

TERMS OF REFERENCE Long Term Agreement

1. Assignment Information

Assignment Title:	International Plastic Management Consultant (s)
Cluster/Project:	Programme unit /Combatting Marine Plastic Litter
Post Level:	International Expert
Contract Type:	Long Term Agreement (LTA) up to Three LTAs
Duty Station:	Home based
Expected Place of Travel:	N.A
Contract Duration:	Initial contract is from 31 May 2021 to 30 May 2022 (up to 100 days per year); (possibility of extension up to three years)

2. Project Description

Over the last decades, Cambodia has experienced rapid growth of its population and economy, which led the surge in plastic waste. In Phnom Penh, plastic waste now amounts to more than 20% of the total volume of municipal waste (3,600 tons) generated per day, adding immense pressure on waste management and natural environment.

Plastic waste pollution is highly damaging in terms of environmental, economic and public health impacts. In urban areas, illegally dumped plastic waste blocks waterways, clogs sewage and drainage systems, and elevates flood risks. In areas without waste collection services, plastic waste is often burned in the open or disposed at on streets, or into local waterways, which carry it to the sea. The burning of plastics releases harmful chemicals which pose risk to public health. In coastal areas, the impact of plastic waste to the tourism industry is particularly significant. Plastic waste (e.g. cigarettes, plastic food wrappers and bags) makes up 80% of the debris found on its beaches (FFI 2021), deteriorating coastal areas' natural environment, marine ecosystems, and scenery.

According to the MoE (2015), out of the 4 million ton of solid waste generated, 63 % is collected while 29 % is illegally dumped or burned. Around 8 % is collected informally by informal waste pickers who gather waste from landfills or streets and sell recovered valuables to intermediary persons, usually exported to Thailand or Vietnam for recycling (recently, these countries announced that they would soon ban plastic waste imports). At present, less than 1 % of plastic waste is formally recycled due to limited infrastructure, technology, or finances.

Thus, there is **an urgent need to reduce the volume of plastic waste and to create an environment where waste is properly managed, recycled and recovered.**

Tackling plastic waste requires systematic changes covering the entire lifecycle of plastic from import to production, use, disposal, and recycling. Cambodia is not a major producer of plastic products and most plastic items are imported. One of the priorities is therefore to regulate the import and sales of single-use plastic. Major industries using single-use plastic like plastic bottles need to create product designs that are easily recyclable and actively support recycling, for example through an Extended Producer Responsibility (EPR) scheme. Business and people need to significantly cut down the use of single-use plastic and adopt sustainable alternatives. Moreover, plastic waste needs to be sorted from other waste to enable reuse, recycling or energy recovery.

To this end, since 2018, the Royal Government of Cambodia (RGC) has promoted the 4Rs – Refuse, Reduce, Reuse, and Recycle – framework to prevent and minimize plastic waste pollution on land and in the ocean.

Thus far, as part of regulatory measures, in 2018, the Ministry of Environment (MoE) developed the sub-decree 168 to introduce a levy on plastic bags. The MoE is currently drafting a new regulation on plastic management, covering the entire life cycle of all types of plastic. The MoE is also considering the introduction of favorable measures for plastic recycling. Moreover, the National Council for Sustainable Development (NCSD) also plans to propose an EPR scheme for Cambodia to promote the effective collection and recycling of plastic waste.

3. **Scope of Work**

To support these ongoing government's efforts, in January 2021, the "Combatting Marine Plastic Litter (Marine Plastic)" project was initiated with funding support from Japan.

The International Plastic Management Consultant (s) is to work with national consultant(s) to provide technical assistance to the Marine Plastic project team for the following sets of activities related to plastic management.

1) Development of a sub-decree on plastic management (linked to the project activity 1.2): See Box 1 for a proposed structure of the new plastic regulation.

Box 1. Proposed structure of the sub-decree on plastic management

- **Main body of the sub-decree** - refers to overall "Plastic Management" including
 - Definitions of key terms
 - Purposes of the sub-decree
 - Key institutions and their roles in the sub-decree implementation
 - Responsibilities and roles of public and private institutions and citizens
 - Guidance on import, production and distribution sales, use and consumption
 - Plastic waste management including, sorting, collection and recycling with references to the roles of public and private institutions and citizens for waste management
 - Extended Producer Responsibility (EPR), Corporate Social Responsibility (CSR) schemes, Polluter Pay Principle (PPP): core principles – to introduce levies, to promote recycling, to build and expand recycling facilities as well as waste to energy options (e.g. cement kilns)
 - Green labelling, certificates, and standards for SMEs importing and distributing plastic items (to make it clear the recyclability of plastic products) – green procurement for public institutions to purchase green products (which tend to be more expensive)
 - Establishment of single-use free zones
 - Establishment of waste reception facilities – transfer stations- international shipping ports (major ports may receive waste- may require provisions for waste from industry zones, air crafts, and shipping etc) including requirements for recycling
 - Law enforcement mechanisms including fines
- **Proposed set of Annexes** (subject to changes after further deliberations)
 1. **Economic measures:** e.g. increased taxes and levies along with a list of items including Single-use Plastic (SUPs):
 2. **Bans, restrictions and regulations for SUPs:** list of items to be subject to short-, medium- and long-term measures
 - Priorities are given to ones which already have alternatives
 - Special considerations are given to wet markets and the poor

3. **Plastic recycling incentives** (subsidies, tax breaks) for manufacturing for plastic recycling companies (e.g. import tax exemption for equipment, tax breaks for production). Measures are to be discussed with the MoE and the General Department of Tax and Revenues
4. **Future ordinance** (e.g. plastic materials with hazardous substances including E-waste, computers, wires and construction materials, plastic for agriculture use, plastic from vehicles)
5. **Final disposal of plastic waste**-plastic waste (including disposals from air crafts, ships)
6. EPR, CSR, PPP and recycling activities

This work to develop a sub-decree may entail but not be limited to:

- In close consultation with the MoE and building on already existing analyses and information materials (e.g. a roadmap for plastic management, initial lists of single use plastic items to be included in a sub-decree), **conduct additional analyses** to prepare an updated full set of single-use Plastic (SUPs) and other plastic items to be included in the proposed regulation along with recommended regulatory measures (e.g. bans and restrictions, taxes, incentives, product standards, certifications, and EPRs) for each type of items.

Selection of items as well as recommended measures should draw on other countries' best practices while reflecting Cambodia's contexts and priorities and in consultation with the MoE.

The initial list of SUPs may cover but not be limited to the following types of plastic:

- Plastic bags (amendments to sub decree 168 or a new one if more than 30 % change)
- Plastic straws and drink stirrers
- Plastic cutleries (plates, forks, spoons, knives and chopsticks), cups and plates
- Single-use toiletries (toothbrushes, shampoos, conditioners, lotions, cotton buds, shower cap) and other complementary items such as plastic bottles and saches at hotels
- Sachet for mono-dose of salt, pepper or sugar
- Plastic egg packages
- Plastic cups and lids (both Polystyrene containers and expanded polystyrene (EPS))
- PET bottles, EPS products consumed by workers at the garment factories and other types of factories
- Plastic PET bottles and plastic caps
- Beverage containers with a capacity of up to three liters
- Food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food
- Food packaging made of expanded polystyrene,
- Crisps and sweets packaging
- Sachets for noodles, shampoos, coffee
- Tobacco products

Other types of plastic may include plastic used for electronics, agriculture and fisheries.

- Develop PowerPoint presentation(s) and report(s) to present proposed updated contents of regulatory measures for the MoE's comments
- Update key contents and details required for the proposed sub-decree with all annexes relating to plastic waste management incorporating the MoE's comments
- Develop an agenda, PPTs and talking points for consultation meetings and compilation of comments received from stakeholders

- Incorporate comments into updated draft(s) and final draft for an approval

2) Development of proposed measures for EPR (linked to the project activity 1.1):

- Prepare a report to present key information related to Extended Producer Responsibility (EPR) drawing on other countries' best practices while reflecting Cambodia's contexts and priorities. These may but are not limited to:
 - a. Common definitions, scopes, fundamentals and objectives of an EPR scheme (e.g. how scopes of EPR have included different kinds of treatments (collection, recycling, waste to energy, incineration including the use of cement kiln) of recyclable/non-recyclable plastic materials);
 - b. Types of EPR structures (voluntary vs mandatory, public vs private etc) and their benefits and challenges;
 - c. Types, functions and pros & cons of different types of Producer Responsibility Organization (PRO)s (public or private);
 - d. Analyze public commitments and public sector regulations with best practices from other countries (especially from ASEAN) including schemes for plastic producers to manage their products at end-of-life under Extended Producer Responsibility (EPR) or other take-back schemes;
 - e. Identify certain types of plastics which should be included in the EPR scheme;
 - f. Develop draft PowerPoint presentation(s) and report(s) to present key information for consultations and comments;
 - f. Incorporate comments into updated draft(s)
- In consultation with the NCSD, identify an enabling environment for piloting and scaling-up Plastic Circularity Interventions
 - a. Identify financial, technical, information and infrastructure related barriers that could hinder private sector investments and scale-up of plastic circularity;
 - b. Identify key regulatory gaps that must be addressed by the government to develop scalable solutions beyond current voluntary initiatives to reduce plastic waste and increase circularity.
 - c. Assess the feasibility of voluntary and mandatory EPR schemes, including the levels of fees to be posed drawing on other countries' examples;
 - d. Assess the feasibility of Deposit Refund Scheme, Refilling services and required infrastructures and networks (e.g. Unilever, AEON, Chip Mong, Total);
 - e. Recommend 5 to 10 private sector companies with whom the NCSD/MoE can explore cooperation opportunities for piloting EPR scheme; and
 - f. Propose strategies to engage the informal waste sector into the EPR scheme
- In consultation with the NCSD, draft key contents and details required for proposed regulatory measures related to EPR for comments. Drafts should draw on other countries' best practices while reflecting Cambodia's contexts and priorities. These may but are not limited to:
 - a. Definitions, scopes, fundamentals and objectives for the Cambodia's EPR scheme (e.g. Scopes of EPR should refer to types of treatments for recyclable/non-recyclable plastic materials);
 - b. Types of EPR structures (voluntary vs mandatory, public vs private etc) and Policy and Economic instruments;
 - c. Possible establishment of Producer Responsibility Organization (PRO)s (e.g. TBC);
 - d. List of target industries (e.g. plastics manufacturing, packaging) and proposed measures (e.g. product standards, recycling targets, certification, take-back schemes, fees for products);
 - e. Setting collection and recycling targets for different types of plastic waste and businesses;
 - f. Strategies for separate collection for recycling (including deposit refund scheme);

- g. Considering options of setting specific fees for different types of plastic packaging/ lowering fees for alternative packaging based on economic assessments and feasibilities;
 - h. Potential target waste streams for EPR in Cambodia including main producers of these types of waste;
 - i. Strategies to include an informal sector in an EPR;
 - j. Monitoring and evaluation; and
 - k. Timeline for implementation and additional areas to consider
- Develop PowerPoint presentation(s) and report(s) to present draft updated contents of regulatory measures for consultations and comments;
 - Develop an agenda, PPTs and talking points for consultation meetings and compilation of comments received from stakeholders; and
 - Incorporate comments into updated draft(s)

3) Drafting strategies and measures to promote alternatives and plastic recycling (linked to the project activity 4.1):

- In consultation with the MoE/NCSD, conduct a market assessment of plastic recycling
 - a. Collect data on current supply and demand volumes for waste plastics, including from imports and exports; review the state of plastic recycling in practice;
 - b. Identify types and volume of plastic waste that can be targeted for plastic recycling;
 - c. Identify design, technologies and scales of plastic recycling used in other countries and identify ones which are applicable for Cambodia;
 - d. Devise strategies to increase recycling capacity of target products (waste segregation, deposit and take back schemes, engagement of informal waste pickers); and
 - e. Assess market development potential for recycled secondary raw materials and identify enabling measures
- In consultation with the MoE/NCSD, conduct a market assessment of non-plastic-based alternatives
 - a. Collect data on the availability of alternatives in Cambodia and in the Asia and Pacific region;
 - b. Identify types and volume of alternative agriculture-based products that can be produced in Cambodia (e.g. bamboo spoons, banana leaves, rice straws, sugarcane-based packaging); and
 - c. Assess market development potential and devise strategies to increase the production and sales of alternatives and enabling regulatory measures (e.g. tax incentives, subsidies)
- Identify enabling actions and measures (regulatory, fiscal and logistic measures)
 - a. Extended producer responsibility, CSR and Polluter Pay Principle (PPP);
 - b. Product design for recycling;
 - c. Recycling and/or end of life options;
 - d. Education and awareness;
 - e. Segregation at source;
 - f. Product fees for single use plastics;
 - g. Harmonization of licenses and fees for waste collectors and recyclers;
 - h. Tax incentives for increased recycling and alternatives; and
 - i. Green products and procurement applications
- Identify up to 5 business models for plastic recycling and non-plastic-based alternatives
 - a. Background research and feasibility assessments of plastic recycling technologies, equipment and business models applicable for Cambodia
 - b. Provision of technical support for piloting identified priority business models

- c. Provision of technical inputs to refine plastic recycling business models for replication and scaling up
- d. Provision of technical support for developing enabling regulatory measures (linked to the activity 1.1 and 1.2)
- Development of PowerPoint presentation(s) and report(s) (in ENG and Khmer) to present key findings for consultations and comments
- Development of agenda, PPTs and talking points for consultation meetings and compilation of comments received from stakeholders
- Incorporation of comments into updated draft(s)

4. Deliverables

A separate specific ToR will be developed for the specific services needed within the scope of the LTA. The consultant shall ensure confidentiality of all the information received during the assignment.

5. Institutional Arrangement

Roles of the consultant under the Marine Plastic project

- The consultant shall work closely with national and international consultants assigned under the project
- The consultant shall work under the General Directorate of Environmental Protection (GDEP) (Solid Waste Management) of the Ministry of Environment for plastic management regulations & the Department of Green Economy (DGE) of the National Council for Sustainable Development (NCSD) for EPR related work, and Environmental Policy Specialist of UNDP to inform the progress of the works
- The consultant shall report on/submit the above deliverables to the GDEP and DGE as well as to the UNDP country office

Roles of the consultant under UNDP

- The consultant shall work under the head and the programme analyst of the programme unit & Environmental Policy Specialist of UNDP to inform the progress of the works

Roles of MoE and NCSD

- The GDEP, MoE will supervise the consultant for the nature of work and work plans related to plastic management regulations
- The DGE, NCSD will supervise the consultant for the nature of work and work plans related to EPR

Roles of the UNDP

- Overall supervision is provided by the UNDP environmental policy specialist who will provide technical quality assurance.
- The UNDP programme analyst will provide overall quality assurance for this consultancy
- Upon confirmation of quality from environmental policy specialist, the UNDP programme analyst will review deliverables for payment release

6. Duration of the Work

The initial assignment is up to 100 days per year expected from 31 May 2021 to 30 May 2022 with possible of extension up to three years based on the needs and satisfactory performance of the consultant. The proposed daily rate remains valid for up to three years.

LTA refers to a mutual arrangement whereby the Consultant will provide services as required, over a specific period of time. It specifies the unit price (daily rate), allowing for a framework agreement to be used when the Consultant's services are needed. A separate ToR will be developed for the specific services for output based needed within the scope of the LTA.

7. Duty Station

The duty stations for this assignment is primarily home based. If travels are required, DSA, and all other related actual costs (etc. local travels) will be covered by UNDP Cambodia, prior to agreement made prior to each assignment taking place. The reimbursement of the associated costs will be made through F-10.

Selected individual contract(s) who is expected to travel to the Country Office (CO) to undertake the assignment in the country (Cambodia) is required to undertake the BSAFE training. <https://training.dss.un.org/course/category/6> prior to travelling.

8. Minimum Qualifications of the Individual Contractor

Education:	<ul style="list-style-type: none"> Master's degree in Environmental Engineering, Environmental Science, Environmental Management, Civil/Mechanical/Process Engineering, Environmental Law or related field.
Experience:	<ul style="list-style-type: none"> At least 7 years of relevant professional experience related to environmental regulations, waste management and recycling. Prior experience working in and knowledge of Cambodia or/and the South East Asia region is preferred. Robust track record in conducting analytical work and development of legislation, strategies, or policies in the waste management field. Specific knowledge related to single-use plastic, plastic recycling and Extended Producer Responsibility (EPR) is a plus Excellent analytical and writing skills including the ability to communicate policy recommendations in a succinct and clear manner (assessed by examples of PPTs + reports)
Competencies:	<ul style="list-style-type: none"> Demonstrates integrity by modeling the UN's values and ethical standards Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability Treats all people fairly without favoritism Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment
Language Requirement:	<ul style="list-style-type: none"> Fluency in English mandatory.

9. Criteria for Evaluation of Level of Technical Compliance of Individual Contractor

Technical Evaluation Criteria	Obtainable Score
Master's degree in Environmental Engineering, Environmental Science, Environmental Management, Civil/Mechanical/Process Engineering, Environmental Law or related field.	20
At least 7 years of relevant professional experience related to waste management and recycling. Prior experience working in and knowledge of Cambodia or/and the South East Asia region is preferred.	20

Robust track record in successfully conducting analytical work and development of legislation, strategies or policies in the waste management field. Specific knowledge related to single-use plastic, plastic recycling and Extended Producer Responsibility (EPR) is a plus	30
Excellent analytical and writing skills including the ability to communicate policy recommendations in a succinct and clear manner (assessed by samples of PPT + reports)	30
Total Obtainable Score:	100

10. Payment Milestones

The payment is made based on the actual number of days per each assignment agreed prior to each assignment taking place. It will be calculated based on the number of actual working days as per assignment (exclude DSA, air-ticket, and other associated costs). The number of days of each assignment is expected to vary. The payment is to be made to the contractor as per agreed sub-ToR of each assignment.

The contractor can begin working only after a **purchase order (PO)** is issued to him/her each time a service is required and following discussion and agreement between the contractor and the Country Office. The contractor takes his/her own responsibility for performing any service which is out of the scope of this ToR.

Full payment amount is paid within 30 days after satisfactorily completion of work and receiving of original invoice/CoP. Each payment is subject to acceptance of work, receipt of Certification for Payment, and performance evaluation duly completed (for last payment) and signed by the head of the respective unit requesting the service. If additional work is needed due to the assignment not meeting the requirements, this will be at no cost to UNDP.

Offerors shall quote one rate of daily professional fee with insurance cost. The rate shall be all inclusive and fixed during the contract period.

The contractor will be paid on a lump sum basis as per agreed per assignment/ToR.