

TERMS OF REFERENCE (TOR) FOR THE COMPILATION AND COMPARATIVE ANALYSIS OF EXISTING REGULATIONS RELATED TO BIOFOULING MANAGEMENT

1 SCOPE AND TYPE OF WORK

1.1 The required work for this Assignment is to identify and compile key aspects of existing and impending guidelines, standards, and/or legal requirements at the local, national and international levels which aim to engage the maritime industries in addressing environmental issues associated with biofouling.

1.2 The work will take the form of a desktop study and the main outcome will be a report (the Report) containing the findings of the analysis.

2 BACKGROUND

2.1 This work is commissioned by the members of the [Global Industry Alliance](#) (GIA) for Marine Biosafety. The GIA for Marine Biosafety has been established under the GEF-UNDP-IMO [GloFouling Partnerships](#) as an alliance of leaders from the private sector representing maritime industries, who will work together and with the GloFouling Partnerships to support improved biofouling management and marine biosafety initiatives.

2.2 The GloFouling Partnerships' Project Coordination Unit (PCU), based at the International Maritime Organization (IMO) Headquarters in London, United Kingdom, manages this Assignment.

3 PURPOSE

3.1 The recent move from IMO Member States to review the 2011 Biofouling Guidelines, and the gradual introduction of new mandatory national regulations in some regions has increased the need of the shipping [and other] industry[ies] to have a better understanding of existing requirements in relation to biofouling to help compliance and ensure smooth operation of ships [and other maritime infrastructure].

3.2 With this in mind, the GIA has agreed to commission work to bring together the existing and impending regulations and standards with a view to get higher clarity, facilitate compliance and identify key barriers that hamper adoption of new practices and/or technologies related to biofouling prevention and management.

4 KEY REPORT ELEMENTS

4.1.1 The Consultant will identify, and the Report will describe the following:

- .1 review and key features of existing and impending national and sub-national and local procedures and requirements (applicable to local or coastal protected areas; municipal quality waters; ship maintenance and recycling

facilities etc.); guidelines; legislation and policies that apply and guide all aspects of biofouling management and prevention for ships¹ and other maritime structures²;

- .2 description and key features of guidelines, recommendations and industry standards available at the international level to help different aspects of biofouling management;
- .3 comparative analysis (similarities and gaps of the different key features and requirements included in points 4.1.1 and 4.1.2) using as a reference point the practices to control and manage biofouling described in the IMO Biofouling Guidelines;
- .4 analysis of key trends in key port requirements (or the lack of) related to in-water inspection, cleaning and maintenance; and
- .5 description of identified regulatory gaps and how they may affect sustainable development of the shipping industry and other maritime structures while also ensuring aquatic biosecurity.

5 MODUS OPERANDI

5.1 The Consultant will:

- .1 carry out an in-depth literature review and search of regulatory and related information;
- .2 proactively seek input from relevant stakeholders in government, industry associations and NGOs; and
- .3 review and analyse the information collated.

6 REPORT FORMAT

6.1 The report will contain the findings of the analysis and information collated and will document the key elements described in section 4 above.

6.2 The information in the report will be organised in a user-friendly manner for quick reference and will contain:

- .1 comparative and gap analysis of the different perspectives and requirements listed in 4.1.1 above;
- .2 matrix (multi-entry table) with as a minimum the following entries: reference of regulations; entry into force (if applicable); objective; subject(s); nature 1 (international; regional; national; local); nature 2 (voluntary; mandatory), scope of application; key elements; implementation/Compliance, Monitoring and Enforcement (CME) information;

¹ The term "ship" means a vessel of any type whatsoever operating in the aquatic environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs) – Article 2.1, Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (IMO Biofouling Guidelines).

² Other maritime structures would include infrastructure not included in the definition of ship, such as aquaculture pens, ports and marinas, shipyards, etc.

- .3 some guidance material i.e. map showing countries with biofouling regulation, flow diagram for a country which has regulation on the different levels etc.;
- .4 reference/summary of findings for industry stakeholders; and
- .5 list of references and sources of information.

6.3 The Table of Contents of the Report and organisation of information will be discussed and agreed between the Consultant and the PCU as work progresses. The Consultant is encouraged and expected to provide any additional suggestion on the content and/or format of the Report that is deemed relevant in fulfilling the objectives of this Assignment.

7 DESIGN, FORMAT AND LANGUAGE

7.1 The Report will be in the form of a practical, user friendly document with format and content designed for a variety of end users (i.e. shipping industry stakeholders, civil servants and staff from various national departments). The Report shall be drafted in English. To the extent possible, clear and plain language, tables and visuals (with obtained credit rights) must be used so it is easy to understand by a non-specialised audience. Where relevant, the use of summary tables is encouraged for providing reference information.

8 QUALITY CONTROL

8.1 The Consultant shall define, as part of his proposal, what quality control process will be undertaken early in the development process of the Report to ensure that the final version is adequately designed and formatted to achieve its end purpose.

9 MILESTONES AND FINAL DELIVERABLE

9.1 The Consultant shall achieve all seven Milestones and deliver the Final Draft of the Report (Final Deliverable) for the completion of this Assignment. Milestones and Final Deliverable are described hereunder:

Milestone 1 – Initial Meeting with PCU: a meeting will be organised between the PCU and the Consultant to discuss the present SOW and best approaches for the completion of this Assignment, as well as any other relevant issues.

Milestone 2 - Detailed Methodology and Work Plan: Based on discussions with the GloFouling PCU for this Assignment during the **initial meeting**, the Consultant must provide a methodology and work plan. This document must describe, in detail, the methodology (how the Consultant intends to approach the development of the Report) and work plan (based on actual calendar) to achieve the Requirements outlined above. This document must also reflect planned interactions with external stakeholders that can contribute information and with the PCU during the initial meeting and any further discussion after the meeting.

The PCU will review this document and provide comments to the Consultant within eight (8) working days after receiving the document.

Milestone 3 – Presentation of preliminary observations by the Consultant during a **second meeting**, no later than five (5) weeks after the Assignment award date. The meeting with the PCU will provide an opportunity to confirm direction, timelines and to discuss any issues the Consultant or the PCU may foresee. The Consultant will draft and submit to the PCU a short summary of discussions and decision points agreed during the meeting.

Milestone 4 – Draft Zero with Preliminary Table of Contents/Outline: The Consultant will provide a Draft Zero describing the general approach that will be taken to develop the Report,

as well as its preliminary structure (preliminary Table of Contents with titles of sections and subsections indicated, a brief description of their contents, and how they link to requirements).

The PCU will coordinate the review and provide comments to the Consultant within ten (10) working days after receiving the document.

Milestone 5 – Draft 1: The Consultant must provide one electronic copy of the Draft 1 in Microsoft Word format. Draft 1 shall contain all sections of the Report including identification of illustrations, figures, case studies, diagrams and photos as needed and reflect work described in the Requirements of this ToR.

The Draft 1 must also consider and address any comments from the PCU and discussion outcomes received during and after meetings and communications between the PCU and the Consultant.

The PCU will coordinate the review and provide comments to the Consultant within fifteen (15) working days after receiving the Draft 1.

Milestone 6 – 3rd (mid-project) Meeting: A third meeting will be required following the PCU review of the Draft 1 to confirm direction, timelines and provide the opportunity to discuss any issues the Consultant or the PCU may foresee.

Milestone 7 – Draft 2: The Consultant must provide one electronic copy of the Report in Microsoft Word format. Draft 2 shall be an almost finalized version that incorporates/addresses all comments provided by the PCU on Draft 1; during the 3rd Meeting and during communications exchanges thereafter between the PCU and the Consultant.

The PCU will coordinate the review of Draft 2 and provide comments to the Consultant within ten (10) working days after receiving it. A fourth meeting may be required following the PCU review of the Draft 2 to confirm direction, timelines and discuss any issues the Consultant or the PCU may foresee.

Deliverable – Final Draft: The Final Draft must incorporate/address all comments provided by the PCU during the completion of this Assignment. This step may involve several rounds of final corrections. The Final draft document will be considered as final and meeting all requirements of the present Assignment only at the satisfaction of the PCU.

9.2 The Consultant must provide the Final Draft electronically in Microsoft Word and Adobe Acrobat (PDF) formats.

10 REQUIREMENTS REGARDING MATERIAL PRODUCED

10.1 Background material, information or other items used to develop the Report (such as notes, text, graphics, surveys, raw data, spreadsheets and records of discussions) shall be made available to the PCU.

10.2 All rights, including title, copyright and patent rights, in any work produced by the Consultant for this Assignment, shall be vested in IMO, which alone shall hold all rights of use. Where necessary, adequate authorisation shall be secured for any third-party materials included in the Report. For IMO's records the Consultant must provide separate supporting document (in any suitable format) outlining all the obtained copyrights (for non-commercial use), required credit and contact details of the source.

11 COMMUNICATION

11.1 In addition to the meetings mentioned in Section 9, regular feedback (every two weeks as feasible) through email, and/or video or phone calls must be maintained between the Consultant and the PCU during the completion of this Assignment.

12 WORK LOCATION

12.1 All work will be performed from the Consultant's (or team of Consultants) place of business. All eventual meetings with the PCU (and any other relevant person or other IMO staff) and presentations will be conducted by conference call.

13 CONSULTANT (OR TEAM OF CONSULTANTS) PROFILE

13.1 The Consultant should have direct experience with the development of reviews, studies, guides and other analytical reports focusing on marine environment regulatory aspects.

13.2 The Consultant must have excellent knowledge of the regulatory aspects of shipping, with previous experience in the comparative analysis of national and international policies and legislations. The Consultant must also be familiar with specific issues related to biofouling and invasive aquatic species applicable to shipping and other maritime industries.

13.3 The Consultant should also have solid drafting skills. Capacity to present information in a user-friendly manner and provide instructions in a practical and clear, understandable manner is essential.

14 TENTATIVE ASSIGNMENT START AND END DATE

Start: 15 March 2021

Delivery of Draft 2: 31 August 2021

End: 30 September 2021
