



**CEC**  
**CCA**  
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**REQUEST FOR PROPOSALS**

**Marine Science Advisor**  
for the  
**Submissions on Enforcement Matters Process**

**Commission for Environmental Cooperation**  
**2024**

## I. Overview

The Commission for Environmental Cooperation (CEC) is charged with the implementation of the Submissions on Enforcement Matters (SEM) process under Articles 24.27 and 24.28 of the United States-Mexico-Canada Agreement (“USMCA” or “CUSMA”, in English). The Legal Affairs and SEM Unit serves as the main legal counsel for the Secretariat and is responsible for implementing the SEM process, including analyzing submissions and preparing factual records.

The CEC is requesting proposals from prospective consultants to assist with reviewing submissions and researching, as well as developing factual records. Specifically, the CEC Secretariat is looking for a Marine Science Advisor to support the Legal Affairs and SEM Unit with science and regulatory matters arising during the preparation of factual records, as authorized by the CEC Council members.

*The Commission for Environmental Cooperation (CEC) was established in 1994 by the governments of Canada, Mexico and the United States through the North American Agreement on Environmental Cooperation (NAAEC), a parallel environmental agreement to NAFTA. As of 2020, the CEC is recognized and maintained by the Environmental Cooperation Agreement parallel to the new free trade agreement in North America, known as the USMCA or CUSMA. In the context of environmental, economic and social linkages between Canada, Mexico and the United States, the CEC facilitates effective cooperation and public participation to conserve, protect and enhance the North American environment in support of sustainable development for the benefit of present and future generations. Find out more at: [www.cec.org](http://www.cec.org).*

*The CEC is governed and funded equally by the Government of Canada through Environment and Climate Change Canada, the Government of the United States of Mexico through the Secretaría de Medio Ambiente y Recursos Naturales, and the Government of the United States of America through the Environmental Protection Agency.*

## II. Terms of Reference

### A. Overview and Scope

Pursuant to Article 24.27 of the USMCA/CUSMA, the Secretariat may consider submissions alleging a Party is failing to effectively enforce its environmental laws. The Secretariat is tasked with determining whether the submission satisfies the admissibility requirements in the USMCA/CUSMA and whether it merits a response from the Party.

Under USMCA/CUSMA Article 24.28(2), the Secretariat shall prepare a factual record if at least two members of the Council instruct it to do so. The CEC Secretariat is currently awaiting instructions from the Council on seven active submissions, two of them concern the protection of marine species in North America:

- SEM-21-002 (*Vaquita Porpoise*);
- SEM-21-003 (*North Atlantic Right Whale*);
- SEM-22-002 (*Tren Maya*);
- SEM-23-002 (*Avocado Production in Michoacan*);
- SEM-23-003 (*Agave Production in Jalisco*);
- SEM-23-005 (*Valle de Bravo-Amanalco Sub-basin*); and

- SEM-23-006 (*Illegal Logging in Jalisco*).

In light of the number of active submissions and in anticipation of Council member instructions, should they authorize the preparation of factual records, the CEC Secretariat wishes to engage a Marine Science Advisor. The Marine Science Advisor will be tasked with supporting the Secretariat in analyzing technical information related to active submissions and also assisting with information gathering and drafting if the Council members authorize preparation of factual records. Following the Council instructions, the USMCA/CUSMA provides a timeline of 120 calendar days for the Secretariat to submit a draft factual record to Council.

The CEC publishes final factual records on its website as part of its Registry of Submissions: <http://www.cec.org/submissions-on-enforcement/registry-of-submissions>

Reviewing the three most recent factual records will provide prospective consultants with a better understanding of the contents and style of these documents:

- City Park Project: <http://www.cec.org/files/pulications/factual-record-sem-19-002-en.pdf>
- Metrobús Reforma: <http://www.cec.org/files/pulications/factual-record-sem-18-002-en.pdf>
- Alberta Tailings Ponds II: [http://www.cec.org/wp-content/uploads/wpallimport/files/17-1-ffr\\_en.pdf](http://www.cec.org/wp-content/uploads/wpallimport/files/17-1-ffr_en.pdf)

More information on the SEM process under the USMCA/CUSMA, the text of the Agreement and other relevant information can be found here: <http://www.cec.org/submissions-on-enforcement/>

The hiring process for the Marine Science Advisor is expected to begin in May 2024 and the consultant is expected to provide services throughout the year, as needed by the Secretariat.

## **B. Description of Services**

The consultant shall coordinate with the Legal Affairs and SEM Unit to conduct the following tasks:

- Analyze scientific and technical information submitted to the Secretariat in connection with the SEM process and the preparation of factual records;
- Analyze, write, comment and edit science, technical, and policy aspects in English during the analysis of submissions, research and the preparation of factual records;
- Coordinate and develop timetables to ensure timely delivery of determinations and the preparation of factual records in accordance with USMCA/CUSMA timelines;
- Conduct quantitative and qualitative research and analysis on environmental issues addressed in factual records (for example, natural resources management, wildlife, endangered species, natural protected areas, environmental impact assessment, air quality, and water);
- Develop draft tables, figures, maps, and drawings, as required;

- Participate in drafting requests for information from the Party in question and manage information collected;

The Legal Affairs and SEM Unit will be responsible for coordinating the consultant's activities and will be solely responsible for implementing the SEM process in accordance with Articles 24.27 and 24.28 of the USMCA/CUSMA.

### **C. Periodic Reporting Requirements**

Throughout the project, the consultant will work in close collaboration with the Legal Affairs and SEM Unit to gather information to support delivery of the work. The consultant will report to the SEM Legal Officer.

The Legal Affairs and SEM Unit will arrange teleconferences with the consultant and other experts on an as-needed basis. The goal of these meetings will be to present work products and assess progress on the draft factual record.

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

- progress in previous month;
- milestones to be met in the upcoming month;
- potential problems with descriptions of and reasons for any delays; and
- actions that should be taken by the CEC Secretariat to facilitate completion of projects.

The consultant will telework from their own office.

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

The consultant will be responsible for providing deliverables of **publishable quality** (i.e., copy-edited prior to submission) **in English** as well as performing a technical review and editing materials, as needed. The consultant will be responsible for technical review and style correction to ensure the quality of the materials. The consultant will submit all written material to the Legal Affairs and SEM Unit in Microsoft Word format, following the CEC's style guides.

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 should be presented in metric units. The CEC Secretariat will be responsible, when applicable, for translation, printing, publication, and distribution of materials.

## **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 must reside in 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 the three countries.

## 2. Qualifications Required

The consultant must possess the following competences and experience:

- Degree in environmental studies, marine science, resource management, environmental policy, or related field. Master's degree in a relevant field considered an asset. Knowledge of environmental law or international law is considered an asset.
- At least 5-8 years professional experience involving environmental and/or marine resource matters, and ideally some experience at the international level. Professional experience with marine species protection will be an asset.
- Knowledge of a broad range of environmental issues. Experience drafting analytical reports and documents including both legal and technical information. Experience processing and organizing large volumes of data and technical information such as species conservation, environmental impact assessments and/or environmental policy and science reports on the environment and natural resources.
- Very good analytical, writing, and communication skills. Knowledge of federal laws and regulations related to marine mammal and habitat protection (e.g. Endangered Species Act, Marine Mammal Protection Act, National Environmental Policy Act) in the US. Understanding of environmental issues in Canada and Mexico are considered an asset. Experience presenting information with charts, graphs, infographics, drawings, maps, and other data visualization methods. Ability to use software in connection with data management, presentation, and visualization.
- Proficiency in English and very good knowledge of at least one of the other official languages of the CEC (Spanish and French).
- Excellent organizational, management, and project management skills to develop work plans, analyze submissions, research information and meet objectives and timeframes.
- Ability to work objectively despite personal views on environmental and political issues.
- Discretion and tact in dealing with sensitive environmental and political matters raised in submissions and factual records.

## 3. Proposal Submission

Prospective consultants should refer to the **Terms of Reference (Section II)** of this document for more detailed information on the project and the services to be provided.

The proposal should include the following:

- a. Letter of introduction (1 page);
- b. Resume (2 pages max); and

- c. Writing sample mainly or solely written by the candidate, such as an excerpt from a technical report, published material, essay or analysis of environmental issues (10 pages max)

Prospective consultants are requested not to reiterate the Terms of Reference in their submissions but are invited to suggest modifications to enhance the proposal.

**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.

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

The CEC Secretariat intends to use its standard time-based contract for these services. A sample is available upon request.

**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 following criteria:

Evaluation Criteria	Maximum Point Rating
Understanding of the Submissions on Enforcement Matters process	10
Suitability of the proposed approach and work plan	10
Consultant’s experience and qualifications	45
Consultant’s ability to show analytical capabilities and effective writing	35
<i>Total</i>	100

A minimum score of 80 will be required for a proposal to be eligible for further consideration. Cost efficiency will be considered in the evaluation.

Proposals in response to this request will be evaluated by the CEC Secretariat designated staff and technical reviewers, who will form an Evaluation Committee. The Evaluation Committee will arrive at final scores and a ranking of all proposals. Once the selection has been made, each prospective consultant will be provided with their score—if requested—along with their comparative ranking. However, information on the other proposals will not be provided.

**E. Estimated Level of Resources Required**

The maximum budget for this contract will be US\$50,000 (fifty thousand US dollars), including professional fees and expenses.

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

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

The proposal, including all relevant attachments, must be received by the CEC Secretariat by 23h59 Eastern Standard Time **on 3 May 2024**. Proposals submitted after this deadline will not be considered.

### **Proposals must be submitted via e-mail to**

Doris Millan  
Assistant, Legal Affairs and SEM  
dmillan@cec.org

Proposals must be in Adobe PDF or MS Word format. Once the proposal has been submitted electronically, the CEC will confirm receipt within three business days.

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