



Mediterranean
Action Plan
Barcelona
Convention



2.1
Mediterranean
Coastal Zones Climate
Resilience Water Security
and Habitat Protection



PRIORITY ACTIONS PROGRAMME REGIONAL ACTIVITY CENTRE
SPLIT, KRAJ SV. IVANA 11

INVITATION TO TENDER

PROCUREMENT SUBJECT: Consultant to prepare the
Law on coast and sea for Bosnia and Herzegovina
in the framework of the GEF MedProgramme Child project 2.1

SIMPLE PROCUREMENT
Reference number 9/GEF/2024

Split, May 2024

1. GENERAL INFORMATION

1.1. Client information:

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

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

PIN : 27788012253

Telephone number: +385 (21) 340470

Website: www.paprac.org

1.2. Contact person: Questions concerning the tender contents and format can be sent to the person in charge of communicating with Tenderers, Marko Prem, e-mail: marko.prem@paprac.org

1.3. Procurement type: Simple procurement

1.4. Estimated procurement value: Procurement value is estimated at USD 5.500,00 without VAT.

2. INFORMATION ON THE PROCUREMENT SUBJECT MATTER

2.1. Introduction

The preparation of the Law on coast and sea for BH is a follow up activity of the UNEP/MAP project, namely the CAMP BH project that has been completed in December 2023. It is implemented in the framework of GEF MedProgramme Child Project 2.1 which provides support to the countries for ratification and implementation of the ICZM Protocol. The goal of this work is to enable favourable conditions for the implementation of the ICZM Protocol in the fields of legal framework. This procurement is fully funded by the UNEP budget, GEF project MedProgramme Child Project 2.1, on the basis of Project Cooperation Agreement PCA/20/MAP/A2938 between UNEP and PAP/RAC. This procurement is carried out in accordance with the Article 29 of the Public procurement law.

The implementation of the CAMP BH project achieved significant results, i.e. several extremely high-quality and important documents related to the coastal area of BH were produced, of which we particularly emphasize the importance of the "Analysis of the legal framework in BH in relation to the protocol for Integrated Coastal Area Management (ICZM)" and the "Coordinating Mechanism for ICZM in BH", which were created with the aim of ratifying and implementing the ICZM Protocol in BH.

The CAMP BH project area included the entire coastal zone which belongs to a single coastal municipality - Neum. The area is composed of a terrestrial part with a total surface of 226 km², and of a marine part of 12,2 km². This municipality belongs to one of the ten cantons of the Federation of Bosnia and Herzegovina namely the Herzegovina-Neretva canton.

The CAMP B&H Steering Committee provided the overall guidance for the Project. This body was composed of members of the Ministry of Foreign Trade and Economic Relations (MFTER) of Bosnia and Herzegovina, Priority Actions Programme Regional Activity Centre (PAP/RAC), National Focal Point (NFP) for the Barcelona Convention, Federal Ministry of Spatial Planning, Federal Ministry of Environment and Tourism, Herzegovina - Neretva County and Municipality of Neum. The Neum Municipality ensured that logistical preconditions for the effective co-ordination, integration and dissemination of Project results were met.

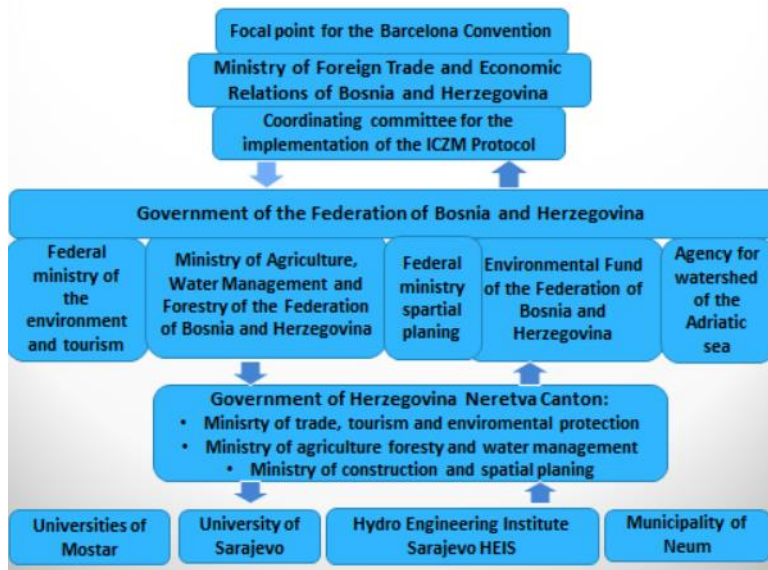


Figure: *Proposed Coordination mechanism for ICZM Protocol in BH*

The 4th meeting of the Steering Committee for the CAMP BH project gathered on 19th December 2023 in Sarajevo at the premises of the MFTER. The meeting discussed and adopted the Final Project report and the results of all CAMP activities. The Final report and all reports of all outputs have been submitted to the BH entities for comments and approval. Finally, all CAMP documents will be submitted to the Council of Ministers for approval.

The meeting discussed the way forward and agreed that the inauguration of the proposed Inter-Ministerial Committee for ICZM, the ratification of the ICZM Protocol and the preparation of the Law on coast and sea are three very important activities that will enable the country to cope with challenges of coastal zone management in the future. These activities are fully in line with the GEF MedProgramme Child Project 2.1 that will assist the country to prepare the Law on the coast and sea. The Law, once adopted, will formalise also the proposed coordination mechanism for ICZM in BH. By then the proposed members will be involved through consultations during the preparation of the Law.

2.2. Description of the procurement subject matter

The task will consist of the following:

a) The draft Law should take into account the Barcelona Convention and its relevant Protocols and in particular the ICZM Protocol as well as the relevant Decisions of the Contracting Parties meetings such as the Decision on Marine Spatial Planning (December 2023, Portoroz). Also, the EU Directive on MSP and other documents should be taken into account dealing with the coastal and marine areas in an integrated way. Examples of good practices from the Mediterranean and other countries should be taken into consideration for example those from the Comparative Analysis of the Coastal Legislation undertaken in the framework of the GEF MedProgramme Child project 2.1, which resulted with a set of recommendations for coastal legislation.

The draft Law should be clear in its structure and contents, consisted of Articles and an explanatory note to each article. It should deal with current issues but should take into consideration some future challenges. The consultant should work closely with the relevant ministries in BH and with PAP/RAC and will present the draft Law for discussion and comments to the members of the coordination mechanism for ICZM in the country.

Deliverables: Draft Law on coast and sea for BH and the Report of consultation with the members of the coordination mechanism for ICZM

b) In addition, as BH is in the process of ratifying several legal instruments of the Barcelona Convention, assistance to MFTAR related to the ratification process for the Barcelona Convention and its Protocols will be provided including the ICZM Protocol. This will consist of some specific requests of the Ministry proposing ratification to the BH parliament such as interpretation of some articles and their meaning for the BH context. The Report prepared under the CAMP BH project namely "Analysis of the Bosnia and Herzegovina legal framework in relation to the provisions of the Mediterranean ICZM Protocol" is a good reference to support this process.

Deliverables: Final Law on coast and sea for BH and the Report on assistance provided to MFTAR on ratification

2.3. Deliverables and deadlines

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

Deliverables	Deadlines
1. Draft Law on coast and sea for BH and the Report of consultation with the members of the coordination mechanism for ICZM	20 November 2024
2. Final Law on coast and sea for BH and the Report on assistance provided to MFTAR on ratification	21 February 2025

The above-listed deliverables shall be written in English in an electronic form on a PC compatible programme (Word for Windows).

3. ELIGIBILITY OF ECONOMIC OPERATORS (SELECTION CRITERIA)

3.1. Technical and professional capacity

The Tenderer shall prove it has the following qualifications:

- Education: higher education in the field of law (environmental law).
- Experience: 7 years of experience in the field of laws development (drafting, providing comments to draft laws), lecturing law, negotiations on law preparation (including international cooperation and experience such as negotiations on international agreements)
- Written and oral fluency in English.

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

j) The Tenderer's curriculum vitae (CV), clearly highlighting, among others, required technical and professional qualifications.

4. INFORMATION ON THE TENDER

4.1. Tender contents and format

The tender offers must include the following documents, which are to be completed following the guidelines provided in this Invitation to Tender:

- Curriculum vitae** of the Tenderer, proving required technical and professional capacity;
- Tender sheet** signed and filled in according to this Invitation to Tender (Annex 1);
- Cost statement** signed and filled in according to this Invitation to Tender (Annex 2);
- List of projects verifying expertise (see chapter 5) of the Tenderer** (Annex 3);

4.2. Tender format and submission

Tender proposals must be drafted according to the requirements laid out in the Invitation to Tender and submitted electronically to the following email addresses: paprac@paprac.org and marko.prem@paprac.org with the subject line - "Law on coast and sea for BH".

4.3. Date, time and place of tender submission

Tender offers must be received **by 31 May 2024, 1 pm CEST**.

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

4.4 The Tenderer may amend or withdraw his Tender before the Tender submission deadline. The amended Tender shall be submitted in the same manner as the original and clearly marked as amended. The Tenderer may withdraw his Tender by submitting a written statement before the Tender submission deadline. The written statement shall be submitted in the same manner as the original Tender and clearly marked as a statement of Tender withdrawal. Alternative Tenders are not permitted.

4.5. Tender currency: US dollars.

The Tenderer currency shall be expressed in USD (\$).

4.6. Language and script: The Tender shall be drafted in English language, using the Latin script.

4.7 Period of validity: The offer must remain valid for a minimum of 15 days after the tender submission deadline.

4.8. Price setting method

Tenderers based in the Republic of Croatia who are registered under the VAT system are required to complete the VAT field in Annex 1 and Annex 2. Other tenderers should leave this field blank in both the 'Tender Sheet' and the 'Cost Statement Sheet' (Annex 1 and Annex 2)

Evaluation:

During the evaluation of Tender proposals, the Client will consider the total price inclusive of VAT (as specified in Annexes 1 and 2).

Expense Inclusions:

The Tender price excluding VAT should include all expenses, including taxes (up to 34% for individual consultants/experts under the Croatian Act on Income Tax), as well as any applicable discounts.

Supplementary Charges:

Transport and accommodation expenses associated with the Tender (if applicable) are not part of the aforementioned amount and will be covered by the Client as supplementary charges.

Any supplementary expenses, such as daily subsistence allowances (DSA) linked to the Tender, should be integrated within the Tender price.

5. AWARD CRITERIA

The Tender will be awarded according to the **most economically advantageous tender (MEAT) criteria**.

The following table sets out the criteria, units of measure, labels and their relative importance. They will be applied to Tenderers who satisfy technical and professional capacity criteria set in ch 3.1. The MEAT award criteria are the following:

- proposed price (Annex 2);
- expertise of the Tenderer (Annex 3); and

Determining the MEAT according to the above criteria for selecting the MEAT will be done as follows: after the Client has determined the score value by individual criteria for each Tenderer, the points awarded to Tenderer according to each of the criteria will be summed in order to obtain the total number of points for each Tenderer. The most favourable Tenderer will be the one who has earned the highest total score according to all the above criteria.

At that, the MEAT is equal to the highest total score resulting from the ranking of the Tenders; the total maximum number of points is 100.00 with the total points being calculated in two decimal places. In case that two or more Tenders achieve equal number of points, the one received earlier will be chosen. As a proof, data will be used on the order in which tenders have been received.

Criteria	Criteria label	Description and measuring unit	Methodology	Number of points	Maximum
Price	P	The Tender price, i.e. the financial Tender amount in USD including VAT, if applicable	C = (lowest bid price/bid price being evaluated) x 40	40	40
Expertise	E	Number of projects related to laws development (drafting, providing comments to draft laws/international agreements) , in which the tenderer was involved as the expert/coordinator	1 - 2	20	60
			3-4	40	
			More than 4	60	

Selection of the most economically advantageous Tenders (ENP) will determine the basis for evaluating the criteria for each individual Tender according to the delivery of the requested Tenderer's documentation in the appropriate form: **ENP = P + E**.

For the purposes of establishing the grounds set out in item 5. of the Invitation to Tender, the Tenderer shall submit the following in his/her Tender:

- i. **List of projects verifying the expertise of the Tenderer** (Annex 2); and
- ii. **Cost statement** (Annex 3).

6. DUE DATE, CONTRACT DURATION AND TERMS OF PAYMENT

The Client shall make the payment to the Tenderer in one instalment upon submission of the deliverables and clearance by PAP/RAC.

An advance payment by the Client is not permitted.

Due date: The envisaged duration of the contract is 21 February 2025.

Annex 1 - Tender sheet

Client: Priority Actions Programme Regional Activity Centre (PAP/RAC), Kraj Sv. Ivana 11, 21000 Split, Croatia

Procurement subject: Consultant to prepare the Law on coast and sea for Bosnia and Herzegovina in the framework of the GEF MedProgramme Child project 2.1

Tenderer information:

Tenderer's name and registered seat	
PIN¹	
Bank name	
IBAN	
SWIFT	
The economic operator is VAT registered (select)	YES NO
Name, family name and position of a person / persons authorised to sign the public procurement contract	
Name and title of the contact person:	
Mail address:	
E-mail address:	
Telephone number:	

Tender price in USD:

Tender price, excluding VAT (USD)	
VAT (25%) ²	
Total tender price with VAT (USD)	

Tender validity date ³ :	
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Date:

For the Tenderer:

Full name and signature of the
legal representative

¹ Or national identification number according to the economic operator's country of establishment, if applicable

² Economic operators registered in Croatia who are not part of the VAT system and economic operators registered outside the Republic of Croatia should leave the respective column blank.

³ Please refer to the Chapter 4.7 Tender validity date

Annex 2

Cost statement

Technical description and cost statement for the Consultant to prepare the Law on coast and sea for Bosnia and Herzegovina in the framework of the GEF MedProgramme Child project					
2.1					
No.	Deliverable description	Unit	Quantity	Unit price in USD (excluding VAT)	Total price in USD (excluding VAT)
1	Draft Law on coast and sea for BH	set	1		
2	Report of consultation with the members of the coordination mechanism for ICZM	set	1		
3	Final Law on coast and sea for BH	set	1		
4	Report on assistance provided to MFTER on ratification	set	1		
Tender price in USD, excluding VAT (total unit amount):					
VAT amount in USD (25%) ⁴ :					
Total Tender price in USD, inclusive of VAT:					

Place: _____

Date: _____

Full name of the legal representative

Signature of the legal representative

⁴ Please refer to the Chapter 4.7 Tender validity date

Annex 3

Practical experience verifying expertise of the Tenderer

Relevant experience of the tenderer- expert (*Name and Surname*) _____, related to laws development (drafting, providing comments to draft laws/international agreements) in which the Tender was involved as a key expert/coordinator:

No ⁵ .	Experience (name of the project or other type of engagement)	Role of the expert	Year
1.			
2.			
3.			
4.			
5.			
6.			

Place: _____

Date: _____

⁵ Add rows, as necessary