

REQUEST FOR PROPOSALS

Understanding of CITES Verification Process in North America

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 Activity 1 of the CEC project “Strengthening the Implementation and Effective Enforcement of CITES for Timber in North America.” This activity is intended to share information on, and assess similarities and differences between national legislation, regulations, and processes for implementation of CITES by enforcement officers, with particular reference to laws and regulations specifically related to what information needs to be verified for traded wood products and the process for that verification. Specifically, the consultant would be expected to: a) conduct phone, online or in-person surveys and organize online meetings with knowledgeable staff to assess the barriers faced by enforcement officers for the implementation of CITES timber species, and b) develop a report of the findings including recommendations to improve enforcement officers’ ability to determine if a timber import is at high risk of being illegal.

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.

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 trinational North American context, enhancing the capacity of enforcement officials to identify CITES timber species reaching the 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). 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

CITES provides crucial mechanisms to ensure that international trade in wild animals and plants is carried out in a controlled manner that does not threaten the survival of species. CITES Appendix II covers species that are not necessarily threatened with extinction, but for which trade must still be controlled in order to avoid the possibility that they become endangered. Appendix II also includes so-called “look-alike species,” whose specimens closely resemble species listed for conservation but that may not carry the same trade restriction, making it easier for them to be exported/imported.

The aim of the CEC project, “Strengthening the Implementation and Effective Enforcement of CITES for Timber in North America,” is to develop information on CITES enforcement relevant to the trinational North American context, enhance the capacity of enforcement officials to identify CITES timber species reaching the North American borders, explore methods and systems for tracking timber species in trade, and support scientific assessment of a new CITES source code (related to timber species).

This Request for Proposals refers specifically to Activity 1 of the project, which will share information and assess similarities and differences between national legislation, regulations, and processes for implementation of CITES by enforcement officers, with particular reference to laws and regulations specifically related to what information needs to be verified for traded wood products and the process for that verification.

The selected consultant will perform Activity 1 by conducting a survey and organizing online meetings to assess barriers (legal, regulatory, logistical, etc.) faced by enforcement officers in the implementation of CITES provisions with respect to timber species. In order to better understand commonalities and/or differences between CITES implementation in North America, the consultant will compare and contrast relevant such national legislation, regulations, and processes relevant to CITES implementation by enforcement officers in Canada, Mexico and the United States, with particular reference to the information that must be verified for traded wood products and the process for that verification. Finally, the consultant will be responsible for developing a trinational report containing the findings. The results in this report will provide valuable input for other activities of the CEC project, including the design of training curricula for enforcement officers.

B. Description of Services

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

- A. In coordination with the designated Steering Committee (SC) of the project and with CEC staff, the consultant will prepare questions, including those enumerated below and others deemed necessary to fulfill the objective of activity 1 (mentioned above), and conduct surveys by phone, online or in person, with knowledgeable staff (selected in coordination with the SC):
 1. Does your country have laws / regulations that protect CITES listed timber?
 - If YES, do the laws / regulations specifically list the protected taxa by using the scientific binomial (e.g., *Dalbergia retusa*) or a common name?
 2. Does your country have laws / regulations that require verification of commonly traded non-CITES timber?
 - If YES, do the laws / regulations specifically list the protected taxa by using the scientific binomial (e.g., *Bursera graveolens*) or a common name (e.g., Palo santo)?
 3. Who verifies that the imported timber is the same species as declared in the manifest? Customs agents? Specialists?

4. Is the verification of taxa done onsite or remotely?
 - If onsite, by whom?
 - If remotely, by whom?
 5. Is there an official report issued after taxa verification?
 - If YES, can the report be introduced in court for legal proceedings?
 6. In your country, are there legal statutes regarding admissibility of science-based verification of taxa?
 7. In your country, are there legal statutes stipulating who can testify as an expert witness in the identification of timber specimens?
- B. In addition to the survey above, organize any online meeting(s) needed to procure and exchange all information necessary to compile domestic legislation for implementing CITES in the three countries, including contacting identified experts and following suggestions of the CEC–CITES project Steering Committee.
- C. Based on the findings of the above activities, draft a report that includes a detailed analysis of the response from each country related to the application of CITES, where differences, similarities and areas of opportunity are identified. The report should include a list of protected taxa using the scientific binomial and the common name.

The report should also include a table (or matrix) that lists the barriers encountered by all three countries.

- D. The report should include a summary of the findings of the meetings held to exchange and compile all necessary information on the domestic legislation in the three countries (from point B above).
- E. Include an analysis of documentation (shipping manifests and declarations) as well as the scientific verification procedures where similarities, differences and areas of opportunity are identified in the regulations of the three nations.
- F. Make preliminary recommendations for the project's Activity 2,¹ based on the activities above.

Deliverables

1. A progress report that contains the summary of discussions held with identified experts

¹ Activity 2 of the project stipulates the provision of training, information on novel tools, and risk assessment, to enforcement officers in order to improve their ability to determine if a timber import is at high risk of being illegal. For more information, consult: http://www.cec.org/files/documents/operational_plans/operational-plan_2021_appendix-i.pdf

by the CEC–CITES project Steering Committee (see Description of Services, point B).

2. A draft report (suggested length of 30 pages), summarizing the findings of the issues mentioned above, with a detailed justification of the methodology used.
3. A final report, considering the input from the Steering Committee and the CEC staff.

Project activities will take place according to the timetable below. This schedule is approximate, and subject to change.

Activity	Activity Description	Deliverable(s)	Date(s)
Initial call with CEC	Review report outline, discuss sources of data and information, develop draft work plan	Revised outline and final work plan	Start of contract (May 2022)
Survey proposal	Present the set of questions that will be used to assess the barriers encountered by CITES enforcement officers in North America.	Document including set of questions	End of May 2022
Progress report	Report progress, including a summary of discussions held with identified experts by the CEC–CITES project Steering Committee Discuss comments with CEC Revise text (tracked changes), checking as needed with CEC	Document reporting progress	End of June 2022
Revision of first draft final report	Draft report (suggested length of 30 pages), summarizing the findings with a detailed justification of the methodology used. Discuss comments with CEC Revise text (tracked changes), checking as needed with CEC	First draft of the final report	Mid-July 2022
Final report review and editing (in collaboration with CEC)	Final review for errors, inconsistencies, and lack of clarity	Final Report ready for editing, layout, and translation	End of July 2022

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.

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 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 and, 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, for translation into Spanish and French of this report, and if applicable, for 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 fulfil 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:

- Possess law enforcement or regulatory experience and/or knowledge.
- Have experience in creating and summarizing complex reports.
- General understanding and/or experience in Customs systems is preferable.
- Knowledge in project management and leadership of teams in international cooperation.
- Knowledge of international legal timber trade and of the timber species commonly traded.
- Knowledge about the activities along the value chain of timber products.
- Knowledge about the application of CITES, specifically to timber products.
- Must have a minimum of five years of applicable experience. Excellent skills to communicate and produce technical and executive written reports in both English and Spanish, proficiency in French is desirable.

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, if applicable, 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 [August 1, 2022].

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:

Evaluation Criteria	Maximum Point Rating
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\$40,000 (forty thousand 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 "Description of Services" 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 April 11, 2022**. Proposals submitted after this deadline will not be considered.

Proposals must be submitted via e-mail to 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

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: _____