disposal practices of hazardous chemicals and waste, especially open burning of waste at dumpsites or disposal near the coastline, make it very likely that these toxic chemicals and waste will end up in the waters and oceans. In the Republic of Maldives, the tourism sector accounts for more than 28% percent of the Gross Domestic Product (GDP) of the economy. Tourists to the Maldives are seeking a pristine environment, not one with polluted waters, degraded coral reefs, waste dumps which are openly burning or waste floating in the ocean. Therefore, the Sound Management of Chemicals and waste, especially the environmentally sound management of Persistent Organic Pollutants (hereinafter referred to as POPs) and hazardous waste, is an important element to achieving environmental sustainability. Further, given the economic importance of tourism to the Maldives, implementing environmentally sound chemical and waste management systems would help decouple growth in the tourism sector from environmental degradation.

To tackle these environmental and human health risks, the Government of the Republic of Maldives through the Ministry of Environment (MoEn) has already taken some steps to try to manage its growing chemicals and waste management problems. Maldives has ratified the Stockholm Convention (SC) on 17 October, 2006 and in accordance to Article 7 of the Convention has submitted its National Implementation Plan (NIP) to the Stockholm Convention Secretariat (SCS) on 18 July, 2017, which covers the initial POPs as well as the new POPs added at the 4th and the 5th Conference of the Parties.

According to this NIP the highest-ranking national Priorities are the following:

- a) First Priority: The Implementation of measures to strengthen the institutional and regulatory framework; which includes the (i) developing legislation for chemicals management; (ii) strengthening institutional capacity; (iii) improving data collection and management systems and (iv) conducting research on the effects of POPs;
- b) Second Priority: Developing an action plan to eliminate PCB-containing equipment and its waste by 2025, which includes the (i) identification, labelling and mapping where PCBs and equipment potentially-containing PCBs are located in the country); (ii) putting in place labelling mechanism for all PCB-containing equipment; (iii) establishing adequate storage facilities for replaced equipment containing PCBs; (iv) formulating guidelines for disposal of equipment-containing PCBs; and (v) disposing safely of equipment containing PCBs.
- c) Reducing the incineration and open burning of wastes (including medical and hazardous waste), which is the source of 98.6% of U-POPs releases in the country- totalling 153.4 g-TEQ/year;
- d) Raising awareness through the development of education curricula and targeted awareness campaigns;
- e) Establishing a standard Chemical Management System, including chemical labelling in multiple languages.

In order to address the above-mentioned barriers the project will focus on addressing regulatory/policy barriers, technical and capacity and knowledge barriers so that the Maldives has a) a better foundation to establish a nationwide environmentally sound Management system to address POPs and highly hazardous chemicals, with b) the adequate coordination of key public, private and community stakeholders, regulatory departments, and centres of expertise, and c) the enhanced capacity of all involved, for the Environmentally Sound Management of Chemicals.

The project is implemented by UNDP as GEF's Implementing Agency and MoEn as national executing agency.

The project is expected to support implementation of the developmental targets and priorities of the Government set out in the Strategic Action Plan (SAP) for five-year period 2019-2023.

3. OBJECTIVE OF THE CONSULTANCY

The main objective of this international consultancy is to provide technical guidance and input to the legal firm and the Project Management Unit in developing the legislative framework for the environmentally sound management of chemicals in the Maldives.

4. SCOPE OF WORK

The consultancy involves provision of technical expertise for development of the following legislation;

An overarching Chemicals Management Act for the sound management of chemicals

- a. Development of standards for chemical classification, labelling, packaging, developing inventory, restricting chemicals of concern, compilation of safety data sheets and preventing industrial accidents arising from chemicals
- b. Development of national legal framework to implement the international chemicals Conventions (Basel, Rotterdam, Stockholm and Minamata) that the Maldives is a signatory or a party.

The tasks to be undertaken by the international consultant under this outline Terms of Reference are to be undertaken in close collaboration with the Ministry of Environment, PMU and relevant stakeholders as necessary, and include the following:

1. Support the legal firm in reviewing the existing legal and institutional framework for the lifecycle chemicals management. This review will:
 - a) Provide analysis of the baseline situation taking into consideration all relevant legislation and rules of procedure governing chemicals in Maldives.
 - b) Highlight the administrative structure and institutional arrangements for chemicals management and implementation of the international chemicals Conventions at three levels of national administration (policy, management, enforcement) to assess gaps and overlaps and inefficiencies in the organization of national administration with a focus on:
 - i. Existing authorities at the three levels
 - ii. Coordination and cooperation mechanisms
 - iii. Available capacity and expertise
 - iv. Information management systems
 - v. Monitoring and surveillance systems
2. Based on the above analysis:
 - a) Identify the main elements that should be considered when developing the legislation and discuss options to address these elements in the legislation
 - b) Propose recommendations to organize the legal and institutional infrastructure governing the sound management of chemicals including arrangements for decision-making, implementation and enforcement nationally.
3. Provide input for the development of technical report on the legal rights and obligations relevant to the Maldives in the Basel, Rotterdam, Stockholm and Minamata Conventions and ensure that legal text is in line with the requirements of the BRS and Minamata treaties
4. Participate in the review meeting/s with the Ministry policy level to identify the required input act accordingly.
5. Contribute to the stakeholder consultation workshop and validation workshops to finalize draft Chemicals Management Act
6. Provide technical input for the draft Overarching Chemicals Management Legislation prepared by Legal firm

5. QUALIFICATIONS AND EXPERIENCE

To be eligible for this assignment the international consultant must demonstrate capacity to undertake the assignment via the successful completion of similar services as mentioned below.

Qualifications of the International Consultant:

1. **Qualification and Skills**
 - Minimum Master's degree in either developmental studies, International Environmental Law, environment, chemistry or toxicology, sustainable development or a related area
 - Proficiency in English is required.
- General Experience**
Minimum 10 years general experience in Environmental sector

2. Specific Experience:

- At least 7 years demonstrated experience working in policy and programmatic issues relevant to chemicals management especially for POPs/Mercury/Other highly hazardous chemicals or in a similar field.
- Understanding of and practical exposure to the institutional framework governing chemical and waste management in middle income countries, countries with economies in transition and Small Island Developing States (SIDS) would be an advantage
- Thorough understanding of recognized principles and elements of effective chemicals management legislation that are used in international Law is desirable

6. DELIVERABLES AND PAYMENT SCHEDULE

Deliverable	Details	Duration	End product	Payment Schedule
Input for Desktop Review Report	Review the desktop study conducted by the legal firm with any relevant stakeholder consultations for identifying the legal and institutional framework, enforcing policies and strategies across the relevant stakeholders (acts or regulations developed to address chemicals management).	7 days	Consolidated review report	20%
Technical Report	Provide input for a technical report on the legal rights and obligations relevant to the Maldives in the Basel, Rotterdam, Stockholm and Minamata Conventions and ensure that legal text is in line with the requirements of the BRS and Minamata convention treaties	7 days	Consolidated technical report	20%
Input for draft legislation	Provide technical input for the Draft Overarching Chemicals Management Legislation prepared by the Legal firm	10 days	Finalized consolidated first draft of legislation	30%
Contribute to the stakeholder consultation workshop and validation workshops to finalize Chemicals Management Act	Providing input to the stakeholder workshops to discuss Draft Chemicals Management Act and validation workshop to finalize the draft	05 days	Submission of stakeholder input and recommendations report and final submission and approval of the Act incorporating the input and findings in consultation with the Ministry.	15%

Provide technical input for the final Draft Overarching Chemicals Management Act prepared by the Legal firm	Providing technical input for the draft chemical management act	05 days	Submission of consolidated final legal draft	15%
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7. WORKING ARRANGEMENT

The consultant will be supervised by the Project Manager and will work closely with Designated official from Ministry of Environment Legal firm hired for the legislation formulation consultancy.

Bi- weekly (every 2 weeks) meetings will be held on a virtual platform with the Project Management Unit and MoEn to update on the progress of consultancy works. The consultant should carry out his/her tasks in accordance with the rules and procedures of the Government of Maldives.

8. SCHEDULE FOR THE ASSIGNMENT

The Consultant will perform his/her assignment with the following timeline:

- S/he will work 34 days within 06 months to complete the assignment
- The expected effective working date is expected to be the legal firm contract signature date and is planned to be in February 2021
- Delays in submissions of deliverables will have impact on the completion of work and release of payment.

9. DUTY STATION

The consultant will work from home, and is required to undertake two one-week mission travel to Maldives during the contract period.

10. QUERIES

For any queries please email to procurement@environment.gov.mv copied to asnan.ahmed@environment.gov.mv before 1400hrs on 7th February 2021.

11. EVALUATION CRITERIA

DETAILS	MAXIMUM POINTS
(ii) Adequacy of the proposed workplan:	[10]
a) Tentative workplan	[10]
(iii) Qualification skills, and experience	[90]
Qualifications and skills <ul style="list-style-type: none"> • [25] points for minimum Master's Degree in either developmental studies, International Environmental Law, environment, chemistry or toxicology, sustainable development or a related area, [05] points for above Master's degree • [5] points for proficiency in English is required 	[35]
General Professional Experience <ul style="list-style-type: none"> • [10] points for minimum 10 years' experience in Environmental sector, [01] 	[55]

<p style="text-align: center;">point for each additional year up to 5 years</p> <p>Specific Professional Experience</p> <ul style="list-style-type: none"> • [15] points for minimum 7 years of demonstrated experience working in policy and programmatic issues relevant to chemicals management, especially for POPs/Mercury/other highly hazardous chemicals or in a similar field, [01] point for each additional year up to 5 years • [10] points for understanding of and practical exposure to the institutional framework governing chemical and waste management in middle income countries, countries with economies in transition and Small Island Developing States (SIDS), demonstrated as work experience (not a minimum requirement) • [10] points for thorough understanding of recognized principles and elements of effective chemicals management legislation that are used in international Law is desirable, demonstrated as work experience. (not a minimum requirement) 	
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Total technical score (s): 100

- The minimum technical score (s) required to pass is: 60 Points, proposal that does not qualify the minimum technical score will be disqualified from further evaluation.
- The formula for determining the financial scores is the following:
 $S_f = 100 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the proposal under consideration.
- The weights given to the Technical and Financial Proposals are:
 $T = [0.6]$, and $F = [0.4]$

12. SUBMISSION

Bid submission	On or before 03rd February 2021 – 11:00 hours local time
Bid opening	03rd February 2021 – 11:00 AM local time. Proposals will be opened in the presence of the proponents’ representatives who choose to be present at the address below at the time of proposal opening.
Submission instruction	Proposals must be delivered in sealed envelopes titled “Do not Open Before 03rd February 2021 11:00 AM - To Support Development of an Overarching Chemicals Management Act” and the submitting party’s name and address Electronic submission is not permitted. Late proposals will be rejected.
Submission address	Procurement Section Ministry of Environment Green Building, Handhuvaree Hingun, Maafannu Male’, 20392, Republic of Maldives Email: procurement@environment.gov.mv Website: www.environment.gov.mv Project name: Eliminating Persistent Organic Pollutants Through the Sound Management of Chemicals

ANNEX A

TECH FORM 1 – Proposal Submission Form

[Location, Date]

To: [Name and address of Client]

Dear Madam/Sir:

The undersigned offer to provide the consultancy service for “**To Support Development of an Overarching Chemicals Management Act**” in accordance with your Request for Proposal dated [xxx]. I am hereby submitting our Proposal, which includes all required documents as per Request for Proposal.

I hereby declare that all the information and statements made in this Proposal are true and accept that any misinterpretation contained in it may lead to our disqualification.

If negotiations are held during the period of validity of the Proposal, I undertake to negotiate. The Proposal is binding upon myself and subject to the modifications resulting from Contract negotiations.

I undertake, if our Proposal is accepted, to initiate the services and fulfil the terms and conditions related this contract.

I understand you are not bound to accept any Proposal you receive.

I remain,

Yours sincerely,

Authorized Signature [In full and initials]:

Name and Title of Signatory:

Name of the individual:

Address:

TECH FORM 3 – Letter of Commitment

[Location, Date]

To: [Name and address of Client]

Re: To Support Development of an Overarching Chemicals Management Act,

Ref no: _____

Dear Sir/Madam,

I am writing to confirm my availability to provide services as a _____ **“to Support Development of an Overarching Chemicals Management Act”** for the Ministry of Environment.

I undertake, if this proposal is accepted, to complete and deliver the whole of the services assigned to me in the scope of services.

I undertake, if this proposal is accepted upon receipt of the Ministry of Environment’s notice, to commence performance of the services with due expedition and without delay.

Yours sincerely,

Name:

Passport /ID card No:

Date:

Signatory:

FIN FORM 1 – Financial Proposal Submission Form

[Location, Date]

To: [Name and address of Client]

Dear Madam/Sir:

I, the undersigned, offer “**to Support Development of an Overarching Chemicals Management Act**” in accordance with your Request for Proposal dated [xxx] and my Technical Proposal. The attached Financial Proposal is for the sum of [Insert amount(s) in words and figures in MVR]. This amount is inclusive of the all local taxes.

The Financial Proposal shall be binding upon us subject to the modifications resulting from Contract negotiations, up to expiration of the validity period of the Proposal.

I understand you are not bound to accept any Proposal you receive.

I remain,

Yours sincerely,

Authorized Signature [In full and initials]:

Name and Title of Signatory:

Name of the Individual:

Address:

FIN FORM 2 – Financial Breakdown Form

No.	Description	MVR
	Total:	
	GST/Applicable tax:	
	Total with GST/Applicable tax:	

Indicate the total cost with detail cost to be paid in Maldivian Rufiyaa (MVR).

Note: The total contract price should be quoted inclusive of Goods and Services Tax (GST) or any applicable taxes as per the Tax Legislation and must be shown in the breakdown.