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REQUEST FOR PROPOSAL (RFP 018/19)

NAME & ADDRESS OF FIRM	DATE: February 19, 2019
	REFERENCE: Review and amend the draft Law of Republic of Armenia on atmospheric air protection

Dear Sir / Madam:

We kindly request you to submit your Proposal for the Review and amend the draft Law of Republic of Armenia on atmospheric air protection (the detailed TOR is attached separately as Annex 1a).

Please be guided by the form attached hereto as Annex 2, in preparing your Proposal.

Proposals may be submitted on or before, 12 March 2019, 4:00 pm local Yerevan time (GMT +4) via email, courier mail below (sealed in envelope):

United Nations Development Programme / UNDP
14 Petros Adamyan St., Yerevan 0010, Republic of Armenia

Or submit via e-mail to the following e-mail address: **tenders.armenia@undp.org**

Please note that proposals received through any other e-mail address will not be considered. Your Proposal must be expressed in the English, and valid for a minimum period of 60 days calendar days.

In the course of preparing your Proposal, it shall remain your responsibility to ensure that it reaches the address above on or before the deadline. Proposals that are received by UNDP after the deadline indicated above, for whatever reason, shall not be considered for evaluation. If you are submitting your Proposal by email, kindly ensure that they are signed and in the .pdf format, and free from any virus or corrupted files.

Services proposed shall be reviewed and evaluated based on completeness and compliance of the Proposal and responsiveness with the requirements of the RFP and all other annexes providing details of UNDP requirements.

The Proposal that complies with all of the requirements, meets all the evaluation criteria and offers the best value for money shall be selected and awarded the contract. Any offer that does not meet the requirements shall be rejected.

Any discrepancy between the unit price and the total price shall be re-computed by UNDP, and the unit price shall prevail and the total price shall be corrected. If the Service Provider does not accept the final price based on UNDP's re-computation and correction of errors, its Proposal will be rejected.

No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted by UNDP after it has received the Proposal. At the time of Award of Contract or Purchase Order, UNDP reserves the right to vary (increase or decrease) the quantity of services and/or goods, by up to a maximum twenty five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.

Any Contract or Purchase Order that will be issued as a result of this RFP shall be subject to the General Terms and Conditions attached hereto. The mere act of submission of a Proposal implies that the Service Provider accepts without question the General Terms and Conditions of UNDP, herein attached as Annex 3.

Please be advised that UNDP is not bound to accept any Proposal, nor award a contract or Purchase Order, nor be responsible for any costs associated with a Service Providers preparation and submission of a Proposal, regardless of the outcome or the manner of conducting the selection process.

UNDP's vendor protest procedure is intended to afford an opportunity to appeal for persons or firms not awarded a Purchase Order or Contract in a competitive procurement process. In the event that you believe you have not been fairly treated, you can find detailed information about vendor protest procedures in the following link:

<http://www.undp.org/content/undp/en/home/operations/procurement/protestandsanctions/>

UNDP encourages every prospective Service Provider to prevent and avoid conflicts of interest, by disclosing to UNDP if you, or any of your affiliates or personnel, were involved in the preparation of the requirements, design, cost estimates, and other information used in this RFP.

UNDP implements a zero tolerance on fraud and other proscribed practices, and is committed to preventing, identifying and addressing all such acts and practices against UNDP, as well as third parties involved in UNDP activities. UNDP expects its Service Providers to adhere to the UN Supplier Code of Conduct found in this link: http://www.un.org/depts/ptd/pdf/conduct_english.pdf

Thank you and we look forward to receiving your Proposal.

Sincerely yours,

*Procurement Unit
UNDP Armenia
2/19/2019*

Description of Requirements

Context of the Requirement	Review and amend the draft Law of Republic of Armenia on atmospheric air protection
Implementing Partner of UNDP	Ministry of Nature Protection of RA
Brief Description of the Required Services ¹	The selected Consulting Company will to review the draft of the Atmospheric Air Protection Law developed by the Ministry of the Nature Protection, provide recommendations and come up with corresponding revised text of the Law.
List and Description of Expected Outputs to be Delivered	– As per Annex 1a – Terms of Reference (TOR)
Person to Supervise the Work/Performance of the Service Provider	UNDP Climate Change Programme Coordinator
Frequency of Reporting	<i>As per TOR (Annex 1a) Expected Outputs</i>
Progress Reporting Requirements	<i>As per TOR (Annex 1a) Expected Outputs</i>
Location of work	<input type="checkbox"/> Exact Address as provided below <input checked="" type="checkbox"/> At Contractor's Location
Expected duration of work	2 months after contract signing by both parties.
Target start date	15 March 2019
Latest completion date	15 May 2019
Travels Expected	As per Annex 1a – Terms of Reference (TOR)
Special Security Requirements	<input type="checkbox"/> Others <input checked="" type="checkbox"/> Not Required
Facilities to be Provided by UNDP (i.e., must be excluded from Price Proposal)	<input type="checkbox"/> Office space and facilities <input type="checkbox"/> Land Transportation <input type="checkbox"/> Others
Implementation Schedule indicating breakdown and timing of activities/sub-activities	<input checked="" type="checkbox"/> Required
Names and curriculum vitae of individuals who will be involved in completing the services	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required
Currency of Proposal	<input checked="" type="checkbox"/> United States Dollars (USD) <input checked="" type="checkbox"/> Euro <input checked="" type="checkbox"/> Local Currency (AMD) (will be converted in accordance to UNORE)

¹ A detailed TOR may be attached if the information listed in this Annex is not sufficient to fully describe the nature of the work and other details of the requirements.

Value Added Tax on Price Proposal ²	<input type="checkbox"/> must be inclusive of VAT and other applicable indirect taxes <input checked="" type="checkbox"/> must be exclusive of VAT and other applicable indirect taxes			
Validity Period of Proposals (<i>Counting for the last day of submission of quotes</i>)	<input checked="" type="checkbox"/> 60 days <input type="checkbox"/> 90 days <input type="checkbox"/> 120 days In exceptional circumstances, UNDP may request the Proposer to extend the validity of the Proposal beyond what has been initially indicated in this RFP. The Proposal shall then confirm the extension in writing, without any modification whatsoever on the Proposal.			
Partial Quotes	<input checked="" type="checkbox"/> Not Permitted			
Payment Terms ³	Outputs	Percentage	Timing	Condition for Payment Release
	Report on observed shortcomings and recommended changes to be considered in the draft Law	30%	15 days after signing the contract	Within thirty (30) days from the date of meeting the following conditions: a) UNDP's written acceptance (i.e., not mere receipt) of the quality of the outputs; and b) Receipt of invoice from the Service Provider.
	The text of the draft Law, with consideration of all substantial comments of the stakeholders	70%	45 days after signing the contract	
Person(s) to review/inspect/ approve outputs/completed services and authorize the disbursement of payment	UNDP Climate Change Programme Coordinator			
Type of Contract to be Signed	<input checked="" type="checkbox"/> Contract for Services			
Criteria for Contract Award	<input type="checkbox"/> Lowest Price Quote among technically responsive offers <input checked="" type="checkbox"/> Highest Combined Score (based on the 70% technical offer and 30% price weight distribution) <input checked="" type="checkbox"/> Full acceptance of the UNDP Contract General Terms and Conditions (GTC). This is a mandatory criteria and cannot be deleted regardless of the nature of services required. Non acceptance of the GTC may be grounds for the rejection of the Proposal.			

² VAT exemption status varies from one country to another. Pls. check whatever is applicable to the UNDP CO/BU requiring the service.

³ UNDP preference is not to pay any amount in advance upon signing of contract. If the Service Provider strictly requires payment in advance, it will be limited only up to 20% of the total price quoted. For any higher percentage, or any amount advanced exceeding \$30,000, UNDP shall require the Service Provider to submit a bank guarantee or bank cheque payable to UNDP, in the same amount as the payment advanced by UNDP to the Service Provider.

Criteria for the Assessment of Proposal	<p><u>Technical Proposal (70%)</u></p> <p><input checked="" type="checkbox"/> Expertise of the Firm (max score: 300), including:</p> <ol style="list-style-type: none"> At least 5 years of proven experience in providing consulting services in environmental management sector (max score: 150) Proven experience in development of regulatory and legal documents on environmental management with particular focus on air protection policies and regulations (max score: 100). Experience in working with international organizations and Armenia's governmental institutions, involvement in climate change related projects/activities. (max score: 50). <p><input checked="" type="checkbox"/> Methodology, its Appropriateness to the Conditions and Implementation Plan (max score: 300), including:</p> <ul style="list-style-type: none"> Task implementation approach, including detailed description of implementation methods and milestones to carry out the proposed task; a detailed work plan with timelines for the Deliverables/Outputs (max score: 300) <p><input checked="" type="checkbox"/> Qualification of Key Personnel (max score: 400), including:</p> <ul style="list-style-type: none"> Expert 1 (Team Leader) with advanced university degree in engineering, natural sciences or economy with at least 7 years of proven working experience in the sector as well as with strong coordination and team leading skills, (max score: 200); Expert 2 lawyer with relevant university degree with at least 5 years of working experience in environmental legislation and regulation drafting (max score: 100); Expert 3 with relevant university degree, and with at least 5 years of working experience in air protection, including climate change policy and implementation sector (max score: 100); <p><u>Financial Proposal (30%)</u></p> <p>To be computed as a ratio of the Proposal's offer to the lowest price among the proposals received by UNDP.</p>
UNDP will award the contract to:	<p><input checked="" type="checkbox"/> One or more Service Providers, depending on the following factors: as per maximum number of lots.</p>
Annexes to this RFP ⁴	<p><input checked="" type="checkbox"/> Detailed TOR (Annex 1)</p> <p><input checked="" type="checkbox"/> Form for Submission of Proposal (Annex 2)</p> <p><input checked="" type="checkbox"/> General Terms and Conditions / Special Conditions (Annex 3)⁵</p> <p><input type="checkbox"/> Others⁶</p>

⁴ Where the information is available in the web, a URL for the information may simply be provided.

⁵ Service Providers are alerted that non-acceptance of the terms of the General Terms and Conditions (GTC) may be grounds for disqualification from this procurement process.

⁶ A more detailed Terms of Reference in addition to the contents of this RFP may be attached hereto.

Contact Person for Inquiries (Written inquiries only) ⁷	<i>Procurement Unit, UNDP Armenia</i> procurement.armenia@undp.org Any delay in UNDP's response shall be not used as a reason for extending the deadline for submission, unless UNDP determines that such an extension is necessary and communicates a new deadline to the Proposers.
Other Information <i>[pls. specify]</i>	

⁷ This contact person and address is officially designated by UNDP. If inquiries are sent to other person/s or address/es, even if they are UNDP staff, UNDP shall have no obligation to respond nor can UNDP confirm that the query was received.

TERMS OF REFERENCE

Scope of professional services:	Review and amend the draft Law of Republic of Armenia on atmospheric air protection
Start date:	March, 2019
Duration:	2 months
Location:	Yerevan, Armenia
Project title:	“Development of Armenia’s Fourth National Communication to the UNFCCC and Second Biennial Update Report” UNDP-GEF/00096445

I. Project Background

The project objective is to enable Armenia to prepare its Fourth National Communication (4NC) under decision 17/CP.7 and the Second Biennial Update Report (2BUR) under decision 2/CP.17 of the United Nations Framework Convention on Climate Change. The reporting under Convention will build upon previous studies, self-assessment exercises and will be based on the UNFCCC Guidelines. It will enable Armenia to present the updated information on Convention implementation in a consistent, transparent and comparable manner. The project is coordinated by the Ministry of Nature Protection under the guidance of Inter-Agency Climate Change Council (IACCC). The preparation of the 2BUR and 4NC is expected to enhance national capacity, contribute to general public awareness and knowledge building, and mainstream climate change consideration into national sustainable development process of Armenia. The reporting system will enhance the capacity building, elaboration of synergies aimed at integration of climate change into national policies and programmes. The project will also support in capacity building for addressing identified gaps and needs, which can guide UNFCCC implementation planning process improvement the country. The project document is available at <http://www.nature-ic.am/en/projects/Fourth-National-Communication-and-Second-Biennial-Update-Report/20>

II. Task Objective

The objective of the task is to review the draft of the Atmospheric Air Protection Law developed by the Ministry of the Nature Protection, provide recommendations and come up with corresponding revised text of the Law.

III. Scope of Work, Terms and Conditions

In the scope of professional services, the contractor will perform the following activities:

1. Review recent draft of the Atmospheric Air Protection Law of the Republic of Armenia from the point of its compliance with the recent developments and commitments of Armenia, including: UNFCCC and Paris Agreement; EU-Armenia Comprehensive and Enhanced Partnership Agreement; Eurasian Economic Union Treaty; Ozone Layer Protection Vienna Convention and its corresponding protocols; UNECE Long-range Transboundary Air Protection convention; commitments of the Civil Aviation Committee of Armenia under ICAO, etc.

2. Conduct cost benefit analyses (including social economic impact and identification of externalities) of the proposed changes. Identify the main improvements proposed in the new version of the Air Protection Law compared to the existing RA Law.
3. Identify the shortcomings of the proposed new Law and arrange consultations with key national partners (corresponding divisions of the Ministry of Nature Protection, namely: Climate Change and Air Protection Policy Division, Waste and Atmosphere Emissions Management Agency, "Environmental Monitoring and Information Center" SNC, "Environmental Impact Expertise Center" SNCO, Ozone center, Legal Department), civil society and private sector.
4. Propose the recommended version of the Law based on analysis and consultations done.
5. Identify set of by-laws to make the new amendments operational
6. Present the proposed version of the Law to key stakeholders including but not limited to Ministry of Nature Protection, other ministries, business and civil sector, for validation of main findings and recommendations; ensure integration of stakeholder's comments and recommendations into the final version.

UNDP-GEF Project will:

- provide contractor with English and Armenian texts of the previous and current new Laws on Air Protection,
- will support in organization of consultations with the Ministry of Nature Protection divisions,
- will provide support in organization of workshop(s).

IV. Expected Outputs

#	Outputs/Deliverables	Due date	Amount (%/USD)
1.	Report on observed shortcomings and recommended changes to be considered in the draft Law	15 days after signing the contract	30%
2.	The text of the draft Law, with consideration of all substantial comments of the stakeholders	45 days after signing the contract	70%
Total			100%

- Reports should be provided in Armenian, in printed and electronic versions, the final proposed text of the Law should be provided also in English.

V. Institutional Arrangements

- The contractor will work under overall supervision of the UNDP Climate Change Programme Coordinator and in consultation with the Climate Change and Air Protection Policy Division of the Ministry of Nature Protection and with the project national and international experts whenever required.
- For proper communication and quality assurance, regular meetings will be held between the contractor and Project management to agree on expectations, detailed scope of work,

milestones and the workplan. Regular briefings should be held with the Project management on the task progress and completed milestones, as well as discussing any issues requiring decisions or guidance from UNDP.

VI. Schedule of Payments

- Payment will be done in 2 installments, upon timely completion of respective Outputs and their acceptance by UNDP based on the signed acceptance acts and narrative reports for each deliverable.
- The following lump sum payable modality is envisaged for implementation of the task:
 - Output 1 – 30 %
 - Output 2 – 70 %
- Evaluation of outcomes is the responsibility of UNDP.

VII. Required Qualifications

The company should demonstrate its capability and thorough understanding of the work to be carried out, as outlined in Terms of Reference and present clear methodology for implementing assessment, as well as it should be able to mobilize experts in order to successfully implement the work as per Terms of Reference.

Expertise of the Company:

- At least 5 years of proven experience in providing consulting services in environmental management sector;
- Proven experience in development of regulatory and legal documents on environmental management with particular focus on air protection policies and regulations.
- Experience in working with international organizations and Armenia's governmental institutions, involvement in climate change related projects/activities.

Proposed Methodology, Approach and Implementation Plan:

Task implementation approach, a detailed work plan with timelines for the Deliverables/Outputs.

Management Structure and Key Personnel:

The Company should have a strong team of experts, with shown professional capacities. Resumes (CV) of three key experts with proven required experience should be provided. One of the Experts should act as a Team Leader.

CVs of professional staff to be involved:

- **Expert 1** (Team Leader) with advanced university degree in engineering, natural sciences or economy with at least 7 years of proven working experience in the sector as well as with strong coordination and team leading skills.
- **Expert 2** lawyer with relevant university degree with at least 5 years of working experience in environmental legislation and regulation drafting.
- **Expert 3** with relevant university degree, and with at least 5 years of working experience in air protection, including climate change policy and implementation sector.

Annex 2 - FORM FOR SUBMITTING SERVICE PROVIDER'S PROPOSAL⁸

(This Form must be submitted only using the Service Provider's Official Letterhead/Stationery⁹)

[insert: Location].

[insert: Date]

To: [insert: Name and Address of UNDP focal point]

Dear Sir/Madam:

We, the undersigned, hereby offer to render the following services to UNDP in conformity with the requirements defined in the RFP dated [specify date], and all of its attachments, as well as the provisions of the UNDP General Contract Terms and Conditions:

A. Qualifications of the Service Provider

The Service Provider must describe and explain how and why they are the best entity that can deliver the requirements of UNDP by indicating the following:

- a) *Profile – describing the nature of business, field of expertise, licenses, certifications, accreditations;*
- b) *Business Licenses – Registration Papers, Tax Payment Certification, etc.*
- c) *Latest Audited Financial Statement – income statement or balance sheet to indicate its financial stability, liquidity, credit standing, and market reputation, etc. ;*
- d) *Track Record – list of clients for similar services as those required by UNDP, indicating description of contract scope, contract duration, contract value, contract references;*
- e) *Certificates and Accreditation – including Quality Certificates, Patent Registrations, Environmental Sustainability Certificates, etc.*
- f) *Written Self-Declaration that the company is not in the UN Security Council 1267/1989 List, UN Procurement Division List or Other UN Ineligibility List.*

B. Proposed Methodology for the Completion of Services

The Service Provider must describe how it will address/deliver the demands of the RFP; providing a detailed description of the essential performance characteristics, reporting conditions and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the local conditions and context of the work.

C. Qualifications of Key Personnel

If required by the RFP, the Service Provider must provide:

- a) *Names and qualifications of the key personnel that will perform the services indicating who is Team*

⁸ This serves as a guide to the Service Provider in preparing the Proposal.

⁹ Official Letterhead/Stationery must indicate contact details – addresses, email, phone and fax numbers – for verification purposes

- Leader, who are experts, etc.;
- b) CVs demonstrating qualifications must be submitted; and
- c) Written confirmation from each personnel that they are available for the entire duration of the contract.

D. Cost Breakdown per Deliverable*

	Deliverables <i>[list them as referred to in the RFP]</i>	Percentage of Total Price (Weight for payment)	Price (Lump Sum, All Inclusive)
1	Report on observed shortcomings and recommended changes to be considered in the draft Law	30%	
	The text of the draft Law, with consideration of all substantial comments of the stakeholders	70%	
	Total	100%	

**This shall be the basis of the payment tranches*

E. Cost Breakdown by Cost Component [This is only an Example]:

Description of Activity	Remuneration per Unit of Time	Total Period of Engagement	No. of Personnel	Total Rate
I. Personnel Services				
1. Services from Home Office				
a. Key Expert 1				
b. Key Expert 2				
c. Expert 3				
d. Expert 4				
2. Services from Field Offices				
a. Key Expert 1				
b. Key Expert 2				
c. Expert 3				
d. Expert 4				
3. Services from Overseas				
a. Expertise 1				
b. Expertise 2				
II. Out of Pocket Expenses				
1. Travel Costs				
2. Daily Allowance				
3. Communications				
4. Reproduction				
5. Equipment Lease				
6. Others				
III. Other Related Costs				

*[Name and Signature of the Service Provider's
Authorized Person]*

[Designation]

[Date]



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Annex 3- UNDP GENERAL CONDITIONS OF CONTRACT FOR SERVICES

(attached separately)