ANNEX II
TERMS OF REFERENCE

1. BACKGROUND INFORMATION

1.1. Partner country

Montenegro

1.2. Contracting Authority

The University of Montenegro, The Institute of Marine Biology

1.3. Country background

In 2006 Montenegro's parliament declared independence from the State Union of Serbia and Montenegro. In 2008, the new country applied for EU membership. In 2010, the Commission issued a favourable opinion on Montenegro's application, identifying 7 key priorities that would need to be addressed for negotiations to begin, and the Council granted it candidate status. In December 2011, the Council launched the accession process with a view to opening negotiations in June 2012. The accession negotiations with Montenegro started on 29 June 2012.

As of 11 December 2017, 30 negotiating Chapters, including the rule of law Chapters, 23 – Judiciary and fundamental rights and 24 – Justice, freedom and security, have been opened, out which three Chapters (25 – Science and research, 26 – Education and culture, 30 – External relations) have been provisionally closed. Five chapters have not been opened yet, among them chapter 27 Environment and Climate Change. The Opening Benchmark Meeting for Chapter 27 was held in May 2014. It is expected that Chapter 27 will be opened during 2018.

Chapter 27 addresses EU environment policy which aims to promote sustainable development and protect the environment for present and future generations. It is based on preventive action, the polluter pays principle, fighting environmental damage at source, shared responsibility and the integration of environmental protection into other EU policies. The acquis comprises over 200 major legal acts covering horizontal legislation, water and air quality, waste management, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms (GMOs), noise and forestry. Compliance with the acquis requires significant investment. A strong and well-equipped administration at national and local level is imperative for the application and enforcement of the environment acquis.

1.4. Current situation in the sector

Following the Opening Benchmark Meeting for Chapter 27 which was held in May 2014, Montenegro has adopted in July 2016 “National Strategy with Action Plan for Transposition Implementation and Enforcement of the EU Acquis on Environment and Climate Change”. The Strategy with AP will serve as a basis for transposition, implementation and enforcement of the EU acquis on environment and climate change, including plans for the development of the relevant administrative capacities and an estimation of the financial resources required. The Strategy with AP puts particular attention on: alignment with water and waste sectors acquis, integrating waste minimisation measures and management of waste that cannot be treated other than landfilled, and to the policy planning and administrative capacity considerations for climate action.

The progress made in the process of alignment of the Environment and Climate Change sectors within the scope identified by the Strategy with AP creates opportunities for adequate development and necessary adjustment of administrative and technical capacities of Montenegro for environmental management which is in line with the EU standards.

The Institute of Marine Biology of the University of Montenegro is granted by the Norwegian Ministry of Foreign Affairs to implement a project "Marine Biodiversity Conservation Center "Boka Aquarium" (MonteAqua)". Project will be implemented between December 4, 2017 and June 4, 2019 in cooperation with the Center for Fisheries and Biodiversity Conservation of Inland Waters, Institute of Biology and Ecology, Faculty of Science, University of Kragujevac.

The planned **effect on society** of MonteAqua project is enhanced Montenegrin EU integration process in the area of nature protection relevant to water ecosystems and sustainable management of protected water ecosystems.

The project has 5 main **outcomes**:

1. Closer regional cooperation
2. Increased capacity in the field of environment
3. Increased public awareness on importance of water ecosystems and EU integration process in Chapter 27: Environment
4. Strengthened institutional capacities for adoption of appropriate law provisions and implementing acts for achieving full transposition of EU legislation in the field of Nature Protection (relevant to water ecosystems)
5. Montenegrin contribution to SDG 14 "Conserve and sustainably use the oceans, seas and marine resources for sustainable development"

For generating planned outcomes, several **activities** were planned.

1. In order to secure closer regional cooperation (outcome 1) following activities will be implemented:
   1.1. Setting up network of authorities responsible for management of protected water ecosystems. Network will be based on electronic cooperation platform.
   1.2. Organization of International (regional) conference "Adriatic Biodiversity Protection". Conference will be organized in close cooperation with local government(s) for expected 100 participants
2. In order to secure increased capacity in the field of environment (outcome 2) following activities will be implemented:
   2.1. Setting up Marine Biodiversity Conservation Center "Boka Aquarium"
   2.2. Setting up freshwater "Skadar Aquarium"
   2.3. Setting up Rescue Centre for Water Wild Flora and Fauna
3. In order to secure increased public awareness on importance of water ecosystems and EU integration process in Chapter 27: Environment (outcome 3) following activities will be implemented:
   3.1. Development of communication platform for stakeholders' participation in water biodiversity conservation
   3.2. Development of WEB portal "Aquariums of Montenegro"
   3.3. Securing gender equality
   3.4. Rare and endangered fish species in the Adriatic Sea and proposal for marine flagship species
   3.5. Evaluating status of European eel (*Anguilla anguilla*) in Skadar Lake [freshwater flagship species]
4. In order to secure strengthened institutional capacities for adoption of appropriate law provisions and implementing acts for achieving full transposition of EU legislation in the field of Nature Protection (relevant to water ecosystems) (outcome 4) following activities will be implemented:
   4.1. Organizing Workshop "Regulation (EU) 1143/2014 (Invasive alien species)"
   4.2. Organizing Workshop "Council Directive 1999/22/EC (Zoo)"

4.3. Organizing Workshop “Council Regulation (EC) No 338/97 (CITES), Commission Regulation (EC) No 865/2006 (CITES), Commission Regulation (EU) No 791/2012 (CITES)”
4.4. Organizing Workshop “Council Directive 92/43/EEC (Habitats)”

5. In order to secure Montenegrin contribution to SDG 14 “Conserve and sustainably use the oceans, seas and marine resources for sustainable development” (outcome 5) following activities will be implemented:
5.1. Discussion conservation of Montenegrin coastal and marine areas based on the best available scientific information
5.2. Promoting sustainable harvesting and negative effects of overfishing, illegal, unreported and unregulated fishing and destructive fishing practices
5.3. Organizing Workshop “Sustainable fishing”
5.4. Preventing marine pollution
5.5. Organizing Workshop “Conservation of Montenegrin coastal and marine areas”

1.5. Related programmes and other donor activities

MonteAqua project will be implemented in close cooperation with relevant Montenegrin institution in order to create synergy with other related activities stipulated in the “National Strategy with Action Plan for Transposition Implementation and Enforcement of the EU Acquis on Environment and Climate Change”.

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1. Overall objective

The overall objective of the project of which this contract will be a part is as follows:

- Enhance Montenegrin EU integration process in Chapter 27: Environment and contribute to socio-economic development at country level and in the region through:
    - closer regional cooperation,
    - increased capacity in the field of environment - setting up Marine Biodiversity Conservation Center,
    - increased public awareness,
    - strengthened institutional capacities, and
    - Montenegrin contribution to SDGs 5, 8 and 14.

2.2. Purpose

The purposes of this contract are as follows: Purpose 1: Support activity 2.1. Setting up Marine Biodiversity Conservation Center “Boka Aquarium”, and in particular sub-activity A2.1.4: Installing set of aquaria.

2.3. Results to be achieved by the Contractor

The Contractor should achieve following results:

- Result 1: Full technical project of aquaria and life support systems
- Result 2: Supported procurement of necessary materials and equipment
- Result 3: Supervised Boka Aquarium design and construction
- Result 4: Provided codes and standards for Boka Aquarium operations

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the project

Expected results will contribute to Project output 2.1: Established Marine Biodiversity Conservation Center "Boka Aquarium".

3.2. Risks

Risk	Probability	Impact	Overall risk	Risk-reducing measures	Responsibility	Deadline
Delay in Boka Aquarium construction	Medium	High	High	Proper public procurement and monitoring	PD, PM, PMT	Project months 6, 12
Cross-cutting issues: Negative impact on climate/environment	Low	Low	Low	Proper project management	PD, PM, PMT	Project month 6, 12

4. SCOPE OF THE WORK

4.1. General

4.1.1. Description of the assignment

The overall objective of this assignment is to support planning and construction of Boka Aquarium.

Specific objectives of the assignment are as follows:

- Support MonteAqua project team in planning Boka Aquarium
- Support selected architect in development detailed construction plan
- Support selected company in procurement of necessary materials and equipment
- Supervise Boka Aquarium design and construction
- Provide codes and standards for Boka Aquarium operations

4.1.2. Geographical area to be covered

Montenegro

4.2. Specific work

4.2.1. Result 1: Full technical project of aquaria and life support systems

In order to reach Result 1, this assignment has four tasks, as follows:

- Providing necessary specialist consultancy to the architects (Enforma d.o.o.)
- Providing full technical parameters for the design of aquaria. Desired dimensions and materials are specified in Annex IV
- Providing detailed specifications and aquaria construction drawings, and in particular:
    - Specification of the technical parameters of the tanks
    - Specification of the items of the technical engineering
    - Specification of the supporting materials and items for the maintenance of the tanks.
    - Provide tank construction drawings
    - Design theming for all tanks; desired themes are listed in Annex IV
    - Operational parameters to be maintained – list of measures to minimize the operational cost as well as eco-friendly, energy saving practices (recirculation, rainwater harvesting, solar / wind power generation, natural lighting, automation, duty standby of all the equipment) to reduce the wear tear etc.)
- Providing and submitting final life support system (LSS) construction drawings, and in particular:
    - Drawing of the placement of the LSS in the service area
    - Locating water input and output in each tank
    - Providing technological flow-chart for LSS (P&ID)
    - Providing engineering drawings for pipes, pumps &water technology.
    - Placement of the LSS connection points (place, dimension, quantity)

4.2.2. Result 2: Supported procurement of necessary materials and equipment

In order to reach Result 2, this assignment has two tasks, as follows:

- Obtaining quotes for all specialist items required for supply & technical maintenance of the aquarium, with best value & most cost-effective solutions; communication with the suppliers;
- Provide regular updated cost estimates

4.2.3. Result 3: Supervised Boka Aquarium design and construction

In order to reach Result 3, this assignment has two tasks, as follows:

- Provide on-line supervision of design & construction through Project 9mCollab communication platform
- Provide attendance for three meetings in Montenegro during Aquarium design

4.2.4. Result 4: Provided codes and standards for Boka Aquarium operations

In order to reach Result 4, this assignment has five tasks, as follows:

- Diving protocols
- Safety measures
- Daily routine protocols
- Feeding protocols
- Routine for biological/chemical sampling & evaluation.

4.3. Project management

4.3.1. Responsible body

This contract will be managed by MonteAqua project management team (PMT) which is appointed by University of Montenegro – the Institute of Marine Biology (IMB). In particular, **Project director** will be responsible for overall quality control while **Project manager** will be responsible for daily coordination of the implementation, gathering an indicator data, self-evaluation and coordination of reporting.

4.3.2. Management structure

Contracting Authority responsible person is Rector. Rector delegates responsibility for MonteAqua project implementation to the Director of Institute of Marine Biology as implementing unit. Project management responsibility lies within Project Management Team (PMT). PMT is consisted of Project director, Deputy project director, Project manager, and two Project team members: Local coordinator Kotor and Local coordinator Kragujevac.

Project director is responsible for overall quality control and functions of the project team. **Project manager** is responsible for project implementation, coordination of the project team and external experts, gathering an indicator data, self-evaluation and reporting. **Project team members** will gather indicator data in line with implementation plan.

4.3.3. Facilities to be provided by the Contracting Authority and/or other parties

The contractor will work from her/his own space.

5. LOGISTICS AND TIMING

5.1. Location

Operational base of MonteAqua project is Kotor, Montenegro.

5.2. Start date & Period of implementation of tasks

The intended start date is 7th May 2018 and the period of implementation of the contract will be 12 months from this date. The Contracting authority will define actual start date in the Contract.

6. REQUIREMENTS

6.1. Staff

Note that civil servants and other staff of the public administration of the partner country, or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

6.2. Competencies, qualifications and expertise

Contractor need to demonstrate particular competencies, qualifications and expertise for each expected result.

6.2.1. Core Competencies

- ***Professionalism*** - Strong knowledge of the field of expertise with good analytical skills, ability to understand complex problems and to deliver appropriate solutions.
- ***Communication*** – Good spoken and written communication skills, including the ability to liaise with technical staff and present information in a clear and concise style.
- ***Teamwork*** – Good interpersonal skills and ability to establish and maintain effective working relations in a multicultural, multi-ethnic environment with sensitivity and respect for diversity.
- ***Planning and Organizing*** – Ability to plan projects and activities, work to tight deadlines, and manage conflicting priorities.
- ***User Orientation*** – Ability to understand users' needs and to customize services and products accordingly, in order to provide user-friendly and ergonomic solutions that meet user requirements.
- ***Technological Awareness*** – Expert knowledge in the field of aquarium and life support systems construction and maintenance
- ***Commitment to Continuous Learning*** – Willingness to keep abreast of new developments in the field of expertise.

6.2.2. Economic and financial capacity of the tenderer (based on item 3 of the tender form)

In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

- Tenderer (i.e., the consortium as a whole, in the case of a tender from a consortium): will not be economically dependent on the Contracting Authority in the event that the contract is awarded to it; and has sufficient financial stability to handle the proposed contract, confirmed by:
    - Annual turnover in the year before last year and in the last year at least 14,000 EUR (exceeding the annualised maximum budget of the contract)
    - Current ratio (current assets/current liabilities) in the last year at least 1

6.2.3. Professional capacity of the tenderer (based on items 4 of the tender form)

The reference period which will be taken into account will be the last three years from submission deadline.

- Tenderer (i.e., the consortium as a whole, in the case of a tender from a consortium) has sufficient ongoing staff resources and expertise to be able to handle the proposed contract, and is not a so-called 'body shop', i.e. a tenderer with no real expertise in fields related to the contract but which simply identifies and proposes experts to fit the project description, confirmed by:
    - Permanent staff in the past and current year: at least 4, out of which 2 relevant experts in the field of aquarium concepts and projects development
    - Relevant staff in the past and current year: at least 1 expert in the field of budgeting for aquarium concepts and projects

6.2.4. Technical capacity of candidate (based on items 5 and 6 of the tender form)

The reference period which will be taken into account will be the last three years from submission deadline.

- Tenderer (i.e., the consortium as a whole, in the case of a tender from a consortium) has sufficient expertise and experience to be able to handle the proposed contract, confirmed by:
    - Experience in planning public aquarium facilities
    - Experience in planning aquarium life support systems
    - Experience in supporting architects for planning public aquaria
    - Experience in start-up of public aquarium
    - Experience in planning aquaria in existing buildings; important advantage is experience in planning in protected areas (e.g. UNESCO)

Previous experience which would have led to breach of contract and termination by a Contracting Authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality - and must fulfil the same relevant selection criteria as the economic operator. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

6.2.5. Languages

- Fluency in English is essential.
- Working knowledge of other UN languages is an asset.

6.3. Office accommodation

Office accommodation for all experts working on the contract is to be provided by the Contractor.

6.4. Facilities to be provided by the Contractor

The Contractor shall ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

6.5. Equipment

No equipment is to be purchased on behalf of the Contracting Authority / partner country as part of this service contract or transferred to the Contracting Authority / partner country at the end of this contract. Any equipment related to this contract which is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

7. REPORTS

7.1. Reporting requirements

The Contractor will submit the following reports in English in only one original for environmental reasons and electronic copy:

- **Inception Report** of maximum 5 pages (main text, excluding annexes) to be produced after one week from the start of implementation. In the report the Contractor shall describe e.g. initial findings, progress in collecting data, any difficulties encountered or expected in addition to the work programme and staff travel. The Contractor should proceed with his/her work unless the Contracting Authority sends comments on the inception report.

- **Interim report**, referring on results 1 and 2, of maximum 15 pages (main text, excluding annexes) in the format given in Annex 1 after one month from the start of implementation. The interim report must be provided along with the corresponding invoice for interim payment.

- **Draft final report,** referring on all results, of maximum 30 pages (main text, excluding annexes) in the format given in Annex 2. This report shall be submitted no later than one month before the end of the period of implementation of tasks.

- **Final report** with the same specifications as the draft final report, incorporating any comments received from the parties on the draft report. The deadline for sending the final report is 15 days after receipt of comments on the draft final report. The report shall contain a sufficiently detailed description of the different options to support an informed decision on sustainable usage of products. The detailed analyses underpinning the recommendations will be presented in annexes to the main report. The final report must be provided along with the corresponding invoice for final payment.

7.2. Submission and approval of reports

The report referred to above must be submitted to the Project Manager identified in the contract. The Project Manager is responsible for approving the reports.

8. MONITORING AND EVALUATION

8.1. Definition of indicators

Following set of performance indicators is chosen because they provide valid, useful, practical and comparable measures of progress towards achieving expected results:

LEVEL	EXPECTED RESULT	INDICATORS	BASELINE Y0	TARGET Y1	TARGET Y2	FINAL TARGET Y2	Data source of verification
OUTPUT 2.1	Established Marine Biodiversity Conservation Center "Boka Aquarium"	Tanks project	0	16	0	16	Report
		Life Support System Project	0	2	0	2	Report
		Procurement list	0	1	1	1	Report
		Book of codes and standards for Boka Aquarium operations	0	0	1	1	Report
		Constructed aquaria	0	12	4	16	Report