CLARIFICATION QUESTIONS

RFT: 2026-042
File: AP_5/4/11
Date: 16 October 2026
To: Interested Service Providers
Contact: Procurement Unit (procurement@sprep.org)

Subject: Request for tenders (RFT): Guidelines for Identifying, Recognising and Strengthening Coastal and Marine Other Effective Area-based Conservation Measures (OECMs) in Pacific Island region

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Question 1:

Depth and breadth of scope:

The RFT lists 18 eligible Pacific Island Countries and Territories (plus Cook Islands), while imposing a strict maximum budget ceiling of USD 72,440. The RTF notes that the inception phase will assess the feasibility of complete jurisdiction coverage vs. a sampling/tiered approach. (a) Does SPREP have a preferred target number of countries/territories for primary/in-depth analysis versus broad desk review within this budget cap? (b) Does SPREP have any documents on hand, as this would reduce the time needed to find materials for each country?

Response:

a) We acknowledge that the TORs are detailed and quite ambitious with regards to the budget allocated for this activity, however as regional guidelines it is not expected to carry out an in-depth analysis for all countries and territories eligible under the Pacific Ocean Initiative (the list was primarily provided to clarify eligibility criteria as needed). The inception phase will therefore be important to further refine and agree on the scope of work and assess the feasibility and relevance of the approach. There is no specific target number of countries/territories for in-depth analysis, noting the idea is that the regional guidelines:
    1. Grasp the diversity (not necessarily representativeness) of various contexts and situations, especially between Melanesia, Micronesia and Polynesia sub-regions.
    2. Build on successful (and maybe unsuccessful) examples to draw lessons and develop practical case studies.
b) SPREP will support and provide any documents that are relevant for this work, following the inception meeting where a list of relevant documents will be discussed and consolidated.

Question 2:

Expectations on in-country travel:

Travel is expensive in the Pacific Island region, especially given the current global fuel crisis. We note that any travel must be covered within the USD 72,440 total budget. Is in-person field travel strictly expected in specific sub-regions (Melanesia, Micronesia, Polynesia), or does SPREP encourage a primarily virtual consultation approach supplemented by regional events?

Response:

Although the guidelines aim to be as comprehensive and useful as possible, in-person field travel is not necessarily expected in any specific area or sub-region. SPREP encourages virtual consultations, supplemented by regional or sub-regional events and meetings that can be utilised for in-person consultations and exchanges. SPREP will assist in identifying and facilitating opportunities to conduct in-person consultations and exchanges based on key meetings and events planned in 2027.

Question 3:

SPREP assistance with in-country contacts:

The methodology highlights extensive consultations across governments, customary leaders, local communities, small-scale fishers, and rightsholders. (a) Will SPREP provide focal-point introductions or existing contact lists through their networks, or is the consultant expected to source all national and local contacts independently? (b) Is there an expectation regarding the number of people to be consulted per country (given the number of countries listed in the TOR)? (c) Given the budget cap will limit (or may prevent) travel, and the time and costs it takes to visit local communities and Indigenous leaders (across 19 countries) many of which may be in rural areas without access to technology, how feasible is it to achieve this, and be fair in terms of who we engage with? Without a substantial budget and time for this, any engagement of customary leaders, local communities, small-scal fishers and rightsholders is likely to be tokenistic and pose a reputational risk for SPREP.

Response:

a) SPREP will provide focal point introductions by way of circular to its member countries and territories, also requesting that national focal points and partners can assist where needed with relevant local contacts. In addition, we also encourage consultants to suggest a list of key contacts and informants who would be beneficial as part of these consultations. The overall list will be consolidated with SPREP during the inception phase.
b) There is no specific expectation regarding the number of people to be consulted per country, nor it is expected to consult national and local stakeholders in every country and territory. The number of people or organisations consulted should not be a yardstick, rather key people or organisations who are engaged or lead in driving and/or implementing national policies within respective countries.
c) Fairness in terms of who to engage with - within the available budget - is an important observation and consideration at all engagement levels. It is indeed not feasible to engage local stakeholders in an extensive way as part of this work, the related item within the methodology section was mostly to provide guidance in case consultations with local communities and stakeholders were included in the technical proposal, not a requirement per se considering that Pacific Island Countries and Territories are the primary target audience of the regional guidelines. As mentioned above, consultants could develop a list of key stakeholders/organisations they expect to engage, and this list would be jointly reviewed and consolidated during the inception phase.

Question 4:

GIS Data Provision:

The RFT requires integrating spatial datasets and developing a consent-based data-governance protocol for potential OECMs. (a) Will SPREP or regional partners (e.g., Pacific Environment Portal) grant access to existing spatial layers, or is the consultant fully responsible for sourcing, aggregating and hosting GIS datasets? We ask this, because we know in our own country, Fiji, getting customary fishing ground boundaries may require government approvals (often at high level which can take time to secure). Some of the data may be sensitive and belong to communities, which makes obtaining information on community area-based management efforts challenging and inappropriate for a consultant to have.

Response:

The consultancy will not necessarily need to access spatial datasets but develop guidelines based off the IUCN OECM Guideline on how to handle spatial datasets and how it relates to FPIC and data consent, noting the sensitivity around customary fishing grounds etc. (for example, if a community refuse/decline to supply GIS data but still want to record their site as OECM, what would be some options moving forward?).

In addition, this analysis could benefit from and build on the information available on the Pacific Islands Protected Area Portal (PIPAP), which aggregates lots of key data and spatial information, including proposed, designated, or established Protected Areas, Community Conservation Areas, Key Biodiversity Areas, etc.

Question 5:

Legal analysis

(a) Is the legal analysis expected to cover all 19 countries, or a minimum number of countries?
(b) The RFT requires examining national legal frameworks, policies, strategies, and regulatory instruments. If a legal analysis had to cover such a wide range of legal instruments across 19 countries, this would be a costly exercise, especially if there was an expectation of engaging law experts with a legal background (who are not cheap). Is there an expectation of a qualified legal expert to lead this component?
(c) Would SPREP provide all the legal documents for all the countries, or would the consultants need to include time to do all the searches? This is important for budgeting time for this activity.

Response:

a) The "legal and policy review" may differ from a legal analysis as such and is not expected to cover all countries and territories. As mentioned in item 1, the objective is mostly to address and analyse the variety of situations and "institutional regimes" with regards to coastal and marine OECMs, including legal frameworks and regulatory instruments, to provide guidance and recommendations which can be tailored to national circumstances and mechanisms. To do so, a minimum number of 5 to 6 countries and territories would be a suggestion, to be further discussed and agreed during the inception.
b) In line with the above, the consultancy is not expected to have a qualified legal expert as such to lead or carry out this component. As a suggestion, the Pacific Network on Environmental Law (a PIRT working group) could be consulted or associated to support.
c) SPREP will collaborate and assist in searching and compiling existing documents for the countries where the legal analysis/review has been discussed and agreed. The consultancy could also draw on existing studies and reports to this component of the work. For example,

many countries have finalised - or are finalising - their NBSAPs and 7th National Reporting, which provide some background to how 30 x 30 work is advanced. In addition, the UNDP-led BIOFIN project, especially the legal and institutional review component, could supplement this work.

Question 6:

We have strong concerns that the budget is inadequate for national level analysis of costings for OECMs. Having paid for this type of work to be done for Fiji for the Protected Areas Committee, just covering Fiji now almost 10 years ago cost around NZ$50,000 plus additional in country visits to gather the core costs needed to calculate the costs of designing, establishing, implementing and monitoring OECMs. This type of work requires managers to define how much MCS, how much monitoring, how much capacity, etc they want to invest to start to calculate this cost. The cost of implementation is not fixed, as it depends on what and how much a managing agency invests in design, esstablishment and implemention and monitoring. There are start up costs and ongoing costs, and this requires knowing the resources and infrastructure already in place to calculate. In my experience, this work requires specialists and incountry visits to get reasonably accurate figures. (a) Please provide guidance on the required accuracy of the figures, given the above context I have provided for doing this type of work. (b) Could case study from one country where financial analyses have been done, used as a case study for others?

Response:

a) More than accurate figures, the idea would be to provide a matrix or assessment tool to conduct such analysis of costings for OECMs, ideally building on some case studies and reports who assessed the costs and incentives of protected and conserved areas (and their relevance or potential adjustments with regards to OECMs) within the Pacific Island region.
b) Case studies would therefore be a good approach to build on and provide some figures/ranges of for OECMs compared to actual LMMAs and other marine managed or conserved areas.

We hope this provides some clarification and thank you again for your interest in this RFT.

Question 7:

May an overseas individual specialist participate as a defined technical subcontractor or team member under a qualified consulting-team lead, without being an incorporated tendering entity?

Response:

Yes, assuming all the requisite steps as outlined in section 7 on Subcontractors are complied with, please see section "7.- Subcontractors" in Schedule 2 (STANDARD TERMS AND CONDITIONS – SERVICES) within the Contract_Services_2026-042.pdf template.

Question 8:

Do the TOR and contractual terms distinguish a contractor's independently developed/background IP and tools from commissioned project deliverables? We would not offer ownership of our underlying architecture.

Response:
Yes - please see “section 12. Intellectual Property Rights” in the Contract of Services template:
12.1. Pre-existing Intellectual Property Rights remain the property of their current owner.
12.2. New Intellectual Property Rights in the Deliverables become the property of the Buyer when they are created.
12.3. The Supplier grants to the Buyer a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in the Deliverables that are not owned by the Buyer. This licence includes the right to use, copy, modify and distribute the Deliverables.

Question 9:
Are nationality/residence restrictions applicable to an external team member, and where is the authoritative TOR/contract available if the website's PDF attachments cannot be retrieved?

Response:
There is no specific restriction related to nationality/residence.
The authoritative contract template is available as part of the RFT documentation, please see Contract_Services_2026-042.pdf .