



ANTIGUA AND BARBUDA Department of Environment

Terms of Reference (TOR)

Job Title	Regulatory Framework and Legal Advisor
Project(s)	<ul style="list-style-type: none"> • GEF- 7 Sustainable Low-Emission Island Mobility (SLIM) • Multi-Year Strategic Readiness for Antigua and Barbuda: Supporting Antigua and Barbuda’s NDCs implementation towards a transformation to Climate Resilient and Low-Emission Development Pathway by 2030 (GCF MYR 5)
Contracting Authority	Department of Environment, Ministry of Health and the Environment, Antigua and Barbuda
Immediate Supervisor(s)	Project Coordinator, DOE Legal Consultant
Date of Issue	March 27 th 2023
Deadline	April 27 th 2023
Duration	One (1) month
To Apply	<p>Individual consultants and/or firms are invited to apply for this opportunity. The following documents (listed below) must be submitted to this link: https://app.smartsheet.com/b/form/c90d1aa1970649598be71b24a7736434</p> <p>Request for Consultancy Services</p> <ol style="list-style-type: none"> 1. Technical Proposal inclusive of the following: <ol style="list-style-type: none"> a. Cover letter/Overview of the consultant b. Curriculum Vitae (C.V.) c. References of previous work completed that is similar to the TOR d. Contact information for three (3) references. 2. Financial Proposal: <ol style="list-style-type: none"> a. Cost proposal to complete the works outlined, detailed per deliverable. <p>When applicable, please use the subject line: “Application for Regulatory Framework and Legal Advisor - SLIM”</p> <p><i>Please send any clarification questions to this link:</i></p>

	<p>https://app.smartsheet.com/b/form/6488c47987d742e6981cd6701b5724ea</p> <p>Clarification questions will be responded to and the response sent to the potential bidder asking the question and also published at this site:</p> <p>https://www.environment.gov.ag/procurement-opportunities#procurements/opportunities</p>
EQUAL EMPLOYMENT OPPORTUNITY (EEO)	<p>The Department of Environment (DoE) provides equal opportunity and fair and equitable treatment in employment to all people without regard to race, color, religion, sex, national origin, age, disability, political affiliation, marital status, or sexual orientation. The DoE also strives to achieve equal employment opportunity in all personnel operations through continuing diversity enhancement programs.</p>
BACKGROUND CHECKS INFORMATION	<p>The DOE is, therefore, asking that all applicants who are shortlisted be prepared to provide information to allow the DOE to better communicate to our partners at the Green Climate Fund, our contractors and service providers. Information needed includes, but is not limited to, company registration, police record, certificate of good standing with the Inland Revenue Department, registration numbers for Social Security, Medical Benefit Scheme, and Board of Education. Applicants are encouraged to be in good standing with these organizations. Please note that if the police record indicates that the individual/company has violated any laws this does not necessarily disqualify the individual/company from winning the bid. Where references are requested at least one of these must come from an immediate past client/employer. In addition to this, the contract will be subject to further background check if required. If this is required, the successful individual/company will be notified accordingly.</p> <p>The DOE will also be conducting checks to determine if the bidder has been placed on relevant international sanctions lists, or “blacklisted” by the Caricom Climate Change Center (5Cs), if so, the bidder will not be considered.</p>
DATA OWNERSHIP AND CONFIDENTIALITY	<p>The data, information, output, or material that are collected and/or developed under, or in connection to, the execution of funded activities and this AGREEMENT is property of the Government of Antigua and Barbuda. The Government of Antigua and Barbuda shall retain ownership to the aforementioned property including its title, interest, copyright, and other intellectual property rights.</p>
PRIVILEGES AND IMMUNITY NOTIFICATION	<p>The GCF, its proceeds, and other assets are accorded certain status, privileges, immunities, and exemptions as are necessary for the fulfilment of its purposes and carrying out the functions entrusted to it in the territory of Antigua and Barbuda, and that its staff and experts similarly enjoy such privileges, immunities, and exemptions as are necessary for the independent exercise of their official functions in connection with the GCF, in accordance with the Privileges and Immunities Agreement between the GCF and the Government of Antigua and Barbuda dated 20th July 2016.</p> <p>The Government of Antigua and Barbuda is, therefore, undertaken to be responsible for the management and remedy for any legal judgement against a project, or in its capacity as an Accredited Entity (AE) or an Executing Entity (EE).</p>

RIGHTS OF ACCEPTANCE	The Department of Environment reserves the right to accept or reject any proposal, to render any or all of the proposals as non-responsive and to reject all proposals at any time prior to the award of contract, without incurring any liability, or obligation to inform the affected bidder(s) of the grounds for the Department of Environment's action. The Department of Environment shall not be obliged to award the contract with the lowest priced offer. The decision of the Department of Environment in this regard is final and binding.
CONFLICT OF INTEREST REQUIREMENTS	The individual/company receiving the contract award must sign a conflict-of-interest declaration and cannot sub-contract or pay staff members of the Department of Environment to complete the assigned tasks outlined within this TOR.
LATE BIDS	Late Bids will not be accepted.

Terms of Reference

Regulatory Framework and Legal Advisor for the *Sustainable Low-Emission Island Mobility (SLIM) Project & Multi-Year Strategic Readiness Programme for Antigua and Barbuda*

I. About the Department of Environment

The [Department of Environment](#) ('DOE') is a public agency for the Government of Antigua and Barbuda based within the Ministry of Health, Wellness, Social Transformation and The Environment. The DOE receives its mandate from the Environmental Protection and Management Act (EPMA), 2019. The overall mission of the DOE is to provide technical advice on the environment and to design and implement projects on behalf of the Government and the people of Antigua and Barbuda. These interventions are designed to protect and enhance the country's environment, as well as seek common solutions to national, regional, and global environmental challenges.

The Department accomplishes its mission inter alia through:

- An integrated environmental planning and management system,
- Public consultation and interagency collaboration,
- Efficient implementation of appropriate programmes, projects, and technical services,
- Appropriate counsel on environmental management for the Government,
- Effective and consistent enforcement of environmental laws and regulations, and
- Providing a source of information and technical assistance on environmental issues.

The DOE manages projects within four main programmes, which are aligned with national legislation and international environmental agreements. These are:

- Climate Change Programme (adaptation, mitigation, and capacity building)
- Biodiversity Programme
- Pollution Programme
- Monitoring, Evaluation and Data Management Programme

In 2015, the Department was accredited as National Implementing Entity (NIE) to the Adaptation Fund ('AF') and reaccredited in 2021. In 2017, the DOE was accredited to the Green Climate Fund ('GCF')— a multilateral climate change fund for developing countries. Since then, the DOE received financial support through the GCF's Readiness and Preparatory Support Programme to implement over five Readiness grants. The DOE has also received full funding to implement two projects.

a. SLIM Project Background and Goals

Most vehicles within Antigua and Barbuda are powered by Internal Combustion Engines (ICE). To achieve the country's mandate to reduce greenhouse gas emissions and transition to electricity generated from clean, renewable sources, it is imperative that the transport sector is transitioned to electric mobility powered by renewable sources of energy. In 2021 Antigua and Barbuda completed the revision of its [Nationally Determined Contributions](#) which now includes the following:

- By 2030 all new vehicle sales to be electric vehicles
- Change fiscal policies on fossil fuel by 2025 to enable the transition to 100% renewable energy generation in the transportation sector
- Ban on the importation of new internal combustion engine vehicles (with an indicative start year of 2025)
- Transition of 100% of government vehicles to electric vehicles by 2035
- Establish efficiency standards for the importation of all vehicles

The [Sustainable Low-Emission Island Mobility \(SLIM\) Project](#) is part of a suite of projects being undertaken by the Government of Antigua and Barbuda through the Department of Environment to drive the transition to renewable energy in the electricity and transport sectors within the country. The first electric mobility project titled “Electric School Bus Pilot Project” was completed in August 2020, with data collection on-going throughout the lifespan of the electric buses. The SLIM project is the second electric mobility project being undertaken and is expected to procure at least four (4) electric vehicles, facilitate build out of Antigua and Barbuda's EV charging network and create the required regulations and guidelines required to usher in the transition to electric mobility within Antigua and Barbuda.

Component 1 “Institutionalization of low-carbon and climate-resilient electric mobility” develop a multistakeholder consultation strategy that is implemented throughout the duration of the project. This strategy guides general consultation, capacity building and technical working groups to support the development of technical studies, regulation, and the creation of a national plan for the transition to EVs.

Component 2 “Short term barrier removal through low-carbon e-mobility and climate-resilient renewable energy demonstrations” will introduce electric vehicles to Antigua and Barbuda's bus and taxi fleets. These demonstrations will provide data for the comparative analysis of an electric vehicle and ICE vehicle of similar size and capacity. The data generated from the pilot project will inform the next steps for Antigua and Barbuda's transition which will include the development of regulation and policy.

Component 3 “Preparing for scale-up and replication of low-carbon electric mobility and climate-resilient renewable energy” will create an EV charging network in Antigua and Barbuda supported by grid interactive renewable energy, it will also support regulation and policy development for vehicle imports, fuel imports, EV charging infrastructure. In addition to developing a data management system to monitor and track the performance of the project's EVs and renewable energy systems.

Component 4 “Long-term environmental sustainability of low-carbon electric mobility” works to

address the environmental challenges of the transition to low-emission technologies by gathering key stakeholders in the waste disposal and recycling sector. It will also support regulation and policy development for the disposal of vehicles, and emissions from the power sector.

More detailed information on the project can be found in the [project document](#).

b. GCF MYR 5 Background and Goals

1. Further support the Department of Environment, private sector and NGOs in capacity building and technical assistance to fulfil their varied roles in the climate action architecture to ensure consistency with the new NDC;
2. identification and assessment of new technologies, policy, legal framework and investment climate needed to support the proposed project pipeline, which includes an energy transition in electricity and transportation sectors using a sector coupling bidirectional charging approach;
3. support the reaccreditation and possible accreditation upgrade of the country's sole direct access Accredited Entity, DOE ATG (the possible accreditation upgrades include specialized fiduciary standard for on-lending/blending: Loans - 'Micro' to 'Small' Size; Equity – 'Micro' Size; and/or Guarantees – 'Micro' as well as our environmental and social risk category from Category B to Category A.

The intended beneficiaries of this Readiness support will include government agencies, NGOs, workers in the electricity and transport sectors, micro, small and medium enterprises ('MSMEs'), youth, and female entrepreneurs. All of these Readiness activities are to support the country's transition to a low emission, climate resilient economy able to reasonably withstand the new climate projections from the IPCC.

More detailed information on the project can be found in the [project document](#).

II. Purpose and Objective of Consultancy

The Department of Environment is seeking a qualified and experienced individual for the position Regulatory Framework and Legal Advisor for the Sustainable Low-Emission Island Mobility (SLIM) Project to support the low-emission transition of the Antigua and Barbuda's vehicular fleet. The consultant will support an update of the country's vehicular standards, policy, and regulation.

The majority of vehicles within Antigua and Barbuda are powered by Internal Combustion Engines (ICE). As a part of the country's mandate to reduce greenhouse gas emissions and transition to electricity generated from clean, renewable sources, it is imperative that the high-emission transport sector is transitioned to low-emission.

The SLIM Project is part of a suite of projects being undertaken by the Government of Antigua

and Barbuda through the Department of Environment to drive the transition to renewable energy in the electricity and transport sectors within the country. The first electric mobility project titled “Electric School Bus Pilot Project” was completed in August 2020, with data collection on-going throughout the lifespan of the electric buses. The SLIM project is the second electric mobility project being undertaken and it will procure four (4) electric vehicles to support data generation and collection, and support the development of an EV charging network, and create the required regulations and guidelines required to usher in the transition to electric mobility within Antigua and Barbuda.

III. Scope of Work

Under the general supervision of the Project Manager and Project Coordinator, the Consultant will be contracted to undertake and complete the specified activities, outlined in Section IV – Scope of Work.

The scope of work is understood to cover all the activities necessary to accomplish the stated objectives of the project including but not limited to the following:

- i. Conduct institutional review of existing policies and legislation to identify gaps and needs in the regulatory framework for achieving renewable energy and electric vehicles transition targets for the 2021 NDCs
- ii. Develop and validate draft policy and/or legislation and white paper necessary for renewable energy and electric vehicles transition for consideration for inclusion in the Paris Agreement Regulations.

This consultancy can be done in a hybrid manner or fully in person. The consultant must consider stakeholder consultations to support the completion of project deliverables. The project team will support stakeholder engagements by way of introductions and other logistical issues where needed; however the consultant is required to lead and conduct all engagements related to the development of the deliverables. The bid amount must factor in the costs of travel (if needed) as the DOE will not be responsible for these costs.

IV. Deliverables

The deliverables are sorted by expected deliverable date, interested parties can rearrange the deliverables to support preparation of the bid. Deliverables outlined below will be supported by preceding project deliverables, those deliverables can be found [here](#), note that some deliverables are awaiting finalization. The full list of project deliverables, and the project’s work plan can be found in the project documents linked in section I above.

All deliverables are subject to review by the DOE Project Management Unit (PMU) and Technical Advisory Committee (TAC).

Activity	Deliverable	Deadline
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<p>Activity 1 (a): Conduct institutional review of existing policies and legislation to identify gaps and needs in the regulatory framework for achieving renewable energy targets for the 2021 NDCs</p>	<p>Deliverable 1 (a): Finalized institutional assessment and gap analysis report of existing policies and legislation (delivered by month 6).The assessment must include options for standards and policy framework to address the identified gaps.</p> <p>Focus areas must include, but are not limited to:</p> <ul style="list-style-type: none"> • Quality of fuel imports, including social protection mechanisms (May -23) • Emissions in the power generation sector and renewable energy grid integration (July 2023) 	<p>July 2023</p>
<p>Activity 1 (b): Develop and validate draft policy and/or legislation and white paper necessary for renewable energy transition for consideration for inclusion in the Paris Agreement Regulations</p>	<p>Deliverable 1 (b): Finalized and validated policy, standards, and/or legislation and white paper for renewable energy transition. The drafted documents must be presented to the relevant ministry(ies) for consideration and adoption. Deliverable 1 (b) will be informed by Deliverable 1 (a).</p> <p>Focus areas must include, but are not limited to:</p> <ul style="list-style-type: none"> • quality of fuel imported into the country, including social protection mechanisms (Feb 2024) • emissions in the power generation sector and renewable energy grid integration (May 2024) 	<p>May 2024</p>
<p>Activity 2 (a) Conduct institutional review of existing policies and legislation to identify gaps and needs in the regulatory framework for achieving EV targets for the 2021 NDCs</p>	<p>Deliverable 2 (a): Finalized institutional assessment and gap analysis report of existing policies and legislation (delivered by month 6).The assessment must include options for standards and policy framework to address the identified gaps.</p> <p>Focus areas must include, but are not limited to:</p> <ul style="list-style-type: none"> • Importation of electric and conventional vehicles (May -23) • Vehicle end-of-life disposal (May 23) • Installation of private and public electric vehicle charging infrastructure (July 2023) 	<p>July 2023</p>
<p>Activity 2 (b) Develop and validate draft policy, standards, and/or legislation and white paper necessary to achieve the EV transition for</p>	<p>Deliverable 2(b): Finalized and validated policy, standards, and/or draft legislation and white paper for the EV transition. The drafted documents must be presented to the relevant ministry(ies) for consideration and adoption.</p> <p>Focus areas must include, but are not limited to:</p>	<p>May 2024</p>

consideration for inclusion in the Paris Agreement Regulations	<ul style="list-style-type: none"> • the importation of electric and conventional vehicles (Oct 2023) • end-of-life vehicle disposal for electric and conventional vehicles (Feb 2024) • the installation of private and public electric vehicle charging infrastructure (May 2024) 	
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V. Reporting Requirements

The consultant is required to provide the following outputs, in addition to the scope of works and deliverables:

- i. Inception Report
- ii. Work Plan
- iii. Monthly Report
- iv. Final Report

Under the general supervision of the Project Coordinator and DOE Legal Consultant, the Consultant will be contracted to undertake and complete the specified activities, outlined in Section IV – Scope of Work.

Ten (10) working days after the contract or agreement has been signed by the consultant and the Department of Environment (DoE), the consultant must submit a detailed Work Plan and Inception Report, inclusive of timelines for the submission of **monthly** and **final** reports, and data/information/document requests.

Within fifteen (15) working days of completing the specified scope of work, the consultant will prepare and submit to the DoE, a Final Report. The Final Report should be submitted electronically to the Project Manager and copied to the Data Manager in Microsoft Word format via email and Smartsheet. The Final Report should also be accompanied by a signed invoice in the amount claimed by the Consultant in Eastern Caribbean Dollars. The invoice should include full banking instructions in order to facilitate wire transfer of funds by DOE.

VI. Duration

The contract to complete works will be for one (1) year. Extension of the contract will be considered based on need, and performance of the consultant.

VII. Required Qualifications and Experience

- A bachelor’s degree in law
- LLM in Energy and Environment, Global Environmental and Climate Change Law, Environmental Law and Sustainable Development, Environmental Law and Policy or another relevant field
- Relevant experience in legislative and/or policy drafting
- Experience doing work with Environmental, Climate Change, Emissions, Energy and transport laws, policy, and regulations
- At least three (3) years of relevant work experience is preferred, particularly in a project

- management setting involving multi-lateral/ international funding agency.
- Previous experience with project reporting will be an asset;
- Proven work experience on the development of standards and policies for the energy and transport sectors;
- Strong analytical and research skills;
- Work experience in Antigua and Barbuda and the Caribbean is an asset;
- Experience in International donor’s procedures;
- Excellent English Language skills;
- Highly developed communication skills, including ability to draft/edit texts and to articulate ideas in a clear, concise style to a variety of audiences;
- Ability to identify strategic issues, opportunities, risks, and communicate broad and compelling organizational direction;
- Ability to work well within a team and individually;
- Advanced MS Office skills.

VIII. Evaluation Criteria

The evaluation criteria and weightings that will be applied to this TOR are as follows:

Category	Description	Weighting
1	Qualifications of consultant: a) Level of legal expertise b) Experience in researching and drafting policy documents c) Demonstrable English Language skills	25
2	Experience with the following: a) Environmental, Climate Change, Emissions, Energy and transport laws, policy, and regulations b) Working with government agencies c) Working in SIDS d) Consulting/working to support GEF, GCF or other projects sponsored by international agencies	40
3	Competency-based examples supported by references within your application package	25
4	Overall Presentation of TOR specifications and related requirements: a) Concise b) Coherent	15
	Total	100