

REQUEST FOR PROPOSALS

**Promoting Clean Maritime Transportation to Reduce Emissions of
Climate and Priority Pollutants in North America:**

Strategies for Implementation of Emission Control Areas



For the projects

***Reducing Emissions from Goods Movement via Maritime Transportation
in North America – Phase II
and
Enhancing North American Enforcement of IMO Maritime
Fuel Sulfur Limits***

2016

I. Overview

The Commission for Environmental Cooperation of North America (CEC) is requesting proposals from prospective consultants for the implementation of joint activities for two related projects: *Reducing Emissions from Goods Movement via Maritime Transportation in North America – Phase II*, and *Enhancing North American Enforcement of IMO Maritime Fuel Sulfur Limits*. These projects seek to bolster North America's position of leadership in promoting clean maritime transportation through the implementation in Mexico of Annex VI of the International Maritime Organization's (IMO) International Convention for the Prevention of Pollution from Ships (or MARPOL Annex VI), particularly with respect to Emission Control Areas (ECA) designated pursuant to that Annex.

The project activities relating to this request for proposals (RFP) involve the following tasks:

1. Compilation of existing information and development of background documents on the legal, regulatory and organizational frameworks, best practices and technologies relevant to the establishment and implementation of the Canadian and American ECAs;
2. Preparation and facilitation support for two workshops to exchange the above information with key stakeholders;
3. Preparation of workshop summary report(s) for public dissemination, including key questions and issues raised; and
4. Development of a white paper and/or other documentation providing recommendations on strategies and tools, as well as a suggested timeline/calendar of activities, that might inform and facilitate Mexico's implementation of MARPOL Annex VI.

The CEC is an intergovernmental organization created by Canada, the United States and Mexico under the North American Agreement on Environmental Cooperation (NAAEC). The CEC was established to address regional environmental concerns, help prevent potential trade and environmental conflicts, and promote the effective enforcement of environmental law. The Agreement complements the environmental provisions of the North American Free Trade Agreement (NAFTA).

II. Terms of Reference

A. Description of Project

As part of the Operational Plan for 2015–2016, the CEC's Council, its governing body, approved two projects addressing air pollution from maritime transportation in North America.

The first project, *Reducing Emissions from Goods Movement via Maritime Transportation in North America – Phase II*, builds on the outcomes of 2013–2014 CEC project work under *Reducing Emissions from Goods Movement via Maritime Transportation in North America – Phase I*. That phase involved an assessment of the potential air quality, public health, environmental, and ecosystem benefits of reducing maritime shipping emissions through the establishment of a Mexican ECA. Phase II of this project, the subject of this RFP, seeks to increase Mexican stakeholder awareness of Phase I activities and findings, including the rationale for establishing an ECA, to support the completion of a final Mexico ECA designation proposal for submission to the IMO, and to promote coordinated North American action to address air pollution from ships.

The second project, *Enhancing North American Enforcement of IMO Maritime Fuel Sulfur Limits*, seeks to enhance North American capacity to assess compliance and support enforcement of the ECA-specific low-sulfur fuel standard. Annex VI of the MARPOL Convention established a globally applicable limit on the sulfur content of marine fuel, as well as a more stringent sulfur standard for designated ECAs. The key component of this project, and the focus of this RFP, is the provision of information to Mexico on the respective approaches taken by Canada and the United States in their implementation of MARPOL Annex VI and ECA-specific provisions. This information will clarify important factors to be considered by the Government of Mexico as it contemplates ratification of Annex VI.

Activities relating to these two projects will be undertaken jointly in order to:

- provide additional technical support and information relative to policy, regulatory and technical approaches for reducing ship emissions;
- engage stakeholder input to share information, experience and best practices;
- support Mexico in its work to ratify MARPOL Annex VI, finalize an ECA designation proposal, and develop a strategy for establishing and implementing an ECA; and
- enhance the capacity of the three countries to assess compliance with and enforcement of the IMO's maritime fuel sulfur standards.

For a complete description of the projects, including tasks and related budget, please visit the CEC website at: <<http://www.cec.org/our-work/pollutants>>.

B. Description of Services

The Consultant shall coordinate with the CEC's Program Manager to accomplish the following tasks:

1. Compilation of information and development of background documents for stakeholder consultations on:
 - Existing approaches to MARPOL Convention compliance assurance and enforcement regimes (legal and regulatory frameworks) taken by all three North American countries (in the case of Mexico, this will focus on the Convention and the three annexes (I, II and V) already ratified by Mexico;
 - Available and emerging approaches and technologies for ensuring compliance with MARPOL Annex VI low-sulfur fuel provisions, including alternative compliance options (e.g., use of alternative fuels or emission control technologies), expected or achieved emission reductions, and areas for possible trilateral collaboration;
 - Canadian and American experience with ECA implementation, including institutional/legal frameworks, and identification of potential obstacles to ECA implementation in Mexico; and
 - Stakeholder engagement mechanisms and approaches in the three countries.

Information sources for this activity should include key officials from agencies and organizations in each country, as well as reports and analyses prepared during Phase I of the first project, including fuel analyses, environmental and health benefits, and the draft ECA designation proposal for Mexico – see: reference documents ([Evaluation of Ship emissions, Fuels Analysis](#)).

2. Preparation and facilitation support for two consultation workshops with key stakeholders identified by the project Steering Committee and CEC Secretariat (e.g., government agencies such as Environment, Transportation and Health; shipping companies) to share information, experiences and best practices relative to the implementation of ECAs. These workshops will take place in North America, most likely in Mexico, and are expected to last one to one-and-a-half days.

3. Preparation of workshop summary report(s) for public dissemination, including key questions and issues raised.
4. Development of a white paper providing recommendations and proposing strategies and tools to inform and facilitate Mexico's implementation of MARPOL Annex VI, including the following:
 - An implementation strategy outline and proposed next steps for establishing a Mexican ECA, including a timeline/calendar of activities;
 - Recommendations for increased stakeholder/public awareness activities; and
 - Core features for a compliance assurance and enforcement program and best practices and technologies for assessing compliance.

The timetable presented below is approximate and may change. The CEC invites prospective consultants to modify the schedule, based on their evaluation of this proposal.

Activity	Deliverable	Approximate Dates
Project introductory meeting (via video or teleconference)	Meeting summary report and final project work plan	May 2016
Consultations, identification of sources of information relevant to the project, information compilation and analysis	Technical (background) documents for stakeholder consultations (Workshop #1)	Late summer 2016
Workshop #1: Stakeholder consultations on technical documents prepared	Workshop facilitation and supporting materials	Fall 2016
Preparation of a summary of Workshop #1 discussions and key recommendations	Workshop summary report	Fall 2016
Development of a strategy for ECA implementation, with recommendations based on technical documents and Workshop #1 discussions	Draft white paper	Late fall 2016
Workshop #2: Presentation of draft white paper and discussion of ongoing activities, path forward	Workshop facilitation and supporting materials	Winter 2016 or Spring 2017
Preparation of a summary of Workshop #2 discussions and key recommendations, and of the final white paper	Workshop summary report and final white paper	March–April 2017

During the course of the project, the Consultant will develop the following written deliverables:

1. Final project workplan;
2. Background documents for stakeholder consultations and workshop(s);
3. Materials (e.g., Powerpoint slides) for presentation during workshops;
4. Summary records of project introductory meeting, consultations with experts, and stakeholder workshops; and
5. White paper providing recommendations and proposing strategies and tools, including an ECA implementation strategy for Mexico.

In collaboration with the CEC Program Manager and the project's Steering Committee, the Consultant shall develop a detailed outline for the written deliverables.

C. Periodic Reporting Requirements

In order to complete the project, the Consultant will deliver the tasks described under the description of services. At the onset of the project, the Consultant will participate in an introductory meeting with the CEC Program Manager, the members of the project Steering Committee and other North American government officials, either in person or through remote conferencing.

Throughout the project, the Consultant will work in close collaboration with the CEC, the Steering Committee, program officials, and experts, to gather information to support delivery of the work. The Consultant may interact directly with government officials and other experts as needed. However, the Consultant shall report only to the CEC Program Manager (or designate) and shall receive direction only from the CEC Program Manager (or designate).

The Consultant will work in his or her own offices.

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 Program Manager, and other experts on an as-needed basis at mutually agreeable times. The goal of these meetings will be to present the products, and assess progress on the project. All communications, including teleconferences, and expert consultation meetings will be supported by the CEC.

The Consultant will prepare 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 Secretariat by the 10th of the following month, either by telefax or e-mail.

D. Quality of Deliverables

The consultant is responsible for providing deliverables of **publishable quality** (i.e., copy-edited prior to submission) in English or Spanish 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 style guide (available at: <http://www.cec.org/about-us/opportunities/useful-documents>). 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*, <http://www.cec.org/about-us/opportunities/useful-documents>. 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

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

Key support personnel must be qualified, competent and experienced in the subject area. The Consultant must demonstrate knowledge of MARPOL Convention requirements and options for their implementation and compliance assurance, including, but not limited to, the maritime emissions standards under MARPOL Annex VI, and provide evidence of previously completed successful assignments of a similar nature. Prospective consultants must be able to compare and contrast materials generated in multiple countries as appropriate. Proficiency in English and Spanish, both written and spoken, is required.

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 should 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; 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 ten (10) pages, exclusive of applicant resumes or corporate brochures.

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. 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 30 April 2017.

D. Selection Procedure

The consultant will be selected in accordance with the *CEC Consultant Services Procurement Manual*, available at <cec.org/about-us/opportunities/useful-documents>.

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 Program Manager and designated 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 Program Manager 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 his/her 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 Consulting services budget for this activity is expected to range between **C\$95,000 and C\$115,000** (Canadian dollars), including professional fees and expenses.

All communications, including teleconferences, and expert consultation meetings will be supported by the CEC. The Consultant should not include the costs of these in the budget to be submitted in the Proposal.

The Consultant may prepare the estimate in either C\$, P\$ or US\$. 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

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), and relevant project deliverables 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 might require the submission of confidential information regarding insurance, bonding financial status, or company ownership.

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 the attached *Declaration of Acceptance and Impartiality and Independence* (see Annex 1). The Consultant will also take note of the *CEC Consultant Services Procurement Manual*, available at <<http://www.cec.org/about-us/opportunities/useful-documents>>.

I. Deadlines for Proposal Submission and Decision

The proposal, including all relevant attachments, must be received by the CEC Secretariat offices by **17:00 EDT on 24 May 2016**. Proposals submitted after this deadline will not be considered.

Proposals must be submitted via electronic mail to ocabrera@cec.org, with copy to nalliu@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:

Orlando Cabrera-Rivera, Program Manager,
Environmental Quality and Climate Change
Commission for Environmental Cooperation
393, rue St-Jacques Ouest, bureau 200
Montreal, QC, Canada H2Y 1N9
Tel: 514-350-4300; Fax: 514-350-4314
ocabrera@cec.org

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

ANNEX 1

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

I, the undersigned,

Last Name: _____ First Name: _____

NON-ACCEPTANCE

☐

hereby declare that I **decline** to serve as consultant in the subject contract. (If you wish to state the reasons for checking this box, please use a separate sheet of paper, attaching that to this declaration.)

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 North American Agreement on Environmental Cooperation ("NAAEC") 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 NAAEC 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 NAAEC 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: _____