



11/19/2015

Pacific Resilience Program -  
Component 3(a): Contingency  
Emergency Response Sub-  
Component

Operations Manual

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## LIST OF ABBREVIATIONS

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APA	Action Plan of Activities
CEO	Chief Executive Officer
CERC	Contingency Emergency Response (Sub) Component
CQS	Selection Based on Consultants' Qualifications
CV	Curriculum Vitae
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EOI	Expressions of Interest
ESMF	Environmental and Social Management Framework
FA	Financing Agreement
FBS	Fixed Budget Selection
FCS	Fragile and Conflict affected Situation
FM	Financial Management
GoT	Government of Tonga
GPN	General Procurement Notice
HMMP	Hazardous Materials Management Plan
ICB	International Competitive Bidding
IDA/Association	International Development Association
LCS	Least Cost Selection
M&E	Monitoring and Evaluation
MEEDIC	Minister of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications
MFNPF	Ministry of Finance and National Planning
NC	National Coordinator
NCB	National Competitive Bidding
NEFA	National Emergency Fund Act
NEMA	National Emergency Management Act
NEMC	National Emergency Management Committee
NEMO	National Emergency Management Office
NEMP	National Emergency Management Plan
NEOC	National Emergency Operations Committee
NGO	Non-Governmental Organization
NSC	National Steering Committee
OM	Operations Manual
PMU	Project Implementation Unit
PM	Prime Minister
PMU	Project Management Unit
QBS	Quality Based Selection
QCBS	Quality-and Cost-Based Selection
REOI	Requests for Expressions of Interest
RFP	Requests for Proposals
RMF	Results Management Framework
RPM	Regional Programme Manager
SBDs	Standard Bidding Documents
SPC	Secretariat for the Pacific Communities
TOP	Tongan Pa'anga
TOR	Terms of Reference
UN	United Nations
USD/US\$	United State Dollar
WB/Bank	World Bank

## A - Executive Summary

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1. This document was prepared pursuant to the Financing Agreement (IDA Credit No.56890; IDA Grant No.D0780) for the Pacific Resilience Project (P154840) under the Pacific Resilience Program (PREP - P154840). The Financing Agreement stipulates the establishment of adequate implementation arrangements, satisfactory to the International Development Association (“the Association”), including staff and resources for implementation of said activities for Component 3a: Contingent Emergency Response Sub-Component (hereafter referred to as “CERC”) to the Bank for its review and approval.
2. This document serves as the Government of Tonga's (GoT) CERC Operations Manual (OM) and details (i) the proposed emergency activities to be financed by the proceeds of the CERC, and (ii) the coordination and implementation arrangements related to the programming and execution of said activities. If the CERC is triggered, the Annexes of this CERC OM will be revised to: (i) replace the sample documents with the actual documents, as appropriate; and (ii) only include the relevant information based on the nature of the event and the items to be procured. The CERC OM will then become the Action Plan of Activities (APA).
3. Upon approval by the World Bank (WB), the CERC OM will be annexed to the PREP Project Operations Manual (POM) and will be used by the staff of the PREP Project Management Unit (PMU)<sup>1</sup> and other persons involved in the execution of the PREP to guide their actions, as they relate to:
  - a. Triggering of CERC;
  - b. Coordination and implementation of the APA;
  - c. Procurement of the services, goods and works associated with said activities;
  - d. Financial management and disbursement of the funds allocated to the CERC;
  - e. Compliance with the PREP's safeguard policies; and
  - f. Monitoring and evaluation (M&E) of the APA.
4. The specific activities to be financed by the proceeds allocated to the CERC are event and demand driven and the contents of this CERC OM represent the framework by which the CERC will be triggered and by which the eligible activities will be coordinated and implemented in accordance with WB and national policies and procedures.

## B - Background

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5. The GoT has received financing from the WB for the implementation of the PREP. The objective of the Project is to strengthen early warning, resilient investments and financial protection of Tonga.
6. The GoT's International Development Association (IDA) financing envelope for the PREP is SDR 7.7 million, (approx.. USD 10.5 million equivalent), of which approximately SDR 0.36 million (approx.. USD 0.5 million equivalent) is allocated to CERC. The objective of the CERC is to provide support for immediate response to an eligible crisis or emergency, as needed. Consistent with the PREP's objectives, the CERC will finance emergency response and relief critical goods and services to quickly

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<sup>1</sup> According to the PREP's Operations Manual, the Project will be implemented and coordinated through a Project Management Unit (PMU). The PMU includes a Project Manager, a national Procurement Officer and a Project Accountant, who will be housed in MEIDECC.

restore livelihoods, lifeline infrastructure and services. The CERC can also finance emergency recovery and reconstruction works and associated supporting consulting services.

7. If the GoT determines that the cost of the post-disaster critical goods and emergency recovery and reconstruction works exceed the initial financial resources allocated to the CERC, the GoT reserves the right to submit a request to re-allocate finances within the PREP vis-à-vis the re-categorization of uncommitted financial resources from other Disbursement Categories to Disbursement Category 3: Goods, works, non-consulting services, consultants' services under Part 3(a) of the Project. This request will be included in the Letter to the WB in support of the request to trigger the CERC. This request will be supported by an Annex to the APA detailing the proposed re-categorization of financial resources and the compliance of the proposed activities with the PREP's Objectives.
8. If the available funds in the project are insufficient to address the post-disaster recovery needs, the GoT can request that emergency funds, such as those from the IDA Crisis Response Window<sup>2</sup>, be channelled through the CERC. This request will be presented to the Association, with the supporting documents, for their decision.

### C - Mechanism for Triggering CERC

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9. As per the Financing Agreement (FA) dated June 30, 2015, the following measures must be taken to ensure proper and efficient implementation of Part 3(a) of the Project, the Recipient (Tonga) shall, prior to financing any activities under Part 3(a) of the Project:
  - a. Make a declaration that an Eligible Crisis or Emergency has occurred, and obtain the Association's written agreement with such determination;
  - b. Establish adequate implementation arrangements, satisfactory to the Association, including staff and resources for implementation of said activities; and
  - c. Prepare and disclose all safeguards instruments required under the Environmental and Social Management Framework (ESMF) for said activities, if any, and implement any actions which are required to be taken under said instruments, in accordance with the provisions of Section I.F of Schedule 2 to this Agreement.
10. The causal relationship between the relevant emergency and the need to trigger the CERC in order to consider the expenditures eligible for financing under Disbursement Category 3 will be established by an official GoT "Declaration of Disaster" in accordance with the Tongan Constitution, Part IV section 32 of the National Emergency Management Act (NEMA) 2007. Once a request has been made by the appropriate authority (e.g. Declaration of a Disaster – Prime Minister), the Emergency Management Plan (EMP) will take effect. A sample "Declaration of Disaster" is included in Annex 3 and a request letter in Annex 4.
11. Upon the "Declaration of Disaster", the GoT will undertake the necessary steps to complete a rapid initial impact assessment with the objective of identifying a list of potential activities for inclusion in the APA. Upon compilation of the list of potential activities, the GoT will review and selected those for financing under the CERC based upon: (i) the eligibility and safeguard criteria outlined in the Financing Agreement, and (ii) national priorities<sup>3</sup>.

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<sup>2</sup> <http://www.worldbank.org/ida/crisis-response-window.html>

<sup>3</sup>These "National Priorities" should be fleshed out in the APA, i.e. (critical infrastructure, etc.)

12. The request to trigger the CERC and seek approval of activities to be eligible expenditures for financing under Disbursement Category 3 will be communicated to the World Bank's Pacific Country Director by the Minister of Finance, or her/his delegate, in a letter (see sample letter in Annex 4) - The package to trigger the CERC shall contain the following information:
  - a. Nature of emergency, its impacts and confirmation of causal relationship (as supported by the "Declaration of Disaster") between the event and the need to access the financing allocated to Disbursement Category 3;
  - b. Nature of emergency activities (brief description);
  - c. The CERC APA & Supporting Annexes (see examples in Annex 9).
13. As per the Financing Agreement, an eligible crisis or emergency eligible for financing under Part 3.a) is: an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact to the Recipient, associated with a natural or man-made crisis or disaster. This may include<sup>4</sup>: (i) cyclone; (ii) earthquake; (iii) storm; (iv) storm surge and strong waves; (v) tornado; (vi) tsunami; (vii) volcanic eruption; (viii) flood; (ix) landslides; (x) forest fires; (xi) drought; (xii) severe weather; (xiii) extreme temperature; (xiv) high winds; and (xv) any natural disaster.

## **D - Coordination & Implementation Arrangements**

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14. The Project Management Unit (PMU)<sup>5</sup> within MEIDECC will serve as the Coordinating Authority for the CERC in close collaboration with the National Emergency Operations Committee (NEOC). The PMU will be responsible for the preparation of the APA and its day-to-day implementation, including all aspects related to procurement, financial management, disbursement, monitoring & evaluation and safeguard compliance.
15. The NEOC is activated when a disaster has occurred or is imminent and, under the Emergency Management Act, 2007, has the responsibility to:
  - a. activate ministries and organizations in response to an event that has happened, is happening or may happen;
  - b. liaise with ministries, non government organizations and community groups in the execution of their emergency management roles and responsibilities;
  - c. carry out initial assessment;
  - d. collate and prioritize immediate disaster relief requirements; and
  - e. manage the distribution of immediate relief supplies.The NEOC will provide the inputs to the PMU to prepare the package the trigger the CERC including the declaration of disaster, the latest impact assessment of situation report and the list of goods and works to be included in the APA.
16. The Line Ministries will provide the requisite technical assistance to the PMU as related to the finalization of procurement bidding documents and the technical supervision of the post recovery and reconstruction works. The Line Ministries will provide technical inputs to terms of references (ToRs), invitations to quote (ITQs), and any other procurement documents as well as provide technical

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<sup>4</sup> The natural hazards are listed in the NEMA 2007 and/or were agreed upon by the GoT and the Bank.

<sup>5</sup> These agreed upon implementation arrangements were discussed with the Bank during the September 2015 mission.

specifications for goods and participate in evaluation of bids. However, the PMU can request, under the CERC, technical assistance for:

- Developing the Technical Specifications, Bidding Documents, ToRs, etc, if “in-house” capacity of the Line Ministries is not enough; and
- Site supervision of works.

The technical consultants will work closely with the Line Ministries but report to the PMU where the CERC funds are used.

17. The National Emergency Management Committee (NEMC) will provide the oversight and guidance for the project implementation including the implementation of the CERC. The NEOC would recommend that the CERC be triggered, and the NEMC will make the decision to trigger the CERC. The key responsibilities of the NSC with respect to the CERC are as follows:

- a. Ensure the delivery of the APA's outputs and the attainments of outcomes by facilitating coordination amongst the Line Ministries and Institutions participating in the APA and by addressing coordination issues as they arise during the implementation of the APA;
- b. Review APA progress reports as submitted by the Project Coordinator and make decision thereon; and
- c. Assess all policy-related issues and provide guidance as needed.

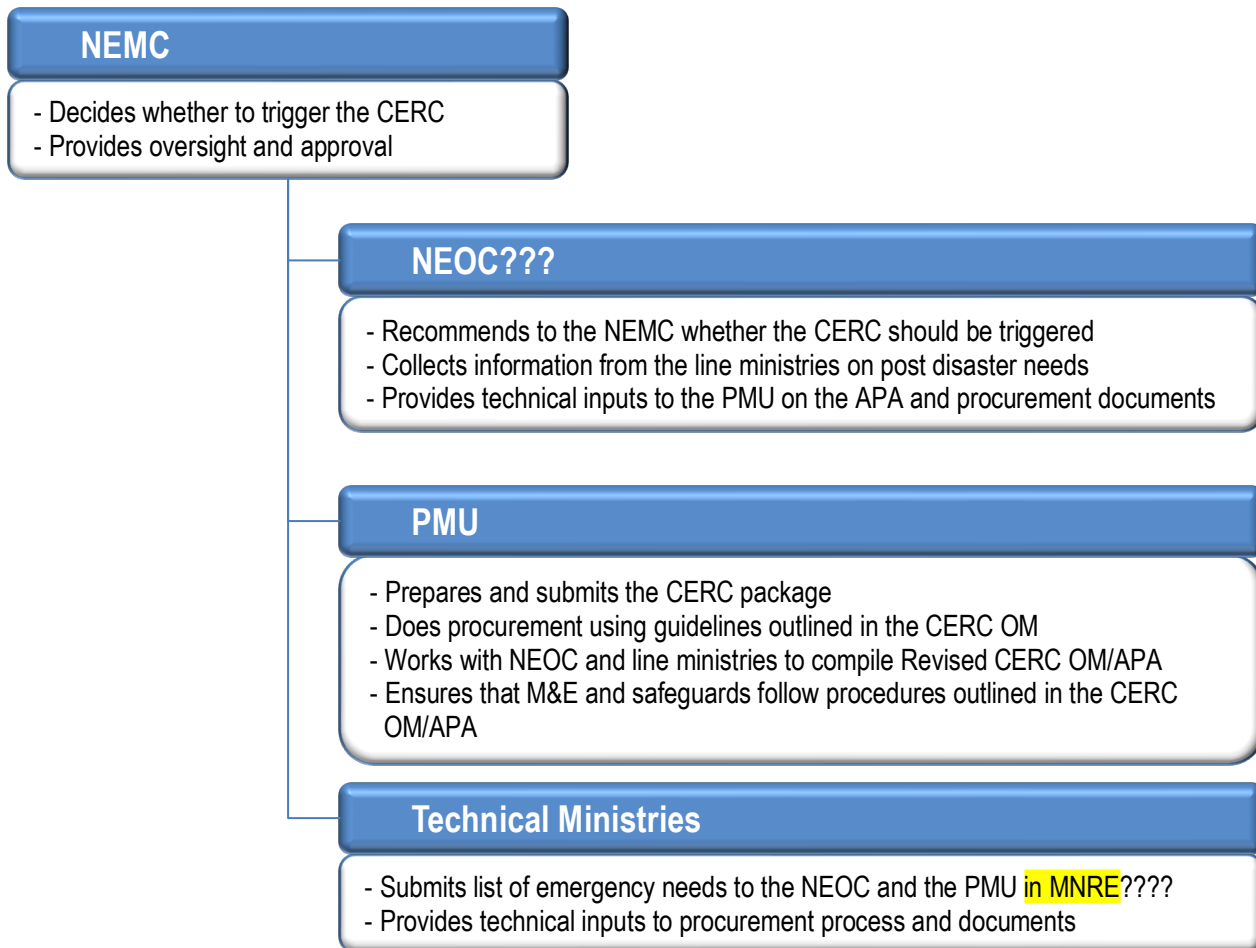


Figure 1: Implementation Arrangements for CERC

**Table 1: Implementation Steps, with Assigned Responsibilities, Associated with the Action Plan of Activities**

<b>Activity</b>	<b>Responsibility</b>	<b>Timeline</b>	<b>Authority</b>
1. Disaster occurs or is imminent			
2. Recommend to the NEMC and PM that a disaster should be declared	NEOC	before 0-24 hours	NEMA 2007
3. Declare a disaster	Prime Minister (PM)		NEMA 2007
4. Conduct initial damage assessment	NEOC	0-24 hours	
5. Implement emergency management plan	NEOC	0-24 hours	NEMA 2007
6. Conduct detailed damage and needs assessment and produce situation reports	NEOC	24-72 hours	
7. Compile assessment of needs in three categories e.g., “Immediate”, Mid-term” and “Long-term” and determine available resources/capacity	NEOC/MFNP	24-72 hours	
8. Reach out to development partners	NEMC	1-5 days	
9.. Decide whether to request that the CERC be triggered	NEMC per recommendation by NEOC	1-5 days	
10. Provide PMU with a potential list of critical goods and sub-projects and the proclamation/ declaration	NEOC/Line ministries	1-5 days	
11. Prepare and submit package to trigger the CERC	PMU/NEOC	1-5 days	
a. Prepare letter with request to trigger the CERC	PMU/ signed by Deputy PM		
b. Provide proof of proclamation/declaration	PMU/NEOC		
c. Finalize and submit Revised CERC OM/APA including details of damage assessment	PMU/NEOC Approved by NEMC		
d. WB No-objection to Revised CERC OM/APA and trigger CERC	WB	Within 3 days	
12. Procurement of Critical Goods, Consultant Services, Civil Works	PMU/Line Ministers	6 months	

## **E - Procurement**

18. The PMU is responsible for ensuring that the procurement policies and procedures governing the PREP are fully and successfully applied to the contracting of goods, works and services related to the APA’s activities. These policies and procedures are detailed in Section 8 of the PREP’s Operations Manual. In addition to ensuring that the procurement policies and procedures are respected, the PMU is also responsible for ensuring that the proposed APA activities are on the positive/approved list of



**activities eligible for financing.** The Procurement Specialist within the PREP – Program Support Unit established within Secretariat of the Pacific Communities (SPC) will provide assistance for all procurement activities financed under the PREP.

19. Using the proceeds allocated to Disbursement Category 3, the APA will finance a combination of critical goods and emergency civil works and associated services. Per the World Bank’s review of procurement methods and prior review thresholds the following standard thresholds for procurement methods and the respective prior reviews will govern the procurement activities associated with the APA. Upon triggering the CERC and with a request from the GoT, the potential waiver to the procurement thresholds could be applied for Bank’s management approval.

**Table 2: Procurement Thresholds**

Expenditure Category	Procurement Thresholds	Procurement Method	Prior Review Threshold
<b>Goods</b>			
	≤ USD 500,000	Shopping	None
	≥ USD 500,000	NCB/ICB	All contracts subject to prior review
	In accordance with authorizing circumstance provided in the Guidelines	Direct Contracting	All contracts subject to prior review
<b>Works</b>			
	≤ USD 1,000,000	Shopping	None
	≥ USD 1,000,000 and ≤ USD 5,000,000	NCB	First contract subject to prior review
	≥ USD 5,000,000	ICB	All contracts subject to prior review
<b>Selection of Consultants</b>			
	In accordance with the Consultants Guidelines (CQS may be used for contracts estimated to cost ≤ USD 500,000)	Firms (QCBS, QBS, LCS, CQS and SSS)	≥ USD 200,000, except SSS where all contracts subject to prior review
		Individuals	Prior Review on exceptional basis only. All sole source and procurement and legal related assignments are subject to prior review.

20. In order to expedite the procurement of critical goods, the services related to the preparation and management of civil works contracts, and of contractors responsible for the execution of the emergency sub-projects, **the PMU will:**

- **Pre-qualify Suppliers, Service providers and contractors for the Goods, Non-Consulting Services and Works which have been identified by NEOC** and agreed to be financed by CERC in case of emergency (eg. Fuel, debris removal, etc); based on expected post-disaster activities to provide the services related to the preparation of the final technical bidding documents and the supervision of the emergency sub-projects.

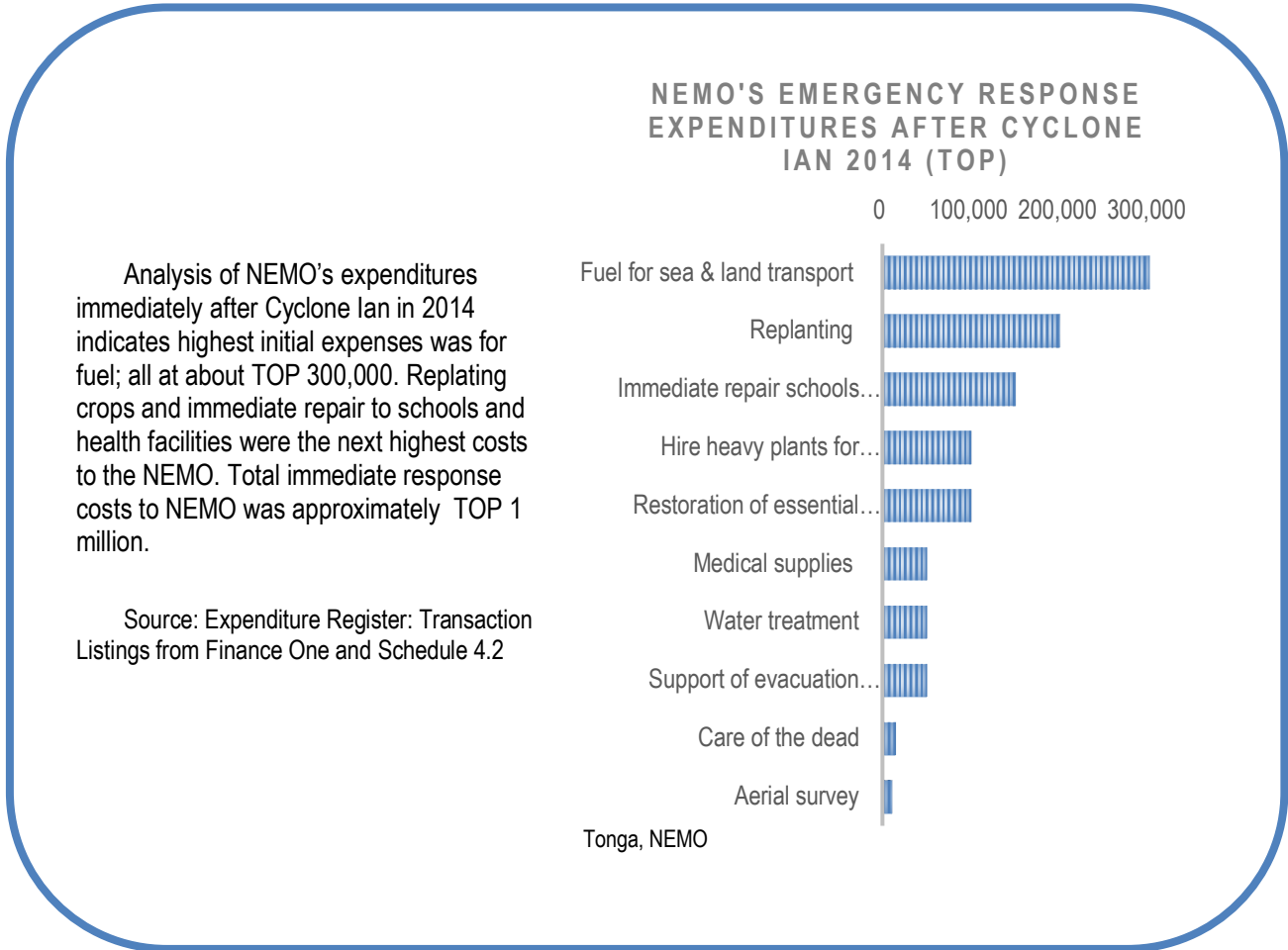
Pre-qualification would allow the GoT to check the capability of suppliers or contractors to supply the goods or carry out the works. A simple request for expressions of interest (REOI) would be prepared annually for potential expected activities in order to create the shortlist. The notices of request for qualification (vendors & contractors) and the short-listing of consultants are included in *Annex 5*.

21. The pre-qualification of vendors and contractors and the short-listing of consultants will take place by September 30 of each year before the beginning of the annual cyclone season and will be redone annually.
22. The information contained within the notices will be informed by the contents of the draft APA Procurement Plan. The draft APA Procurement Plan<sup>6</sup> as found in *Annex 1-2* and is organized as follows:
  - a. **Critical Goods and Non-Consulting Services:**
    - i. Tentative list of goods , material and equipment, non-consulting services as well as their expected unit costs, anticipated quantity and generic technical specifications;
    - ii. List of identified suppliers/vendors that have sufficient capacity to supply the identified critical goods<sup>7</sup>; and
    - iii. Description of procurement methods and supporting procurement documents that the PMU will use.
  - b. **Emergency Works:**
    - i. Identified potential eligible Works;
    - ii. Description of procurement methods and qualifications requirements;
    - iii. A list(s) of firms (national & regional) that have demonstrable track record (technical, financial & operational) in implementing the expected post disaster activity; and
    - iv. Draft Bidding documents/ITQ that will be used to contract firms to execute the civil works.
  - c. **Consulting Services:**
    - i. Identified the consulting services which might be required in case of emergency;
    - ii. Description of the selection methods for consulting firms or Individual Consultants;
    - iii. "Pool of experts", or a list of "preselected" consulting firms which have either previously been identified through competition, or have been known to perform well;
    - iv. Draft the ToRs, requests for proposals (RFPs) that will be used to contract the consulting services to support the scoping /design & supervision of the Works.

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<sup>6</sup>The final APA Procurement Plan will only be finalized following the occurrence of an event due to the demand and event driven nature of the CERC.

<sup>7</sup>Will be completed once the pre-qualification process is finished.

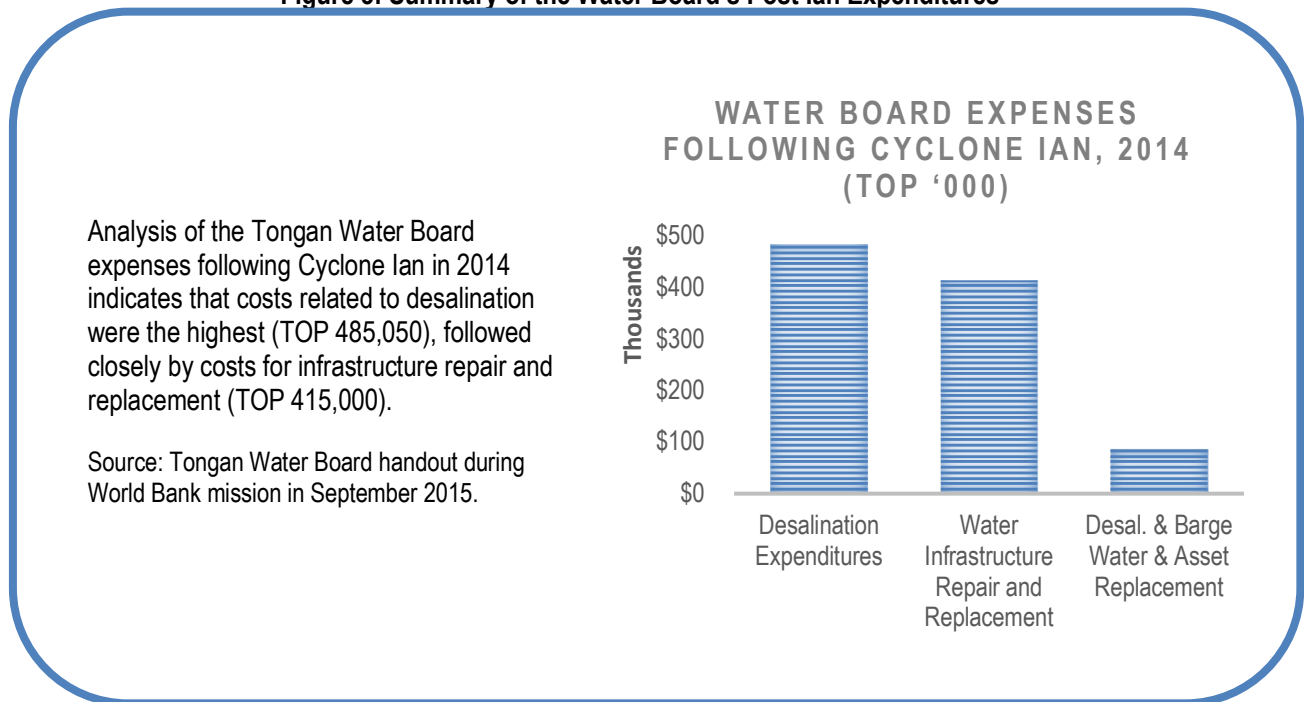


**Figure 2: Summary of NEMO's Immediate Emergency Response Expenditures**

23. The specific types of Goods, Non-consulting services, Works and Consulting services that are eligible for procurement are as follows:
- a. **Critical Goods:** Eligible expenditures on critical goods required by the public/private sectors (imported or locally manufactured) under the CERC are:
    - i. Construction materials, equipment and industrial machinery;
    - ii. Water, air, and land transport equipment, including spare parts;
    - iii. School and medical supplies and equipment;
    - iv. Petroleum and other fuel products; and
    - v. Any other item agreed to between the World Bank and the Recipient (as documented in an Aide-Memoire or other appropriate formal Project document).
  
  - b. **Emergency Works:** Eligible expenditures for Emergency Works under the CERC are:
    - i. Repair, restoration, or reconstruction of roads, bridges, transportation and other infrastructure damaged by the event;
    - ii. Re-establish telecommunications infrastructure damaged by the event;

- iii. Re-establish of the urban and rural solid waste system, water supply and sanitation (including urban drainage) infrastructure damaged by the event;
  - iv. Repair, restoration, rehabilitation or construction of schools, clinics, hospitals or works of cultural significance or other communal structures damaged by the event; and
  - v. Removal and disposal of debris associated with any eligible activity.
- c. **Consulting Services:** Eligible expenditures for Consulting Services under the CERC are:
- i. Survey and studies (geological, environmental, etc);
  - ii. Feasibility study and technical design;
  - iii. Works supervision; and
  - iv. Technical Assistance in developing TORs, preparing Technical Specifications and drafting tendering documents (Bidding Documents, ITQ, RFP).

**Figure 3: Summary of the Water Board’s Post Ian Expenditures**



## Selection of Consultants and Procurement of Civil Works and Goods

24. National Procurement Procedures during an Emergency. According to the “Tonga: Public Procurement Regulations, 2015”, (i) Single Source Selection may be used when rapid selection is essential (as in an emergency)<sup>8</sup> and (ii) Limited Bidding may be used during an emergency.<sup>9</sup>
25. Consultants
- a. *Single-source Selection (SSS)*. Single-source selection of consulting firms and individuals (paragraphs 3.8 to 3.11 of the Consultant Guidelines) may be used only if it presents a clear advantage over competition for the required consulting services. Firms that are already working

<sup>8</sup> Tonga: Public Procurement Regulations, 2015, Part 9, paragraph 61, #1.c.

<sup>9</sup> Tonga: Public Procurement Regulations, 2015, Part 6, paragraph 34, #1.c

in the country and that have a proven track record in similar assignments may be the most suitable option for the start-up activities. Consultants selected on a single-source basis may be given the right to participate in future assignments under the same project provided that there is no conflict of interest with the tasks performed under the initial contract.

Procurement steps:

- Draft the TOR (including Cost Estimate) and REOI for the consultancy services;
- Obtain the required approvals for SSS;
- Directly approach the Consulting firms/Individual Consultant and provide the TOR and forms to be filled by the Consultant;
- Negotiate the Contract with the Consultant;
- Obtain the required approvals on the negotiated Contract;
- Sign the Contract; and
- Start the assignment;

**Note:** PMU is allowed to negotiate the technical aspects (work plan, methodology, approach) and also the financial aspects (unit rates, taxes, etc).

- b. *Selection of Consulting Firms through Consultants' Qualification Selection (CQS).* CQS is often the appropriate method for small assignments. The selection is carried out in accordance with paragraph 3.7 of the Consultant Guidelines. This selection method is recommended for consulting services costing less than USD 500,000.00.

Procurement steps:

- Develop the TOR (including Cost Estimate) and REOI for the services;
- Obtain the required approvals;
- Advertise in a local newspaper, if no local firms available, the ad should be placed on the UN Development Business; inform all the Consultants who expressed interest following general procurement notice (GPN), if any;
- Receive the expressions of interest (EOIs); the time allowed for preparation of EOI is normally 14 days; the time can be reduce to 7 days depends on the type of the services and market (example: design of simple or standard construction, supervision of works);
- Evaluate the EOIs, establish a Short list of a minimum of 3 Consulting firms; determine the most qualified Consultant to be invited for next stage; and
- Develop RFP.

- c. *Individual Consultants* - Individual consultants will be selected and contracts awarded in accordance with the provisions of paragraphs 5.1 through 5.5 of the Consultants Guidelines. Under the circumstances described in paragraph 5.6 of the Consultants Guidelines, individual consultants may be selected and awarded on a Single-Source basis, subject to IDA's prior approval. Individual Consultants will be selected through a comparison of qualifications of at least three qualified consultants among those who have expressed interest in the assignments following advertising or have been approached directly by the GoT/PMU. On an exceptional basis, as indicated in the approved Procurement Plan and when consistent with the World Bank procurement Guidelines, single source selection can be used for individual consultants under the Project. This method should be used to select individual consultants on assignments for which (a) teams of personnel are not required, (b) no additional outside (home office) professional support is required, and (c) the experience and qualifications of the individual are the paramount requirement. When coordination, administration, or collective responsibility may become difficult because of the number of individuals, it would be advisable to employ a firm.

Procurement steps:

- For Consultancy services for which the TOR are already developed and “a pool of experts” have been already established:
  - Approach the most qualified Consultant;
  - If available, negotiate the Contract;
  - Obtain the required approval on the negotiated Contract;
  - Sign the Contract; and
  - Start the assignment.
  
- For Consultancy services for which the ToR were not identified before the emergency situation and not developed and no “pool of experts” have been already established:
  - Develop the TOR (including Cost Estimate) and REOI for the services;
  - Obtain the required approvals;
  - Collect CVs or advertise if PMU does not have knowledge of experienced and qualified individuals or of their availability;
  - Evaluate the CVs based on the qualification;
  - Draft the Evaluation report including the recommendations of the best qualified;
  - Obtain the required approvals;
  - Invite the Consultant for Contract negotiations; negotiate the Contract;
  - Obtain the required approvals on the negotiated Contract;
  - Sign the Contract; and
  - Start the assignment

If no agreement can be reached with the best qualified Consultant, PMU shall approach the second one, after obtaining the required approvals.

d. *Other Streamlined Approaches.* Using a “pool of experts” or a list of “preselected” consulting firms may also be considered as an appropriate method under a framework agreement.

The steps to establish the “pool of experts” include:

- Draft ToRs (including Cost Estimate) based on historical experience and expected services to be provided;
- Draft REOIs following the ToR;
- Collect contact details of potential the Consultants to be directly approached by PMU; the Consultants contact details are provided by PMU, MFNP, etc;
- Approach the Consultants by sending the REOI;
- Collect the CVs and evaluate the qualifications; and
- Evaluate the CVs and establish a list of qualified Consultants.

**Note:** The best qualified Consultant will be approached to be provide the services in case of emergency; if the Consultant is not available the next ranked will be approached; if more than one Consultant is required PMU will approach the Consultants as per their ranking and availability.

## 26. Civil Works and Goods

- a. *Direct Contracting.* Direct contracting for the procurement of civil works and goods (paragraph 3.7 (a) and (e) of the Procurement Guidelines) may be used to extend an existing contract or award new contracts in response to disasters. For such contracting to be justified, the Bank should be satisfied that the price is reasonable and that no advantage could be obtained by further competition. The direct contracting may be from the private sector, UN agencies/programs (for goods), or contractors or NGOs that are already mobilized and working in the emergency areas.

Procurement steps:

- Prepare Technical Specifications, estimated cost and identify the supplier;
- Prepare the Invitation to quote (ITQ);
- Send the ITQ;
- Prepare price quote;
- Receive quote;
- Evaluate the Quote and negotiate the Contract;
- Obtain all the required approvals;
- Sign the Contract;
- Deliver the goods; and carry out the Works.

- b. *Shopping*. Shopping in accordance with paragraph 3.5 of the Procurement Guidelines may be an appropriate method for procuring readily available off-the-shelf goods of values less than USD 500,000, or simple civil works of values less than USD 1,000,000.

Procurement steps:

- Prepare Technical Specifications for Goods and Bill of Quantities/Schedule of Activities, estimated cost and identify the suppliers from the list of the pre-qualified Suppliers;
- Prepare the Invitation to quote (ITQ);
- Distribute the ITQ;
- Receive quotes;
- Evaluate the Quote and draft the evaluation report;
- Obtain all the required approvals;
- Award the Contract;
- Sign the Contract;
- Inform the unsuccessful Suppliers/Contractors; and
- Implement the Contract.

- c. *NCB vs ICB Procedures*. Simplified NCB works procedures and documentation can be used where ICB procedures are considered to be inappropriate or too complex due to implementation capacity issues, and where there is clearly no international market appetite to participate in bidding. NCB is a procurement method based on the selection of the lowest, responsive bid submitted by suppliers, who are invited to submit bids through invitation in the national newspapers.

Procurement steps:

- Prepare Technical Specifications for Goods and Bill of Quantities/Schedule of Activities, and estimated cost;
- Draft the Bidding Documents;
- Obtain all the required approvals;
- Publish the IFB (Invitation for Bids) on the newspaper, website, and UNDB on-line;
- Distribute the BDs to the interested Suppliers / Contractors;
- Receipt the Bids; organize the public opening; and prepare the Minute of the Public Opening;
- Evaluate the Bids and draft the Bids Evaluation Report (BER);
- Obtain all the required approvals on the BER;
- Award the Contract;
- Inform the unsuccessful Bidders;
- Sign the Contract; and
- Implement the Contract.

- d. *Simplification of Pre and Post Qualification criteria.* All processes shall be subject to post qualification and the criteria requirements of the Bank's SBDs. Small Works can be amended in order to optimize the participation of available local or regional contractors.
- e. *Database for Suppliers and Contractors.* Using lists of prequalified suppliers and contractors to whom periodic invitations are issued may also help accelerate the procurement process. Such an approach would be used for a large number of similar simple contracts of any size under the Positive lists.

The steps for "pre-qualification":

- o Develop the scope of works or needs of Goods;
- o Prepare the Technical Specifications and Type of Goods / Works;
- o Define the Pre-qualification criteria: Technical Capacity: similar contracts, required production capacity; Financial Capacity: Turn over (for the last 3 years).

## 27. Use of Positive Lists

- a. An emergency program may include a quick-disbursing component designed to finance a positive list of imported goods already imported or to be imported, or locally produced goods that are required for the Recipient's emergency recovery program. The Bank and the Recipient should reach agreement on the conditions for the release of the financial tranches and the required documentation and certifications, such as customs and tax certificates or invoices. The project document should clearly state a set of quantitative or qualitative indicators for monitoring progress during implementation and evaluating outcomes upon completion. Furthermore, for Goods on the Positive List, the modified ICB may be followed for large value contracts of goods, and national emergency procedures, if they exist, or established commercial practices of the private sector could be followed, provided they are found acceptable to the Bank. The acceptable procedures and addressing any associated risks and mitigation measures should be previously agreed. In such cases, it is recommended to carry out a technical and financial audit of the component procured under this arrangement. These audits should at minimum cover the following:
  - i. the contracting approach;
  - ii. the appropriateness of prices relative to market prices;
  - iii. the adherence to acceptable and agreed commercial practices or emergency procedures;  
and
  - iv. the appropriate use of funds for intended eligible purposes.



28. *Commodities*. Procurement of commodities, must be in accordance with paragraph 2.68 of the Procurement Guidelines. The procurement of fuel is covered in *Annex 3*.
29. *Force Account*. In emergencies, Fragile and Conflict-affected Situations (FCS) or Small state situations, when construction firms are unlikely to bid at reasonable prices because of the location of and risks associated with the project or a certain government agency has a sole right in certain type of work (e.g., railway track work, high tension transmission cables), Force Account for repair/reconstruction using the Recipient's own personnel and equipment or a government-owned construction unit may be the only practical method (see paragraph 3.9 of the Procurement Guidelines). This would require good managerial capacity and technical and financial controls to report to the Bank on expenditures.
30. Flexibilities in procedures and contract provisions acceptable to the Bank in emergency
- a. *Accelerated Bid Times*. Under ICB and NCB, accelerated bid times might be envisaged; however these may vary depending on the event:
    - 21 days for ICB and 14 days for NCB – for complex requirements (construction of bridge, supply of complex items);
    - 14 days for 14 ICB and 7 days for NCB – with WB prior approval – for less complex requirements (standard Goods and Works); and
    - 3 days for ITQ.
- Note:** If no Quote/Bid is received within the time allowed for preparation the deadline will be extended;
- b. *Waiving Bid and Performance Security Requirements*. Considering the options described in the Guidelines as well as in the Bidding Documents, the Bid Securing Declaration will be considered. In the case of an emergency, the PMU may not request bid security, but instead it will put in place a system for bid securing declarations. Similarly, in the case of small contracts for works or supply of goods, the Recipient may decide not to require a performance security in accordance with paragraph 2.40 of the Procurement Guidelines. However, in works contracts, retention money may be allowed during the liability period; and for goods contracts, manufacture warranties will be requested. In relation to performance security, the arrangement is that money will be applied to 5 to 10% rate of the payments.
  - c. *Advance Payment*. Where it is not easy for contractors and suppliers to obtain lines of credit from banks, the Recipient may consider increasing the amount of advance payment under works and supply contracts to up to 40 percent of the contract value, provided that the contractor/supplier provides a bank guarantee for the same amount and the World Bank clears this increased value of advance payment.

## **F - Disbursement & Financial Management**

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31. The MFNP is responsible for ensuring that the financial management and disbursement policies and procedures governing the PREP are fully and successfully applied to the management of the financial resources mobilized through Disbursement Category 3 in support of the identified APA activities. These policies and procedures are detailed in the PREP's POM as applied to other components of the Project.
32. Per the PREP's FA, Disbursement Category 3 has been allocated SDR0.36 million (approx. USD 0.5 million equivalent) and can finance Emergency Expenditures (goods, works, non-consulting services

and consultant services) for emergency recovery and reconstruction activities. To be eligible expenditure for financing under Category 3 the following are required to be met:

- (i) the Recipient has determined that an **Eligible Crisis or Emergency has occurred**, has furnished to the Bank a request to include said activities in the CERC in order to respond to said Eligible Crisis or Emergency, and the Bank has agreed with such determination, accepted said request and notified the Recipient thereof;
  - (ii) the Recipient has prepared and disclosed all safeguards instruments required at that time for said activities, and the Recipient has implemented any actions which are required to be taken under said instruments, all in accordance with the provisions of Section I.E. of Schedule 2 of the FA;
  - (iii) the Recipient has adopted the CERC OM in form, substance and manner acceptable to the Bank and the provisions of the CERC OM remain, or have been updated in accordance with the provisions of Section I.E of Schedule 2 of the FA, so as to be appropriate for the inclusion and implementation of said activities under the CERC.
33. The post disaster finalized APA submitted for approval will be accompanied by a completed Withdrawal Application requesting the WB to advance the resources allocated to Disbursement Category 3 to the PREP's designated account to finance eligible expenditures as they are incurred and for which supporting documents will be provided at a later date. The GoT will ensure that all amounts from Disbursement Category 3 advanced to the Designated Account are accounted for and their use reported prior to the PREP's Disbursement Deadline Date. The GoT will use the financial management reporting processes and procedures as identified in the Disbursement Letter and PREP's POM.

## **G - Safeguard Compliance**

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34. In accordance with the WB's safeguards requirements, PREP is classified as Category B per OP/BP 4.01 on Environmental Assessments. Since the emergency sub-projects financed under the CERC are likely to be related to emergency provision of critical goods, it is expected that those subprojects will fall into Category C and therefore would require no environmental screening or assessment work. However, some CERC activities could include demolition, removal, repair or reconstruction of damaged public infrastructure, clearing of debris, or other activities, which could have potential negative impacts if not mitigated, and would therefore fall into Category B. It is even possible that there may be exceptional cases where a proposed sub-project would involve work in highly ecologically sensitive areas, potentially affect physical cultural resources, or require acquisition of substantial areas of land either temporarily or permanently for reconstruction work or relocation of a vulnerable population.
35. In order to ensure that the CERC emergency subproject activities duly comply with the requirements of the WB's Safeguard Policies (as outlined in the FA, POM and ESMF), the activities identified in the APA for financing under the CERC will be subject to a review by safeguards specialists to determine if they are eligible under the safeguard policies and compliance procedures used by the PMU for all activities financed under the PREP. The screening and environmental management procedures described in the POM will then be utilized. This will allow the possibility to exclude certain activities if the environmental or social impacts are too great, or to include appropriate mitigation measures for a

proposed activity if feasible. Having the existing safeguards screening process in place will also allow a certain degree of flexibility and efficiency in processing potential subprojects or activities. The screening process would be based on the existing ESMF.

36. For emergency response, Environmental Impact Assessments are required by the DoE.

### **Hazardous Waste Removal**

37. If there is a risk for hazardous materials, the National Emergency Management Office (NEMO) would work with the Department of Environment (DoE) on testing the debris or water supply. If hazardous materials are detected, the DoE would inform the Ministry of Health who would work with the Ministry of Infrastructure and the Waste Authority to determine the best method to dispose of the hazardous waste. Please refer to the Waste Management Act 2005 and the Hazardous Wastes and Chemicals Act 2010. The Secretariat of the Pacific Regional Environmental Programme (SPREP)<sup>10</sup> has also outlined procedures for the transport and removal of hazardous waste in Tonga and has noted that the Tapuhia Landfill on Tongatapu has the capacity to handle hazardous materials. As per the ESMF, the Environment Management Plan (EMP) should include a detailed Hazardous Materials Management Plan.

38. If NEMO, the Ministry of Infrastructure and the Waste Authority determine that the waste removal is beyond the capacity of the Waste Authority, a contractor should be hired to remove the waste using competitive bidding. *Annex 8* contains a sample Request for Quotes (RFQ) for Asbestos Removal and a sample contract.

## **H - Monitoring & Evaluation**

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39. The GoT recognizes the particular importance of monitoring and evaluation for the CERC given that it represents a novel approach to disaster recovery and reconstruction financing and will require particularly strong oversight in order to demonstrate the additional of the a contingent financing approach compared to those traditionally available to WB clients, such as project restructuring and/or additional finance.

40. Given the potential for a number of post-disaster activities that may be initiated shortly after the approval of the APA – in addition to those already under implementation – the PMU will hire additional technical consultants<sup>11</sup> using PREP’s funds to support supervision and procedural compliance efforts, particularly as they pertain to social and environmental safeguards. These consultants will be required to submit monthly reports that detail implementation progress and policy & procedural compliance. These reports will be used by the PMU to inform their PREP Activity Reports, as required per the FA.

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<sup>10</sup> [https://www.sprep.org/attachments/pacwaste/PacWaste\\_Asbestos\\_Report\\_Tonga.pdf](https://www.sprep.org/attachments/pacwaste/PacWaste_Asbestos_Report_Tonga.pdf)

<sup>11</sup> The consultants will be selected based on qualifications from a shortlist of National Consultants.

## ANNEX 1

### APA: Sample Critical Goods and Possible Suppliers

Item Info			# of Units & Estimated Cost			Proposed Procurement Methodology		Possible Vendors	Misc. Vendor Information	
No.	Product / Material Definition	Specification	Units Req.	Unit Cost (TOP) Annually updated	Total	Methodology	Justification	Names of Vendors	Previous Contract Awarded Competitively?	Volume & Unit Rate
1	Fuel	Gasoline				Shopping	There are only two vendors in Tonga	i) Total Fiji ii) Pacific Oil		
		Diesel						i) Total Fiji ii) Pacific Oil		
2	Repair Equipment	Machines for infrastructure repair						i) Ministry of Infrastructure ii) Royco iii) Malapo Quarry		
3	Water Infrastructure	Water tanks, pipes, materials to repair water infrastructure, desalination and barge water asset replacement						i) Tonga Water Board ii) Rotomould iii) M & J Water Ltd iv) Omni Tonga		
4	Communications	VHF radios, HF radios, batteries, chargers, power supplies, antennae, repeaters, cables, radio mast, satellite phones and minutes						i) Tonga Communication Corporation (TCC) ii) Digicel iii) Global Satellite FWI		
5	Construction Material	Plywood, lumber, corrugated roofing (Zinc), plastic sheeting, sand cement- steel, generators, emergency lighting, ropes, rubber boots, shovel, hammer						i) Ana's Builders Supply ii) Pacific Timber and Hardware iii) South Pac		
6	Damage Assessment	Renting an Aircraft	1	TOP 2,000/hr		Single Source	Only 1 provider of aircraft rental services. The aircraft is required to conduct preliminary analysis of the event	Real Tonga		
7	Emergency Equipment	Tents, cooking facilities						i) These are not available locally. Development partners (eg. Tonga Red Cross, Caritas, Oxfam, Tonga		

Item Info			# of Units & Estimated Cost			Proposed Procurement Methodology		Possible Vendors	Misc. Vendor Information	
No.	Product / Material Definition	Specification	Units Req.	Unit Cost (TOP) Annually updated	Total	Methodology	Justification	Names of Vendors	Previous Contract Awarded Competitively?	Volume & Unit Rate
								i) National Youth Congress) usually provide emergency equipment. ii) iii)		

## ANNEX 2

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### Emergency Sub-Projects and Potential Contractors

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#### List of Potential Works

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From past natural disasters, some emergency response, recovery and reconstruction works include:

- Debris removal
  - Clearance of debris from roadways, such as vegetation, large trees or tree members, construction debris (from work sites or from structures demolished during the event), abandoned vehicles, etc
  - Clearance of materials resulting from landslides, embankment failures, cut slope failures
  - Clearance of existing drainage structures that may become obstructed during an event, etc.
- Rehabilitation of road infrastructure, that may have been damaged during the event
  - Rehabilitation of road infrastructure
  - Backfilling of roads
  - Reinstatement and improvement of drainage
  - Replacement of damaged or destroyed road furniture such as guardrails, signage, and road marking features and paint
- Hazardous waste removal
  - Removal of asbestos containing materials from selected site
  - Construction of a secure temporary asbestos containing facility
  - Supply and Install Temporary Project Information Signs
- Supervision of Asbestos removal, if needed
  - Ensure that all asbestos removal works follow industry best practices in all aspects of the removal process, and the asbestos containing materials are stored safely and securely
  - Build domestic capacity in undertaking asbestos removal
  - Ensure that local building inspectors are provided with on-site training in aspects of identification and supervision of asbestos removal works
  - Strengthen the client in supervision and management capacity development
- Supervision of works
- Provision of water and Rehabilitation of water infrastructure
  - Desalination of Water
  - Repair to water infrastructure
  - Delivery of water to areas that are cut-off

The following Table of Sub-projects attempts to identify the major activities and services that may become a part of a recovery / relief effort, issued on a contract basis, when an event occurs.

## Table of Emergency Works and consulting Services

Work Package			Specifications	Proposed Procurement Methodology		Estimate Cost		Possible Consultants/ Firms	Misc. Vendor Information, as needed	
No.	Brief Description of Needs	Services Required (Technical & Civil)	Draft ToR/ Pre- Qualification Docs	Methodology	Justification	Area	Value of Contract	Names of Consultants/ Firms	<i>Previous Contract Awarded Competitively?</i>	<i>Volume &amp; Unit Rate</i>
1	Debris removal	As defined above.	Attach	Shopping	Routine maintenance contractors pre-qualified through competitive process and are already mobilized.			i. Waste Management Authority ii. Waste Management iii. 'Uiha and Sons		
								i. His Majesty's Arm Forces ii. iii.		
2	Rehabilitation of Roads			Shopping	Period maintenance contractors will be pre- qualified.					
3	Hazardous waste removal	As defined above.	Annex 8	Shopping				i. Seribal Group of Australia ii. iii.	Yes	Lump sum AUD 20,104
4	Supervision of Asbestos removal	As defined above	Annex 8	Shopping				i. Mr. Ashton Tairua ii. iii.	Yes	Daily rate NZD 960 for 30 days
5	Supervision of Works			Shopping						
6	Desalination of Water			Shopping						
7	Repair of Water Infrastructure			Shopping				1. Tonga Water Board		

## ANNEX 3

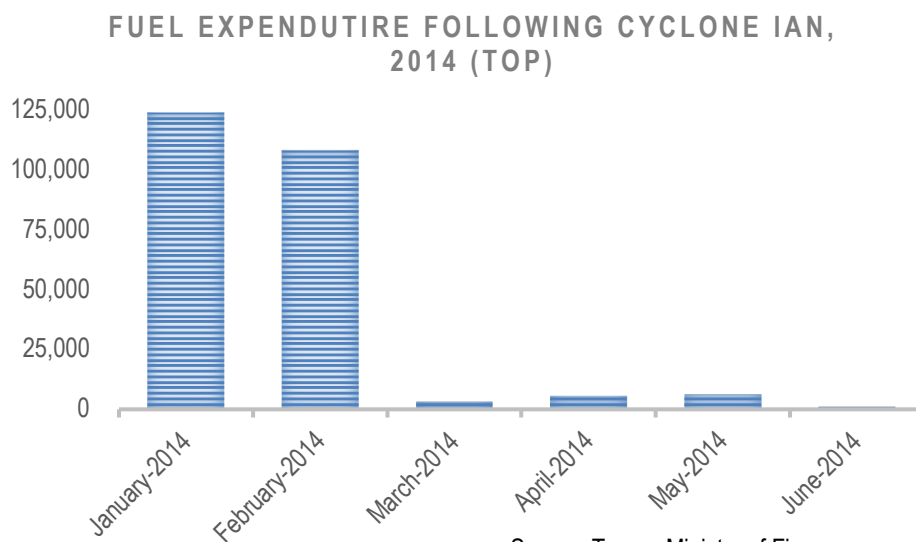
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### Procurement of Fuel

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Fuel is one of the biggest expenses following a disaster event in Tonga, as it is needed for most of the emergency activities, including: evacuating people from affected areas; supplying water to affected areas, particularly on the outer islands, on water trucks; and removing debris from roads. In addition, emergency responders require fuel in order to provide aid and services to people affected.

Chart showing drastic increase in fuel consumption immediately following Cyclone Ian (2014)



Source: Tonga, Ministry of Finance

#### Attachments to Annex 3

- Fuel Analysis
  - Petroleum Price Notification – Feb 2016
- 3.Procurement of Fuel



## Annex 4

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### Sample Declaration of Emergency

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**PRIME MINISTER**  
Nuku'alofa  
Kingdom of Tonga

#### **Declaration of State of Emergency for Vava'u and Ha'apai**

Pursuant to section 32 of the Emergency Management Act 2007, and having being satisfied that an emergency is happening or is about to happen in the Kingdom due to the destructive force winds and sea rises caused by Tropical Cyclone Ian, and that it is necessary for emergency powers to be exercised in order to prevent or minimise the loss of human life, illness or injury, property loss or damage, and damage to the environment, I hereby declare that a State of Emergency exists in all the land and sea areas of the districts of Vava'u and Ha'apai, commencing from 0800hrs (8AM) on Saturday 11 January 2014.

This declaration of a State of Emergency will expire at 0800hrs (8AM) on Saturday 8 February 2014, unless terminated earlier by the Prime Minister.

DECLARED in Nuku'alofa on this 11th day of January 2014

  
Lord Tu'ivakano  
Prime Minister

The seal of the Prime Minister of Tonga, featuring a circular emblem with the text "PRIME MINISTER OF TONGA" and a central figure.

If a CERC is triggered, the actual Declaration should replace the sample provided above.

Draft Request Letter to Trigger the CERC

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Date

Title

Country Director

Address

Dear Country Director:

*Pacific Resilience Program (PREP) Triggering Component 3a: Contingent Emergency  
Response Sub-Component  
Name, Date, Event*

In the wake of the captioned disaster, we hereby request the triggering of Component 3a. Enclosed is the Action Plan of Activities (APA); the most recent [Situation Report/Impact Assessment] and a copy of the Declaration of Disaster. Further, the Government has ascertained that budget for post-disaster critical goods, emergency recovery and reconstruction works exceed the initial financial resources allocated to Component 3a (USD 0.5 million) by approximately USD xx million.

The Government is therefore requesting the re-allocation of finances within the PREP through the re-categorization of uncommitted financial resources from Disbursement Categories 1 and 2 to Disbursement Category 3 as detailed in the APA and the corresponding revised procurement plan.

We trust that our request will meet your approval as we seek to fast track our short term response to the disaster.

Sincerely

Minister of Finance

## ANNEX 6

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This annex provides templates which can be used to support the preparation of draft bidding, evaluation and contract documents

### Draft Bidding Documents for Reconstructive/Rehabilitative Works

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The draft typical bidding documents include bills of quantities (BoQs) for a number of components (examples included in Attachment 1 and Attachment 2 to this Annex). The BoQs will be refined once the nature and extent of the works are more known. Depending on the estimated cost of the damages different formats may be used as allowed. Shopping or national competitive bidding (NCB) may be used depending on the estimated cost of the works.

### Draft Evaluation Documents

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Draft Evaluation documents are included as Attachments 3 – 8 of this Annex.

### Draft Contracts for Consultants

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Examples of draft typical consultant contracts and Terms of Reference are contained in in Attachments 9 – 13 of this Annex:

#### **Attachments to Annex 6**

- Attachment 1 - Bidding document for typical building works
- Attachment 2 - Bidding document for civil works
- Attachment 3 - Template for Evaluation of Expressions of Interest (EOIs) for Shortlisting
- Attachment 4 - Template for Individual Consultant Evaluation Report
- Attachment 5 - Template for Firm Evaluation Report
- Attachment 6 - Template for Combined Evaluation Report
- Attachment 7 - Template Evaluation Sheet
- Attachment 8 - Declaration of Confidentiality and Impartiality
- Attachment 9 - Civil Engineering Contract – Lump sum
- Attachment 10 - Quantity Surveyor Contract – Lump sum
- Attachment 11 - Structural Engineer Contract – Lump Sum
- Attachment 12 - Structural Engineer Contract – Time-based
- Attachment 13 - Design and Supervision TORs

### Sample Request for Expressions of Interest (REOI)

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The Kingdom of Tonga, with the support of the International Development Association (The World Bank), is currently implementing the Pacific Resilience Program. A component of this project is a Contingent Emergency Response Sub-Component (CERC), which would enable the Government of Tonga to finance emergency rehabilitation and reconstruction activities following a disaster event that warrants a national declaration of disaster. Emergency activities would be in the form of construction works and respective consultancy services. Works may include, but are not limited to: [a] (re)construction of retaining walls in reinforced concrete or block work, b) (re)construction of cross-culverts, c) reinstatement/(re)construction of roads, streets and bridges, d) public building repairs, e) clearing of landslides, f) cleaning of rivers, g) re-establishment of telecommunication infrastructure, h) construction or reconstruction of schools, clinics, hospitals or work of cultural significance or other communal structures damaged by the disaster event.] Consultancy services may include detailed designs and works supervision.

The Project Management Unit within the Ministry of Environment, on behalf of the Government of Tonga, now invites:

1. Eligible consulting firms (“Consultants”) to express their interests in providing the above referenced consultancy services (in the case they are needed). Interested Consultants should indicate the services in which they are interested in and should provide information demonstrating that they have the required qualifications and experience (description of similar assignments, contracts and contracts amounts, experience in similar conditions, availability of appropriate skills among staff, etc.). The attention of interested Consultants is drawn to paragraph 1.9 of the World Bank’s [Guidelines: Selection and Employment of Consultants by World Bank Borrowers](#), dated May 2004, revised October, 2006 and May 1, 2010;
2. Eligible construction firms (“Contractors”) to express their interest in providing the above referenced construction works (in the case they are needed). Interested Contractors should indicate the works in which they are interested in and provide information demonstrating that they have the required qualifications and experience (description of similar works, contracts and contracts amounts, experience in similar conditions, availability of appropriate equipment and engineering and technical staff, etc.). The attention of interested Contractors is drawn to paragraphs 1.6 and 1.7 of the World Bank’s Guidelines: Procurement of Goods, Works and Non-consulting Services under IBRD Loans and IDA Credits and Grants by World Bank Borrowers, dated May 2004, revised October, 2006 and May 1, 2010.

Lists of interested Consultants and Contractors will be prepared annually. The eligible and qualified Consultants and Contractors included in lists may be invited to quote and provide the necessary services and works at any time during the current year of their listing. The selections of the necessary consultants and contractors will follow the selection and procurement methods and procedures set out in the above mentioned Consultants’ and Procurement Guidelines.

This notice may also be viewed on [include] under the *Web Classified – Request for Expressions of Interest* link. Interested consultants and contractors may obtain further information at the address below during office hours (i.e. 8:00am to 4:00pm EST). Expressions of interest must be delivered to the address below no later than **4:00pm EST, September 15, 20XX**.

The Project Coordinator  
Pacific Resilience Project – Project Management Unit  
Ministry of Finance & Economic Planning  
[include address]

Tel: [include telephone number]  
E-mail: [include email]

## Annex 8

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### Hazardous Waste Removal

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This annex includes example documents that can be used for the removal of hazardous waste, such as asbestos.

**Attachments to Annex 8:**

- Attachment 1 - Sample Request for Quotation for Debris Removal consultancy
- Attachment 2 - Sample Contract for Debris Removal
- Attachment 3 - Sample Contract for Consultant to Supervise Debris Removal

## Annex 9

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### Sample Action Plan of Activities

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This annex includes example Action Plan of Activities that have been prepared where CERCs have been triggered in other countries.

**Attachments to Annex 9:**

- Attachment 1 – APA for Saint Vincent and the Grenadines (2014)
- Attachment 2 – APA for Dominica (2015)