



Project co-financed by the European  
Regional Development Fund



**Project “TUNE UP – Promoting multilevel governance for tuning up biodiversity protection in marine areas”  
(5MED18\_3.2\_M23\_053) - (CUP: E45D18000410004)**

**Programme: Interreg Mediterranean 2014-2020.**

**Organization: MedWet – c/o La Tour du Valat – Le Sambuc – 13200 Arles**

**Object: Request of Offer for the position of “Legal expert” of the project TUNE UP**

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# 1. Background information

MedWet is participating in the Interreg MED project “TUNE UP - Promoting multilevel governance for tuning up biodiversity protection in marine areas”, funded by Interreg MED Programme.

TUNE UP fits in the Interreg MED Priority Axis 3: Protecting and promoting Mediterranean natural and cultural resources, specifically contributing to the Specific objective 3.2: To maintain biodiversity and natural ecosystems through strengthening the management and networking of protected areas.

The Interreg MED Programme is a transnational European Cooperation Programme for the Mediterranean area. It is co-financed by the ERDF (European Regional Development Fund), an instrument of the EU regional policy and of its new programming period.

TUNE UP is a multi-module project tackling the need for a strategic and collaborative approach to Med MPAs management and biodiversity protection, by testing and capitalizing a multi-stakeholder/multi-level governance tool based on River/Wetland Contracts experience tested by the Interreg Med WETNET project. TUNE UP will build on WETNET results exploiting the flexibility and feasibility of the River/Wetland Contract methodology further developing it to MPAs management, assessing its effectiveness through the implementation of 10 MPA Contracts.

TUNE UP approach is based on vertical and horizontal subsidiarity, to achieve coordination among institutions at all involved levels, as well as to integrate funding, resources and plans. Indeed, the project will ensure higher coordination among stakeholders and decision makers, limiting raising conflicts between preservation and economic issues, and will enhance the goal of biodiversity protection.

Thus, the project intends to achieve the following results:

1. Stronger, coordinated and proactive involvement of key stakeholders in MPAs management.
2. Improved effectiveness of MPAs management by integrating multilevel governance tools into national and regional policy instruments.
3. More intensive transnational cooperation and networking between Med MPAs.

The partnership involves different types of actors operating in MPAs management, so it will allow TUNE UP to ensure high transferability of main outputs to Med Countries. TUNE UP approach aims at overcoming the criticalities originating from the fragmentation in MPAs management, where orientations and objectives for the conservation are both intertwined and overlapping, jeopardizing biodiversity protection. By promoting a multilevel governance tool based on River/Wetland Contracts experience tested by the Interreg Med WETNET project, TUNE UP aims at assuring higher coordination among stakeholders and decision makers while strengthening the network of Med MPAs and improving marine and coastal biodiversity. TUNE UP intends to limit raising conflicts between different issues: between preservation issues and economic activities (e.g. agriculture, aquaculture, fisheries, marine trade, tourism), but also between natural heritage valorisation and protection of environmental values and functions.

In this perspective, the project will build on results of WETNET and exploit the flexibility of the River/Wetland Contract tool further adapting it to MPAs management, assessing its effectiveness through the implementation of areas with various characteristics.

To achieve this, TUNE UP foresees:

1. Testing: each partner, will run a participatory planning process (in coordination with the MPA Managing Authorities as associated partners), basing on a Joint transnational methodology, where the active engagement of key stakeholders, both at national and local level, will lead to the signature of a MoU.
2. Transferring and Capitalization: (i) mainstreaming activities for uptake project results through the incorporation of the tool into regional policy instruments and regulations for MPAs integrated management in the partnership’s territories, (ii) lobbying and advocacy activities for the inclusion of the tool in other Euro-Mediterranean Regions, into their policy instruments.

## 2. The main role of MedWet in TUNE UP

The main role of MedWet in TUNE UP is the coordination of the capitalization process, which aims at mainstreaming and promoting the tested tool at regional and Med level through exchanging, transferring, training and lobbying activities. All activities will be implemented according to a project Capitalization Plan D.5.1.1, which is pivotal for integrating TUNE UP activities with other Med initiatives in order to ensure a strong capitalization of the project results.

The capitalization strategy consists of:

- further implementing the wikisource of good practices on coastal governance (developed by the Interreg Med Project COASTING - [coastingwiki.eu](http://coastingwiki.eu)), by adding a section on MPA governance; D.5.2.1
- mainstreaming the MPA Contract into regional policies by: (i) developing 10 key governance plans to support regional authorities of TUNE UP area in embedding the tool into their strategies and regulations D.5.3.1; (ii) organizing Capacity building seminars D.5.3.2; (iii) involving Regional authorities and MPAs managers in the subscription of a Regional MoU to uptake the tool D.5.3.3;
- coordinating with MBPC Horizontal project D.5.4.1;
- promoting the embedding of MPA Contracts at Med level, through a set of Political Recommendations to be delivered to the EC and to Regional authorities of the programme area D.5.5.1;
- embedding the recommended tool in local, regional or national policies (tool, legal act) D.5.5.2;
- capitalizing the project results at Med and international level, by organizing capitalization seminars in coordination with the scientific community D.5.6.1.

## 3. Tasks to be performed by the Legal expert

In the 10 pilot sites of the project, several actions have been implemented for ensuring an integrative and inclusive participatory process to improve local governance: the organization of advisory field trips for a better understanding of the local contexts both in terms of regulatory framework, stakeholder's mapping and interactions, and MPA management, the implementation of territorial laboratories in which both public and private stakeholders have been asked to collectively focus on different scenario and build a common strategy to be followed by concrete action plans, and the formalization of agreements to frame the commitments of stakeholders. By now, 10 local Memoranda of Understanding or Cooperation have been signed between different stakeholders of each pilot site who committed themselves to take action in order to improve MPA management effectiveness, citizen information and participation, data collection and sharing.

Once adapted to MPA context, the Environmental contracts have to be embedded into regional policies and strategies through mainstreaming activities towards further MPAs and regions in the Mediterranean and beyond. The regulatory framework analysis initially conducted has revealed disparities in legal contexts and possibilities between countries.

For example, in France and Italy, there are existing regulatory frameworks for River, Wetlands and/or Coastal Contracts, which may include provisions related to the MPA Contract. In other countries, there is no regulatory or legal framework for establishing Environmental Contracts. In Greece however, an option lies in the Programming Contracts which are the legal frame for cooperation among public and private agencies in planning and implementing projects. There are other interesting opportunities for including it onto MPA management plan or River Basin Management plan whom drafting or revision is on-going. In those territories,

where some difficulties in launching private-public partnerships can merge, the signature of MoUs have a clear advantage, but shows some limitations due to the limited competences allocated to the regional level.

At least 1 partner is expected to embed the tested tool in its regional policy and regulation for MPAs management, as a result of the project. This Legal act for embedding the MPA Contracts tool into regional policies is a specific deliverable of lobbying and advocacy activity.

The Legal expert will be in charge to support MedWet in the following activities:

- Assist the MedWet team in developing political recommendations towards EU to embed Environmental contracts within regional public policies (D.5.5.1).
- Complete and detail the regulatory analysis for each region for an in-depth analysis of the possible legal options for placing the Environmental contract within a regulatory framework for each country of the Tune Up project (related to D.5.5.2).
- Suggest different options in embedding the MPA Contracts in the pilot regions and develop the relative scenarios (related to D.5.5.2)
- Propose at least one option in one territory and provide the necessary support to the project partners for preparing a Legal act or similar device for embedding the MPA Contracts tool into regional policies (D.5.5.2). At least 1 project partner will embed the tested tool in its regional policy and regulation for MPAs management, as a result of the project.

The Legal expert will work under the supervision of the Technical coordinator and the Capitalization expert for:

- Providing essential support to the project, working with team members
- Reviewing progress on a regular basis and discuss future steps of the project
- Arranging meetings with project's members, taking minutes of the meetings and preparing deliverables, contributing to technical reports
- Identifying any potential issues or risks that could affect the progression of the project activities and potential solutions

## **4. Contractual and Financial Terms**

The contract commencement date is aimed to be **by March 10, 2022** until the end of the project. Under the direct guidance and supervision of the Technical coordinator and the Capitalization expert the consultant/expert will be directly responsible of output/milestones of the aforementioned activities (Point 3) and is expected to share progress reports bi-weekly. The selected expert will be coordinating with project team to facilitate his/her activities and meeting. The acceptance of the offer of the successful tender will implicate the acceptance of the conditions detailed in this ToR.

The expert shall be paid upon successful completion of each milestone the fees for the number of working days, assuming the standard of 7 hours per day, based on work plan/agreed deliverable and satisfactory performance. The consultancy will be home based, but visits to MedWet premises and to other partners of the projects or relevant stakeholders could be needed.

A duly-issued invoice will be required for payment at the presentation of the output/milestones under the following conditions:

- the invoice will specify the number of working days
- the payment term will be of 15 days after the invoice date (bank account details should be detailed)
- the tax legislation in force at the date of acceptance of the offer will be applied

The financial offer must include the provision in terms of working days and daily rate for the technical coordination of the activities of the project TUNE UP.

The financial offer for the services must not exceed 30.000 euros.

## 5. Deadline and submission of offer

### 5.1. Application rules

Candidates are invited to send an application via e-mail to [malterre@medwet.org](mailto:malterre@medwet.org) copy [perroud@medwet.org](mailto:perroud@medwet.org) and no later than **7 March 2022 by 15.00** Central European Time.

The assignment will be awarded to the highest qualified applicant based on the skills, expertise, and the quality of the technical note and the cost-effectiveness of the financial offer.

The application needs to contain the following:

- CV(s) including relevant knowledge and experience;
- **Technical note:**
  - *Brief description of why the individual considers him/herself as the most suitable for the assignment;*
  - *Brief technical note of 2 pages maximum describing: 1) the proposed methodology for the implementation of the above-mentioned tasks; 2) how it envisions cooperation with the Technical coordinator and the Capitalization expert as well as with other partners of the other WPs; 3) a presentation of its flexibility in adapting the methodology, initiatives and approach proposed to meet the changing needs of the project.*
- **Financial offer:** When preparing the financial offer, the applicant should take into account the following: 1) Include the number of proposed working days and daily fee rate for consulting services broken down by tasks; 2) the fee rates should be broadly consistent with the EU framework rates for these types of professional services; 3) Include any other costs to be incurred, as per the methodology and concept note the expert will propose. Incomplete proposals may not be considered.
- the certificate of honour as requested below.

### 5.2. Certificate of honour

The tenderer must provide a certificate of honour, duly dated and signed, stating that **she/he is not in any of the following cases:**

- she/he is in bankruptcy, liquidation, legal settlement, cessation of activity
- she/he has been convicted by a judgment which has the force of res judicata for any offense affecting their professional character
- she/he has not fulfilled his obligations relating to the payment of social security contributions or his obligations relating to the payment of his taxes according to the legal provisions of the country where they are established
- she/he has been the subject of a judgment for fraud, corruption, participation in a criminal organization or any other illegal activity detrimental to the Union's financial interests;
- she/he is in a conflict of interest.

## 6. Evaluation and selection process

The award of the contract shall be made to the individual consultant whose offer has been evaluated and determined as:

a) responsive/compliant/acceptable, and

b) having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation.

\* Technical Criteria: weight 80%

\* Financial Criteria weight 20%

Only candidates obtaining a minimum of 49 points (80% of the total technical points) would be considered for the Financial Evaluation.

### ***Technical Criteria – Maximum 80 points***

Technical note (40 marks):

- Technical Approach & Methodology (30 marks) – Explain the understanding of the objectives of the assignment, approach to the services, methodology for carrying out the activities and obtaining the expected output, and the degree of detail of such output. The Applicant should also explain the methodologies proposed to adopt and highlight the compatibility of those methodologies with the proposed approach.
- Work Plan (10 marks) – The Applicant should propose the main activities of the assignment, their content and duration, phasing and milestones. The proposed work plan should be consistent with the technical approach and methodology, showing understanding of the TOR and ability to translate them into a feasible working plan.

Qualification and Experience (40 marks) [evaluation of CV]:

- General Qualification (20 marks);
- Experience relevant to the assignment (20 marks);

Only candidates obtaining a minimum of 49 points (80% of the total technical points) would be considered for the Financial Evaluation.

Incomplete proposals may not be considered.