

# **REQUEST FOR PROPOSALS**

**Generating Guidance on the Implementation of CITES Source Code Y for Tree Species in North America and Conducting Non-Detriment Findings (NDF) for These Species**

for the project

**Strengthening the Implementation and Effective Enforcement of CITES for Timber in North America**



**Commission for Environmental Cooperation**

**2022**

## I. Overview

The Commission for Environmental Cooperation (CEC) is requesting proposals from prospective consultants related to coordinating information exchanges and developing additional information to guide CITES Parties evaluating whether plants are obtained from assisted production (according to CITES definitions for source code Y) and for making non-detriment findings (NDF) for these species. This, with the objective of improving the capacities of those in charge of CITES implementation and support scientific evaluation to determine—and promote—the sustainability of arboreal species under this code. Specifically, the consultant will be expected to:

- Facilitate the exchange of information on commercial and biological methods applied for conservation and management of CITES timber species.
- Organize and conduct a workshop and other consultations, as needed, to develop guidance on CITES source code Y implementation and conducting non-detriment findings for tree species under this source code.
- Publish a report of the findings, guidance, and tools on the implementation of CITES source code Y and NDFs, based on the workshop outcomes. The report should also include recommendations to address the challenges arising from the agreements established at CoP18 on the proper implementation of CITES

The Commission for Environmental Cooperation (CEC) was established in 1994 by the governments of Canada, the United Mexican States (Mexico), and the United States of America (United States) through the North American Agreement on Environmental Cooperation, a side agreement concluded in connection with the North American Free Trade Agreement (NAFTA). As of 2020, the CEC operates in accordance with the Environmental Cooperation Agreement, which entered into force at the same time as the new trade agreement known as CUSMA, T-MEC and USMCA in each of these three countries, respectively. The CEC brings together a wide range of stakeholders, including the general public, Indigenous people, youth, nongovernmental organizations, academia, and the business sector, to seek solutions to protect North America’s shared environment while supporting sustainable development for the benefit of present and future generations. Find out more at: [www.cec.org](http://www.cec.org).

The CEC’s Council, its governing body, approved the project “Strengthening the Implementation and Effective Enforcement of CITES for Timber in North America” as part of the 2021 Operational Plan with the purpose of developing information on CITES enforcement relevant to the trilateral North American context, enhancing the capacity of enforcement officials to identify CITES timber species reaching North American borders, exploring methods and systems for tracking timber species in trade, and supporting scientific assessment of a new CITES source code related to timber species. These efforts will strengthen communication and coordination between key actors on CITES implementation throughout North America, provide them with invaluable information to strengthen CITES enforcement, and contribute to addressing the root causes of illegal trafficking of timber species. For a complete description of the project, including tasks and related budget, please visit the CEC website at: <[Strengthening the Implementation and Enforcement of CITES for Timber \(cec.org\)](http://www.cec.org)>. The detailed project description is available on [Appendix I](#) of the 2021 Operational Plan.

## II. Terms of Reference

### A. Overview and Scope

The [North American Action Plan on Sustainable Timber Trade](#), including recommendations emanating from consultations with experts and interested sectors, seeks to address current challenges in effective implementation of CITES regarding priority timber species for the three countries. The CEC can help strengthen the implementation of CITES Appendix II on timber species in North America by leveraging the knowledge and management roles of scientific authorities, enforcement officers and other relevant experts, bringing them together to address specific needs for the development of activities that allow the correct application of CITES. During the 18th Conference of the Parties to CITES (held in Geneva, Switzerland, in August 2019), changes were presented that impact the implementation of the Convention, such as the establishment of a new intermediate source code Y that covers production systems falling between the strict codes “A” (plants that are artificially propagated) and W (specimens taken from the wild). Source code Y will now apply to plant specimens that meet the definition of plants obtained through assisted production as well as parts and derivatives thereof, according to Resolution Conf. 11.11 (Rev. CoP18).

We thus seek to improve cooperation between the countries of the region and interested sectors, through actions such as: 1) identification of CITES timber species under the assisted production scheme (source code Y) in North America; 2) collection, generation, and exchange of biological, methodological, and management information regarding the identified species/areas under this reproduction scheme; and 3) development of capacities for the correct implementation of regulations in place for source code Y species/areas under harvest and trade.

## **B. Description of Services**

The consultant shall coordinate with the CEC’s designated contacts to accomplish the following:

1. Promote the exchange of information on timber species that are managed under the assisted production scheme (source code Y of CITES) within North American countries and other countries identified by the project’s Steering Committee as relevant. This is to be accomplished in order to generate guidelines that will ensure the correct implementation of CITES in the face of the new challenges that arose after CoP18 and that favor the conservation and sustainable use and trade of these species.
2. Identify CITES timber species under the assisted production scheme (source code Y) and the areas in which these are managed in the region, through consultation with experts and authorities, and research based on available information from different sources.
3. Compile information on CITES species identified for management under the assisted production scheme. This compilation must include information on:
  - Their biology, trade, and management,
  - Improvement opportunities to be addressed in future capacity building efforts on the implementation of source code Y,
  - National legal framework and regulations specific to the species identified under this source code.
  - Analysis and description of the methodologies used for applying this scheme, the advantages, and disadvantages of its application.
  - Best practices for the conservation and management for species under source code Y, according to relevant regional or national organizations, if applicable.
  - Mechanisms in place to verify if the wood intended for exportation has been produced through an assisted production scheme.

4. Plan, organize, and facilitate a trilateral in-person workshop to develop guidelines on source code Y implementation and to formulate non-detriment findings (NDF). This workshop should include researchers, experts, producers, representatives of the industry, law enforcement officials, and CITES authorities, among others. The participants will be expected to share information and experiences, as well as the rationale, methodologies, and tools used for implementing assisted production in priority timber species/areas, to strengthen the implementation of CITES and other regulations in place in the region. The consultant must carry out the following activities:
  - a) Prior to the workshop and based on the analysis of the compendium of information and consultation with key stakeholders, prepare draft proposals for discussion during the workshop of the guidelines on source code Y implementation and non-detriment findings (NDF) formulation, as well as improvement opportunities.
  - b) Identify and map the key actors involved in the harvesting, study, management, regulation of and trade in the species identified in service 2, above, to propose a list of participants for the workshop.
  - c) Develop a work agenda proposal and, in consultation with the relevant authorities and the CEC, define the dynamics and methodology for the workshop (plenary sessions, working groups, etc.) according to identified needs.
  - d) Invite key actors, approved by the Steering Committee and the Secretariat, to present their experiences on relevant topics for the workshop (e.g., work with timber species under the assisted production scheme; best management practices; work with management areas (e.g., Management Units for Conservation of Wildlife—UMA, forest units, and other relevant actors/stakeholders, etc.).
  - e) Provide general guidance on the content of the workshop presentations, in line with the objectives and schedule of the workshop.
  - f) Facilitate and supervise the development of the workshop in coordination with the designated Steering Committee of the project and with support of the CEC.
  - g) Prepare a workshop report (list of participants, objectives, development, results, conclusions, and recommendations)
  
5. In consultation with relevant authorities, as advised by the project's Steering Committee, develop recommendations for strengthening capacities in North America for the management of CITES timber species under the assisted production scheme. These recommendations should focus on, among other things, maintaining updated maps showing the specific location of these species and improving the method used by North American authorities to record areas with species managed under this scheme. Some elements to be considered within such recommendations could include:
  - Objectives, goals, and actions, specifying institutions responsible for each of the activities, and a planned schedule for their execution.
  - List of the CITES timber species managed under the assisted production scheme in North America.
  - A diagnosis of attributions of different institutions and stakeholders involved in the regulation, management, harvesting, trade, and conservation of these species.
  - Identification of priorities concerning capacity development needs of local communities in North America managing CITES timber species under code Y.
  - Relevant stakeholders and key actors to be targeted by the capacity development strategy, including but not limited to nongovernmental organizations, government agencies, academia, and relevant forest communities.

6. Prepare the partial reports and the final report, including the results, recommendations and proposals derived from each activity undertaken, as well as any established agreement. Prepare the reports in accordance with the provisions of the "Periodic Reporting Requirements" section, below.

This information will be used by the three countries to inform the implementation of CITES source code Y and for conducting NDFs. It will be shared with the rest of CITES parties in order to contribute to a better, worldwide implementation of the Convention.

The consultant should consider other ongoing work on source Code Y and related NDFs that could be relevant to the project. Such work can be part of (but not limited to) the activities carried out since the 18<sup>th</sup> Conference of the Parties of CITES.

### C. Periodic Reporting Requirements

Throughout the project, the consultant will work in close collaboration with the CEC, the project's Steering Committee, and experts to gather information to support delivery of the work. The consultant may consult directly with government officials and other experts, as needed. However, the consultant shall report only to, and receive direction only from, the CEC designated staff.

Report	Information	Date
First Report	A report on the exchange of information between countries of the region and other relevant ones, the list of arboreal species listed in CITES, identified under the assisted production scheme (code Y) (points 1 and 2 of Description of Services), and the compendium of information (point 3 of Description of Services)	Fourth month
Second report	Draft proposals on the workshop program, dynamics, logistics and materials, like the guidelines on source code Y implementation and non-detriment findings (NDF) formulation, as well as improvement opportunities (point 4, paragraph a to e of Description of Services).	Seventh month
Workshop	Regional workshop implementation and facilitation (point 4 paragraph f of Description of Services)	Ninth month
Final Report	Workshop report including final version of guidelines on source code Y implementation and NDF (point 4 paragraph g of Description of Services), and recommendations to strengthening capacities (point 5 of Description of Services)	Tenth month
Final Publication	Manual/guidelines for formulating NDFs for species managed under the assisted production scheme (source code Y) Public version of the project report	Twelfth month

The CEC Secretariat will forward draft deliverables to the project's Steering Committee and other experts, for their review and comment. The CEC Secretariat will arrange teleconferences with the consultant, the CEC designated staff, and other experts on an as-needed basis. The goal of these meetings will be to present the products and assess progress on the project.

The consultant will prepare short monthly status reports that summarize the following:

- progress in previous month;
- current status;
- anticipated progress in upcoming month;
- potential problems, with description of and reasons for any delays; and
- actions that should be taken by the CEC Secretariat to facilitate the project.

These reports are to be sent to the CEC designated staff by the end of each month, by e-mail.

The consultant will work in his or her own offices.

#### **D. Quality of Deliverables**

The consultant is responsible for providing deliverables of **publishable quality** (i.e., copy-edited prior to submission) in English when applicable, for the technical editing of the materials. The consultant will submit to the CEC Secretariat all written material (including complete drafts and final reports) in Microsoft Word, following the format of the CEC's [Report Template](#) and adhering to the precepts of the [Guidelines for CEC Documents and Information Products](#), as supplemented by the CEC's English [Style Guide](#). Supporting documents for tables, figures and maps will be submitted with the report in their original file format (e.g., Excel or ArcGIS). Note that all amounts shall be presented in metric units. The CEC Secretariat will be responsible, when applicable, for translation, printing, publication and distribution of products from this activity.

Upon delivery by the consultant of a final version of the report or other written materials under the project, the CEC reserves the right to a 15-business day period to review the document(s), notify the consultant of any potential issues or errors, and return the document(s) to the consultant for appropriate corrections, at no extra cost. In all cases, contract payments will be withheld if products submitted to the CEC fail to fulfill the quality and formatting requirements specified above. In the event that the consultant neglects to make the required corrections or if, following corrections, a deliverable remains unsatisfactory, the document shall be edited or revised by a third party designated by the Secretariat, the cost of which shall be deducted from the consultant's fees at a rate of C\$60 per hour.

#### **E. Plagiarism**

Plagiarism is the act of conveying someone else's original expression or creative ideas as one's own and can be a violation of copyright law. Neither intentional nor unintentional plagiarism is acceptable to the CEC. The consultant must follow good scholarly methodology in preparing reports and deliverables under the contract, including systematic referencing in footnotes or in-sentence references, for any secondary sources, quotations, data, etc., that do not originate with the author. Sources for tables and figures reproduced from other literature must be given in a "Source" attribution immediately below the table or figure. Failure to properly reference the source of such borrowed material constitutes plagiarism and will be considered a breach of contract. For further information, see [Guidelines for CEC Documents and Information Products](#). In addition, for every written deliverable submitted, the Consultant must use iThenticate software, or an equivalent software approved by the Commission, to validate the written product in question and must forward the plagiarism review results to the CEC at the time of document submission. Contract payments will be retained if products do not fulfill these requirements.

## **III. Requirements and Proposal Evaluation**

### **A. Mandatory Requirements**

*To be eligible for further consideration, all consultants must fulfill the following basic requirements.*

#### **1. In-country Ability**

The consultant, as well as all their personnel and subconsultants, must reside and be authorized to work legally in Canada, Mexico or the United States of America. If travel is required, the consultant must possess valid documentation to travel within these countries and comply with sanitary regulations and restrictions in the three countries.

#### **2. Key Personnel**

For the purposes of this RFP, the term "consultant" may refer to either a group or company or a single individual.

If a proposal is submitted by a consortium of individuals or institutions, a "lead" consultant should be designated to take responsibility for ensuring overall coordination, the coherence of activity outputs, and the integration of information and ideas.

#### **3. Qualifications Required**

The consultant must possess competence and experience in:

1. Experience in management of timber species; preferably those known to be obtained through assisted production.
2. Knowledge about CITES and its implementation at the national and international levels would be preferable.
3. Experience working with a wide range of actors and with different sectors.
4. Familiarization with international and regional entities, as well as organizations and agreements, including CITES, IUCN and ITTO.
5. Experience and knowledge in collecting and analyzing data on timber species.
6. At least eight (8) years of proven work experience.
7. Excellent communication and writing skills.
8. Experience in international negotiation processes (will be an advantage)
9. Capacity for planning and initiative in the implementation of tasks independently.
10. Ability to deliver results in accordance with the Terms of Reference.
11. Outstanding qualifications to work in multidisciplinary groups;
12. Languages: Spanish and English required.
13. Aptitude for the management of software and pertinent technologies that facilitate the production of the expected results, as well as for the preparation of documents and presentations.

#### **4. Proposal Submission**

It is the intention of the CEC Secretariat to include the **Terms of Reference (Section II)** of this document) in the contract negotiated with the successful applicant. Therefore, prospective consultants should refer to these for more detailed information on the project and the services to be provided. Prospective consultants are requested not to reiterate the Terms of Reference in their submissions, but are invited to suggest modifications to enhance the proposal.

Proposals must include the following:

- A brief statement of interest and intent. This statement should be based upon and serve to demonstrate the consultant's experience and subject knowledge. The statement should address desired results; guidelines (parameters within which results are to be accomplished); resources (human, financial, technical, or organizational support available to help accomplish the results); and other aspects deemed applicable by the consultant. The purpose of this statement is to demonstrate not only the consultant's general and specific familiarity with the subject area, but also to highlight writing skills;
- A general work plan for carrying out this project;
- Proposed methodology;
- Suggested modifications to the Terms of Reference, and the reasons for such modifications;
- Resumes of the key personnel involved in the project;
- Detailed cost breakdown, including number of person/days of key and other personnel, direct and indirect costs, travel costs and applicable taxes;
- Description of relevant experience and any other relevant information;
- Two samples of previous work;
- Two letters of recommendation from previous assignments; and
- List of no less than three references.

#### **B. Other Information to be Provided**

Potential consultants are encouraged to submit any additional information that they believe will assist the CEC Secretariat in the evaluation of their proposal. However, the proposal should not exceed six (6) pages, exclusive of applicant resumes, samples of previous work or corporate brochures.

#### **C. Type of Contract to be Used for These Services**

The CEC Secretariat intends to use its milestone-based contract for these services. A sample is available upon request. If the contract is negotiated with a consortium, the CEC will offer the consultants the option to have separate contracts between each consultant and the CEC.

All work within the contract must be completed by 29 July 2023.

#### **D. Selection Procedure**

The consultant deemed best qualified will be selected on the basis of a competitive process, in accordance with sections 2.5-2.7 of the [CEC Consultant Services Procurement Manual](#).

Proposals that the CEC Secretariat determines to be complete will be evaluated according to the procedure described below. Prospective consultants who submit proposals determined by the CEC Secretariat to be incomplete will be so notified in writing.

Each complete proposal that is submitted will be evaluated by the CEC Secretariat according to the following criteria, with a point rating assigned for each:

<b>Evaluation Criteria</b>	<b>Maximum Point Rating</b>
Understanding of project requirements, adequacy of work plan	20
Suitability of the proposed approach	20



Consultant's experience and qualifications and competency of key personnel	40
Consultant's ability to analytically approach the subject, and writing ability	10
Adequacy of budget	10
	<i>Total</i> 100

A minimum score of 80 will be required for the prospective consultant's proposal to be eligible for further consideration. Cost efficiency will be taken into account in the evaluation.

Proposals in response to this request will be evaluated by the CEC designated staff and technical reviewers, who will form an Evaluation Committee. Each member of the Evaluation Committee will receive a copy of the proposals and will be asked to rate each proposal using the evaluation criteria and its maximum point ratings given above.

The CEC designated staff will arrange for a conference call/meeting among the members of the Evaluation Committee to discuss the ratings, arrive at final scores, and, subsequently, a ranking of all proposals. The strengths and weaknesses of each proposal, in terms of the evaluation criteria, will be noted and summarized. Once the selection has been made, each prospective consultant will be provided with their score—if requested—along with their comparative ranking. However, neither the evaluations nor the scores of other bidders will be provided.

### **E. Estimated Level of Resources Required**

The budget for this activity should not exceed C\$ 30,000 (Canadian dollars), including professional fees and expenses. Reimbursable expenses are detailed in the CEC standard contract, available upon request; in addition, the cost of using iThenticate software to detect plagiarism (US\$50) should also be considered.

For universities and nongovernmental organizations, note that the CEC accepts that overhead be charged for administration and other indirect costs up to 15% of the total value of the contract.

If the proposal were presented by a consultant established in Mexico, the applicable value-added tax will be 0%, in accordance with Article 29, section IV, paragraph a) of Mexico's VAT Act, as these are technical services that were engaged from abroad.

If a currency other than Canadian dollars is used, the consultant should indicate the total cost of the professional services in Canadian dollars as well as the currency of choice, for comparison purposes.

### **F. Basis of Payment Required**

The consultant will be paid according to the table on deliverables and milestones in the "Periodic Reporting Requirements" section above.

Payment shall be made only for *bona fide* consultant fees and legitimate expenses incurred in accordance with the contract for professional services, and only upon receipt and documented acceptance by the Secretariat of statement(s) of account/invoice(s) from the consultant. Settlement of invoices that are acceptable for payment will normally be made 30 days from the date of receipt by the Commission.

## **G. Financial and Other Confidential Information**

For this proposal, the CEC Secretariat will not require the submission of any confidential information nor will the CEC Secretariat require information regarding insurance, bonding financial status, or company ownership.

The consultant shall not disclose any information or documentation that is designated as confidential and/or reserved, including, but not limited to: plans, drawings, photographs, specifications, designs, electronic data and other documents, and all technical information, methods and processes that are provided by the Commission for the development of the services proposal. The consultant shall keep all such information or documentation strictly confidential.

## **H. Conflict of Interest**

“Conflict of interest” means, but is not limited to, a situation where a consultant’s personal interest is sufficiently connected with professional duties under the contract, such that it results in a reasonable apprehension that said personal interest may influence the exercise of professional responsibilities under the contract. For example, a direct conflict of interest exists when the consultant is also a CEC government official, or is related to or closely affiliated with a CEC government official, CEC staff member or third party involved with the performance of the services.

The consultant will inform the CEC Secretariat of any circumstance that existed prior to the execution of this contract, or that could manifest during the performance of this contract, which could constitute a conflict of interest. The consultant will complete and sign, on behalf of all his or her personnel, the attached *Declaration of Acceptance and Impartiality and Independence* (see Annex). The Consultant will also take note of the [CEC Consultant Services Procurement Manual](#).

## **I. Deadlines for Proposal Submission and Decision**

The proposal, including all relevant attachments, must be received by the CEC Secretariat offices by **17:00 EST on 07 July 2022**. Proposals submitted after this deadline will not be considered.

**Proposals must be submitted via e-mail to [mvaltierra@cec.org](mailto:mvaltierra@cec.org)**. Proposal format may be in Microsoft Word or Adobe PDF format. Once the proposal has been submitted electronically, the CEC will confirm receipt within three business days. If receipt is not confirmed by e-mail within this time, **applicants must contact the CEC**. The contact person is:

Mónica Valtierra Brestchneider  
Project Lead, Green Growth Unit  
Commission for Environmental Cooperation  
700 rue de la Gauchetière, Suite 1620  
Montreal, Quebec, Canada H3B 5M2  
Tel: 514-350-4300; Fax: 514-350-4314  
Commission for Environmental Cooperation

The CEC Secretariat intends to select the consultant and notify the applicants within a reasonable period of time following the proposal submission deadline.

ANNEX (see also Schedule D in CEC standard contract)

## CONSULTANT'S DECLARATION OF ACCEPTANCE AND IMPARTIALITY AND INDEPENDENCE FOR CONTRACT

I, the undersigned,

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

### ACCEPTANCE

hereby declare that I accept to serve as consultant in the subject contract.

### IMPARTIALITY AND INDEPENDENCE

*(If you accept to serve as a consultant, please check one of the two following boxes. The choice of which box to check will be determined after you have taken into account, inter alia, whether there exists any past or present relationship, direct or indirect, with any of the Parties to the Environmental Cooperation Agreement (ECA) or their Commission for Environmental Cooperation ("CEC") representatives, Secretariat staff, and/or third parties involved in the performance of this contract, whether financial, professional, familial, or of another kind and whether the nature of any such relationship is such that disclosure is called for pursuant to the criteria set out below. Any doubt should be resolved in favor of disclosure.)*

**I am impartial and independent** with respect to the ECA Parties and their CEC representatives, CEC Secretariat staff, and third parties involved in the performance of this contract, and intend to remain so; to the best of my knowledge, there are no facts or circumstances, past or present that need be disclosed because they are likely to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest.

**OR**

**I am impartial and independent** with respect to the ECA Parties and their CEC representatives, Secretariat staff, and/or third parties involved in the performance of this contract, and intend to remain so; **however**, I wish to call your attention to the following facts or circumstances which I hereafter disclose because they might be of such a nature as to give rise to justifiable doubts as to my impartiality or independence, and that may constitute a conflict of interest. Where facts or circumstances exist that might give rise to the latter such doubts, I may set out measures I intend to take to mitigate or eliminate any doubts regarding my impartiality and independence, and/or a possible conflict of interest. (Use separate sheet and attach.)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_